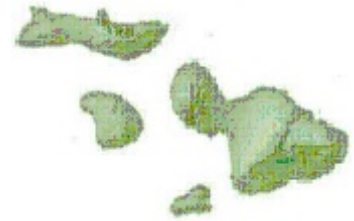


MICHAEL P. VICTORINO
Mayor

ANDREW H. MARTIN
Prosecuting Attorney

MICHAEL S. KAGAMI
First Deputy Prosecuting Attorney

ROBERT D. RIVERA
Second Deputy Prosecuting Attorney



DEPARTMENT OF THE PROSECUTING ATTORNEY
COUNTY OF MAUI
150 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
PHONE (808) 270-7777 • FAX (808) 270-7625

TESTIMONY
ON
S.B. 309 SD1
RELATING TO PRIVACY

March 16, 2021

The Honorable Aaron Ling Johanson
Chair
The Honorable Lisa Kitagawa
Vice Chair
and Members of the Committee on Consumer Protection and Commerce

Chair Johanson, Vice Chair Kitagawa, and Members of the Committee:

The Department of the Prosecuting Attorney, County of Maui respectfully submits the following comments concerning S.B. 309 SD1, Relating to Privacy. We would like to express our support for S.B. 309 SD1.

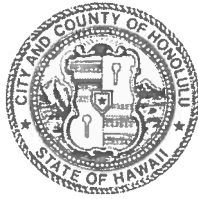
Recent advances in image manipulation software, coupled with widespread anonymous access to images of people via social media and other platforms, have enabled new forms of harassment. One such form is the creation and use of so-called “deep fake” photographs and videos for the purpose of harassing innocent individuals. These altered images are nearly indistinguishable from unaltered versions of an original photograph or video recording, and typically depict a person in various sexual or otherwise private/embarrassing situations despite that person never actually being in said situations. The images are then distributed via social media or other means without the depicted person’s consent, resulting in embarrassment, collateral harassment, psychological harm, loss of employment and other consequences.

In our view, this behavior is egregious and should not be tolerated. Our laws need to be updated to reflect the swiftly-changing realities of the internet, including the various forms of harassment in digital spaces. The deterrent effect of S.B. 309 SD1 would be a significant step towards ensuring the peace and safety of our community. For these reasons, the Department of the Prosecuting Attorney, County of Maui supports S.B. 309 SD1. Please feel free to contact our office at (808) 270-7777 if you have any questions or inquiries.

Thank you very much for the opportunity to provide testimony on this bill.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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



RICK BLANGIARDI
MAYOR

SUSAN BALLARD
CHIEF

JOHN D. MCCARTHY
AARON TAKASAKI-YOUNG
DEPUTY CHIEFS

OUR REFERENCE RP-KK

March 18, 2021

The Honorable Aaron Ling Johanson, Chair
and Members
Committee on Consumer Protection
and Commerce
House of Representatives
Hawaii State Capitol
415 South Beretania Street, Room 329
Honolulu, Hawaii 96813

Dear Chair Johanson and Members:

SUBJECT: Senate Bill No. 309, S.D. 1, Relating to Privacy

I am Randall Platt, Captain of District 4 of the Honolulu Police Department (HPD),
City and County of Honolulu.

The HPD supports Senate Bill No. 309, S.D. 1, Relating to Privacy.

Technology has advanced to the point where the realistic image of a person can be used in still or video photography to represent or portray that actual person. When that image is used to depict a person in a state of undress or participating in a private sexual act (when in fact that person was not an actual participant), it should be a criminal violation of a person's right to privacy. The release of or the threat to release such recordings or images that clearly depict that actual person can cause irreparable personal, professional, and financial harm.

The HPD urges you to support Senate Bill No. 309, S.D. 1, Relating to Privacy, and thanks you for the opportunity to testify.

APPROVED:

Handwritten signature of Susan Ballard in cursive script.

Susan Ballard
Chief of Police

Sincerely,

Handwritten signature of Randall Platt in cursive script.

