

Honolulu, Hawaii  
**March 1**, 2018

RE: H.B. No. 2134  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Twenty-Ninth State Legislature  
Regular Session of 2018  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2134 entitled:

"A BILL FOR AN ACT RELATING TO VIOLATION OF PRIVACY,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Establish offenses for violating the privacy of a minor and threatening to violate privacy;
- (2) Amend the offense of violation of privacy in the first degree to specifically include disclosures that are acts of revenge or retribution; and
- (3) Require that any recording or image made or disclosed be sealed and remain confidential.

The Honolulu Police Department, a County of Maui Councilmember, IMUAlliance, UNITE Hawaii, and several individuals testified in support of the measure. The Office of the Public Defender testified in opposition. The City and County of Honolulu Department of the Prosecuting Attorney provided comments.



Your Committee has amended this measure by:

- (1) Deleting the proposed offenses of violation of privacy of a minor and threatening to violate privacy;
- (2) Amending the offense of violation of privacy in the first degree to:
  - (A) Prohibit threats to disclose an image or video of another identifiable person either in the nude or engaging in sexual conduct; and
  - (B) Enhance the penalty if the person or persons entitled to privacy or the depicted person is a minor;
- (3) Changing its effective date to July 1, 2050, to facilitate further discussion; and
- (4) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2134, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2134, H.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,



SCOTT Y. NISHIMOTO, Chair



