

JAN 23 2015

A BILL FOR AN ACT

RELATING TO UNLAWFUL INTERNET POSTING OF PERSONAL INFORMATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 487J, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§487J- Unlawful internet posting of sitting, full-time
5 justice's or judge's home address, or personal telephone or
6 cellular phone number. (a) No state or county agency shall
7 post on the Internet the home address, or personal telephone or
8 cellular phone number of a sitting, full-time justice or judge
9 without first obtaining the written permission of that person.

10 (b) No person shall knowingly post on the Internet the
11 home address, or personal telephone or cellular phone number of
12 any sitting, full-time justice or judge, or the justice's or
13 judge's residing spouse or child:

14 (1) Knowing that the individual whose information is
15 posted is a sitting, full-time justice or judge, or
16 the justice's or judge's residing spouse or child; and

17 (2) Intending to cause bodily injury to the individual.



1 (c) A violation of subsection (a) or (b) is a misdemeanor.

2 (d) (1) No person, business, or association shall publicly
3 post or publicly display on the Internet the home
4 address, or personal telephone or cellular phone
5 number of any sitting, full-time justice or judge if
6 that official has made a written demand of that
7 person, business, or association to not disclose the
8 information;

9 (2) A written demand made under paragraph (1) by a
10 sitting, full-time justice or judge shall be effective
11 for four years, regardless of whether the justice's or
12 judge's term has expired prior to the end of the four-
13 year period;

14 (3) A person, business, or association that receives the
15 written demand of a sitting, full-time justice or
16 judge pursuant to paragraph (1):

17 (A) Shall remove the justice's or judge's home
18 address, or personal telephone or cellular phone
19 number from public display on the Internet,
20 including information provided to cellular
21 telephone applications, within forty-eight hours



1 of delivery of the written demand, and shall
2 continue to ensure that this information shall
3 not be reposted on the same internet website,
4 subsidiary site, or any other internet website
5 maintained by the recipient of the written
6 demand; and

7 (B) Shall not transfer the justice's or judge's home
8 address, or personal telephone or cellular phone
9 number to any other person, business, or
10 association through any other medium; provided
11 that this subparagraph shall not be deemed to
12 prohibit a telecommunications carrier, as defined
13 in section 269-1, or its affiliate, from
14 transferring the justice's or judge's home
15 address, or personal telephone or cellular phone
16 number to any person, business, or association,
17 if the transfer is authorized by federal or state
18 law, regulation, order, or tariff, or necessary
19 in an emergency, or to collect a debt owed by the
20 justice or judge to the telephone carrier or its
21 affiliate;



1 (4) For the purposes of this subsection, "publicly post"
2 or "publicly display" means to intentionally
3 communicate or otherwise make information available to
4 the general public;

5 (5) A sitting, full-time justice or judge whose home
6 address, or personal telephone or cellular phone
7 number is made public as a result of a violation of
8 this subsection may bring an action seeking injunctive
9 or declaratory relief. If a court finds that a
10 violation has occurred, it may grant injunctive or
11 declaratory relief and shall award the justice or
12 judge court costs and reasonable attorney's fees; and

13 (6) A sitting, full-time justice or judge may designate in
14 writing the justice's or judge's employer, a related
15 governmental entity, or any other individual or entity
16 to act, on behalf of the justice or judge, as that
17 person's agent with regard to making a written demand
18 pursuant to this subsection.

19 (e) An interactive computer service or access software
20 provider, as defined in 47 United States Code section 230(f)
21 shall not be liable under this section unless the service or

1 provider intends to cause bodily injury to a sitting, full-time
2 justice or judge.

3 (f) Nothing in this section is intended to preclude civil
4 or criminal liability or relief under any other provision of
5 law."

6 SECTION 2. This Act does not affect rights and duties that
7 matured, penalties that were incurred, and proceedings that were
8 begun before its effective date.

9 SECTION 3. New statutory material is underscored.

10 SECTION 4. This Act shall take effect upon its approval.

11

INTRODUCED BY:

Jose Mercedo Jr.

By Request



Report Title:

Judiciary Package; Internet Posting of Personal Information

Description:

Regulates internet posting of sitting, full-time justices' or judges' home addresses and personal telephone and cellular phone numbers.

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