Randall Platt, Captain
District 4

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
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STEVEN S. ALM
PROSECUTING ATTORNEY



THOMAS J. BRADY
FIRST DEPUTY
PROSECUTING ATTORNEY

THE HONORABLE AARON LING JOHANSON, CHAIR
HOUSE COMMITTEE ON CONSUMER PROTECTION AND COMMERCE
Thirty-First State Legislature
Regular Session of 2021
State of Hawai`i

March 18, 2021

RE: S.B. 309, S.D. 1; RELATING TO PRIVACY.

Chair Johanson, Vice Chair Kitagawa, and members of the House Committee on Consumer Protection and Commerce, the Department of the Prosecuting Attorney of the City and County of Honolulu (“Department”) submits the following testimony in support of S.B. 309, S.D. 1.

Prior to the 2020 Legislative Session, the Department had the good fortune to participate as a member of the Twenty-First Century Task Force (“Task Force”). The Task Force was established through House Concurrent Resolution No. 225 (2019) and was comprised of various members in the private and public sector who committed an extraordinary amount of time and effort in the construction of numerous legislative proposals. S.B. 309, S.D. 1 is one such proposal set out by the Task Force, which would add intentional disclosure or threat of disclosure of certain types of deep fake images to the offense of violation of privacy in the first degree (§711-1110.9, H.R.S.).

The Task Force took up the issue of “deep fake” videos and images and unanimously approved an amendment that would address the growing problem. It also acknowledged that technology was improving rapidly, and that social media was making it easier to share such content. The Task Force agreed that the effects of deep fake technology at the personal and societal level can have devastating and have far-reaching negative implications for individuals. The Task Force recommended that the legislature establish criminal violations for those who violate a person's privacy by creating sexually explicit deep fake videos and images that include their likeness without their consent. This amendment to HRS Section 711-1110.9 was addressed in H.B. 2572 (2020) along with a number of other proposals by the Task Force, but unfortunately that bill did not become an act during the Legislative Session. The passage of S.B. 309, S.D. 1 would not only align with the Task Force’s recommendations to the Legislature, but in criminal cases, would provide more privacy for Hawaii residents in the future.

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu supports the passage of S.B. 309, S.D. 1. Thank you for the opportunity to testify on this matter.

SB-309-SD-1

Submitted on: 3/16/2021 1:18:24 PM

Testimony for CPC on 3/18/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Golojuch Jr	LGBT Caucus of the Democratic Party of Hawaii	Support	No

Comments:

Aloha Representatives,

The LGBT Caucus of the Democratic Party of Hawai'i, Hawaii's oldest and largest policy and political LGBTQIA+ focused organization, fully supports Senate Bill 309.

Mahalo nui loa for your time and consideration,

Michael Golojuch, Jr.

Chair

LGBT Caucus of the Democratic Party of Hawai'i



March 16, 2021

Committee on Consumer Protection and
Commerce
Rep. Johanson, Chair
Rep. Kitagawa, Vice Chair

The Senate House of Representatives
The Thirtieth-First Legislature
Regular Session of 2021

RE: SB309 SB 1, - RELATING TO PRIVACY
DATE: Thursday, March 18, 2021
TIME: 2:00 pm
PLACE: Conference Room 329
VIA Videoconference
State Capitol 415 South Beretania Street, Honolulu HI

Aloha Chair Johanson, Vice Chair Kitagawa and members of the committee,

Thank you for the opportunity to testify in of **support SB 309**.

[SAG-AFTRA](#) represents over 1100 actors, recording artists, and media professionals in our state. We are the professional performers working in front of the camera and behind the microphone.

We work in an industry that has seen tremendous advancement in the technology used to create and disseminate content. This evolution in content creation and distribution has not only led to an exponential growth in production and consumption of content, it has equalized the means of creation, broken down the barriers to entry and allowed for professional looking content created by almost anyone with determination and a smartphone.

