



STATE OF HAWAII  
DEPARTMENT OF EDUCATION  
P.O. BOX 2360  
HONOLULU, HAWAII 96804

**Date:** 03/19/2021

**Time:** 09:30 AM

**Location:** Via Videoconference

**Committee:** Senate Judiciary

**Department:** Education

**Person Testifying:** Dr. Christina M. Kishimoto, Superintendent of Education

**Title of Bill:** HB 1107, HD1 RELATING TO COMPUTER CRIME.

**Purpose of Bill:** Adds aggravated harassment by stalking to the list of offenses upon which the offense of use of a computer in the commission of a separate crime may be based. Provides the court with the discretion to require the forfeiture of property used in computer crimes if the perpetrator was a minor, regardless of whether the minor owned the property. (HD1)

**Department's Position:**

The Hawaii State Department of Education (Department) respectfully offers comments on HB1107, HD1.

The Department agrees that any sort of bullying or harassment, whether online or through other means, should be addressed and resolved quickly and appropriately to ensure the safety of anyone being bullied or harassed. Unfortunately, the shift to online work and learning also shifts the method of bullying and harassment to a digital environment.

Based on the wording of the bill, it is the Department's understanding that the purpose focuses more on personal devices of students and their families. However, the language appears to be broader than this intent, allowing for a Department-issued (and owned) device to be seized. In either case, seizing a personal device or seizing a Department-owned device, if a student is accessing their education online, seizing a device may result in blocking a student from accessing their education. In criminal cases, as it does today, the Department would address the bullying and harassment pieces through its cross-office processes and would cooperate with law enforcement should there be information needed for an investigation.

The Department has mechanisms and processes in place for Department-owned devices,

including website content filtering to restrict access to inappropriate online content, filtering and restrictions for student and staff email accounts, and monitoring tools for devices. In the event of any reported bullying or harassment incident, the appropriate cross-office staff are called upon to address them. Depending on the nature of the incident, staff from student support, talent management, facilities and operations, and technology work together, along with law enforcement, to address and resolve the incidents.

Thank you for the opportunity to testify on this measure.

The Hawai'i State Department of Education is committed to delivering on our promises to students, providing an equitable, excellent, and innovative learning environment in every school to engage and elevate our communities. This is achieved through targeted work around three impact strategies: school design, student voice, and teacher collaboration. Detailed information is available at [www.hawaiipublicschools.org](http://www.hawaiipublicschools.org).

**STATE OF HAWAI‘I**  
**OFFICE OF THE PUBLIC DEFENDER**

**Testimony of the Office of the Public Defender,  
State of Hawai‘i to the Senate Committee on Judiciary**

March 19, 2021

H.B. No. 1107 HD1: RELATING TO COMPUTER CRIME.

Chair Rhoads, Vice Chair Keohokalole, and Members of the Committee:

The Office of the Public Defender submits comments on H.B. No. 1107, HD1.

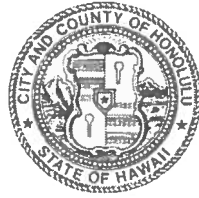
We would like to acknowledge the changes made to this measure that addresses our earlier concerns. The measure has been amended to allow discretion by the court to determine whether forfeiture is appropriate based on the circumstances of the case.

Thank you for the opportunity to comment on this measure.

POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813  
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulu.org

RICK BLANGIARDI  
MAYOR



SUSAN BALLARD  
CHIEF

JOHN D. McCARTHY  
AARON TAKASAKI-YOUNG  
DEPUTY CHIEFS

OUR REFERENCE **MK-KK**

March 19, 2021

The Honorable Karl Rhoads, Chair  
and Members  
Committee on Judiciary  
State Senate  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chair Rhoads and Members:

**SUBJECT: House Bill No. 1107, H.D. 1, Relating to Computer Crime**

I am Mikel Kunishima, Captain of the Criminal Investigation Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports House Bill No. 1107, H.D. 1, Relating to Computer Crime.

The amendments to Hawaii Revised Statutes (HRS), Section 708-893, Use of a computer in the commission of a separate crime, and Section 708-894, Forfeiture of property used in computer crimes, will assist in protecting the vulnerable youth from cyberbullying. Taking away the tools that perpetrators use to commit these crimes of bullying, cyberbullying, and harassment is the first step in addressing these serious issues that hinder student learning and the educational environment.


The loss of the perpetrator's tools (computers, tablets, smartphones, etc.) is paramount in stopping the misconduct. These devices may still be forfeited if the perpetrator is a student, under the age of 18, and does not have ownership of the device. This will give the HPD a valuable tool to immediately have an impact in protecting our vulnerable youth and hold the perpetrators accountable for their actions.

The Honorable Karl Rhoads, Chair  
and Members  
Page 2  
March 19, 2021

The HPD urges you to support House Bill No. 1107, H.D. 1, Relating to  
Computer Crime.

Thank you for the opportunity to testify.

Sincerely,

  
Mikel Kunishima, Captain  
Criminal Investigation Division

APPROVED:



Susan Ballard  
Chief of Police

**HB-1107-HD-1**

Submitted on: 3/16/2021 11:35:27 AM

Testimony for JDC on 3/19/2021 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michael Golojuch Jr	Testifying for LGBT Caucus of the Democratic Party of Hawaii	Support	No

Comments:

Aloha Senators,

The LGBT Caucus of the Democratic Party of Hawai'i, Hawaii's oldest and largest policy and political LGBTQIA+ focused organization, fully supports HB 1107 HD 1.

Mahalo nui loa for your time and consideration,

Michael Golojuch, Jr.

Chair

LGBT Caucus of the Democratic Party of Hawai'i

**HB-1107-HD-1**

Submitted on: 3/16/2021 2:21:10 PM

Testimony for JDC on 3/19/2021 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dara Carlin, M.A.	Individual	Support	No

Comments:

Stand in STRONG SUPPORT!