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

State of Hawaii House of Representatives The Twenty-ninth Legislature

Record of Votes of the Committee on Judiciary

HB 2134	Committee Referral: JUD		Date: 02/01/2018	
	<u> </u>		0-70-1720-10	
☐ The committee is reconsidering its previous decision on the measure.				
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold Pass short form bill with HD to recommend (HD)				
Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. NISHIMOTO, Scott Y. (C)				
2. SAN BUENAVENTURA, Joy A.	(VC)			
3. BROWER, Tom				
4. LEE, Chris				
5. MORIKAWA, Dee				
6. TAKAYAMA, Gregg				.,
7. MCDERMOTT, Bob				
8. THIELEN, Cynthia				
TOTAL (8)	4			2
The recommendation is: Adopted If joint referral, did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) - Committee Duplicate (Yellow) - Chief Clerk's Office Duplicate (Pink) - HMSO				