However, there is a dark side to all this advancement. This dark side can be summed up by a new word that has entered our lexicon: Deepfakes. The same technology used to create younger versions of actors in movies, or insert actors who are no longer able to perform in movies due to death or unavailability, can now be used to create realistic non-consensual pornographic digital content. New technologies allow content creators to manipulate images to depict individuals as engaging in sexual activity or as performing in the nude without their consent or participation. Specifically, Internet users can use a publicly available

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SCREEN ACTORS GUILD - AMERICAN
FEDERATION OF
TELEVISION AND RADIO ARTISTS
SAGAFTRA.org
Associated Actors & Artistes of America / AFL-CIO

artificial intelligence algorithm to transform still images of a person into live action performance by realistically inserting their face onto the body of a porn performer.

A recent Washington Post article, accessed [here](#), describes how “Fake-porn videos are being weaponized to harass and humiliate women: ‘Everybody is a potential target.’” Just as a smart phone has turned all of us into filmmakers with free and easily accessible distribution avenues (TikTok, Facebook, Instagram etc...), the same technology can be used to violate privacy, harass and abuse, turning unwilling people (mostly women) into porn stars.

This proposed legislation amends HRS 711-1110.9 to include nonconsensual, digitally produced sexually explicit material, such as Deepfakes pornography, among the offences that constitute a violation of privacy in the first degree.

This amendment to HRS 711-1110.9 not only fits squarely within Hawaii’s revenge porn laws, it also fulfills the constitutional mandate set forth in Section 6 of the Hawaii Constitution, requiring the legislature to take affirmative steps to implement rules that guarantee that the people’s right to privacy be recognized and shall not be infringed.

While there may be concern about protecting First Amendment rights, we would like to remind the committee that this union and its members are acutely aware of the need to protect our country’s laws guaranteeing the freedom of expression and the press. In fact, when it comes to the First Amendment, our members are at the front lines, risking their health, safety and personal freedom, [see](#) this most recent statement regarding our member journalists and the Black Lives Matter protests. Additionally, content creation - creative expression as protected by the First Amendment, is the very backbone of our industry. However, obscenity, harassment and sexual abuse are not rights guaranteed under the First Amendment.

Thank you again for your continued support and please don’t hesitate to contact the SAG-AFTRA Hawaii Local office for more information on this issue as it relates to professional performers.

Respectfully,



Mericia Palma Elmore, Executive Director SAG-AFTRA Hawaii Local

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SCREEN ACTORS GUILD - AMERICAN
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SB-309-SD-1

Submitted on: 3/16/2021 9:31:21 PM

Testimony for CPC on 3/18/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jalem Correia	SAG-AFTRA	Support	No

Comments:

Chair, Vice Chair, and esteemed committee members,

I am in support of SB309.

Mahalo nui loa,

Jalem



SB 309, SD 1, RELATING TO PRIVACY

MARCH 18, 2021 · HOUSE CONSUMER PROTECTION
AND COMMERCE COMMITTEE · CHAIR REP. AARON
LING JOHANSON

POSITION: Support.

RATIONALE: Imua Alliance supports SB 309 SD 1, relating to privacy, which adds the intentional disclosure or threat of disclosure of certain types of deep fake images or video to the offense of violation of privacy in the first degree.

Imua Alliance is one of the state's largest victim service providers for survivors of sex trafficking. Over the past 10 years, we have provided comprehensive direct intervention (victim rescue) services to 150 victims, successfully emancipating them from slavery and assisting in their restoration, while providing a range of targeted services to over 1,000 victims and individuals at risk of sexual exploitation. During the pandemic, demand for victim services to our organization has skyrocketed by 330 percent, driven in part by a fivefold increase in direct crisis calls from potential trafficking victims.

Each of the victims we have assisted has suffered from complex and overlapping trauma, including post-traumatic stress disorder, depression and anxiety, dissociation, parasuicidal behavior, and substance abuse. Trafficking-related trauma can lead to a complete loss of identity. A victim we cared for in 2016, for example, had become so heavily trauma bonded to her pimp that while under his grasp, she couldn't remember her own name. Yet, sadly, many of the victims

with whom we work are misidentified as so-called “voluntary prostitutes” and are subsequently arrested and incarcerated, with no financial resources from which to pay for their release.

Sex trafficking is a profoundly violent crime. At least 23 percent of trafficking victims in Hawai'i report being first exploited before turning 18, according to a recent report, with the average age of trafficked keiki's initial exposure to exploitation being 11. Based on regular outreach and monitoring, we estimate that approximately 150 high-risk sex trafficking establishments operate in Hawai'i. In a recent report conducted by the State Commission on the Status of Women, researchers from Arizona State University found that 1 in every 11 adult males living in our state buys sex online. When visitors are also counted, that number worsens to 1 in every 7 men walking the streets of our island home and a daily online sex buyer market of 18,614 for O'ahu and a total sex buyer population for the island of 74,362, including both tourists and residents.

ASU's findings are grim, but not surprising to local organizations that provide services to survivors of sex trafficking. Imua Alliance, for example, has trained volunteers to perform outreach to victims in high-risk locations, like strip clubs, massage parlors, and hostess bars. More than 80 percent of runaway youth report being approached for sexual exploitation while on the run, over 30 percent of whom are targeted within the first 48 hours of leaving home. With regard to mental health, sex trafficking victims are twice as likely to suffer from PTSD as a soldier in a war zone. Greater than 80 percent of victims report being repeatedly raped and 95 percent report being physically assaulted, numbers that are underreported, according to the United States Department of State and numerous trauma specialists, because of the inability of many victims to recognize sexual violence. As one underage survivor told Imua Alliance prior to being rescued, “I can't be raped. Only good girls can be raped. I'm a bad girl. If I *want* to be raped, I have to *earn* it.”

Many of our victims are subjected to so-called “revenge porn,” or the nonconsensual disclosure of images and/or videos of themselves engaged in a sex act or in the nude as a means of shaming them into sexual servitude. In 2014, Hawai'i passed Act 116, which criminalizes revenge porn under HRS §711-1110.9, violation of privacy in the first degree. Following the lead of the Cyber Civil Rights Initiative, we believe that revenge porn is tantamount to sexual assault and that efforts to threaten, humiliate, and intimidate people, especially young women, through such means is an

abhorrent violation of privacy, and one we are committed to providing greater awareness of and outreach for in the coming year.

Accordingly, we support this bill's application of our state's violation of privacy provisions to so-called "deep fakes," which are digitally altered images of people that are difficult to distinguish from real images and videos, and in which targeted individuals often appear in the nude or in sexually explicit situations. **As technology has accelerated, so has the ability of unscrupulous individuals to use digital imaging software to humiliate others.** Celebrities are the most frequent targets of deep fake activity, but this technology is becoming more widely accessible, placing everyday individuals in danger (to be clear, we firmly believe that participants in the entertainment industry should be strenuously protected from illicit image manipulation).

We also note that this measure has political repercussions. In an age in which misinformation has become a weapon of political campaigns and Right-Wing extremists, we must be concerned about the potential of deep fake technology to impact democratic elections. **It is by no means implausible that deep fake software will be used to generate politically compromising images and videos in the near future, placing our system of free and fair elections at risk of being corrupted** by individuals intent on undermining our democratic heritage in the name of xenophobia—the very same kind of people who attacked the United States Capitol earlier this year.

Kris Coffield · Executive Director, Imua Alliance · (808) 679-7454 · kris@imuaalliance.org



MOTION PICTURE ASSOCIATION - AMERICA

Written Testimony of the Motion Picture Association – America

In Support of Senate Bill 309, If Amended

The Motion Picture Association – America (“MPA-A”), on behalf of its member companies, respectfully raises some concerns regarding Senate Bill 309, and requests amendments to the bill. MPA-A’s members¹ are the leading producers and distributors of filmed entertainment content across all platforms, including theatrical motion pictures, broadcast, cable, and satellite television, and streaming via the internet.

S.B. 309 adds a new subsection (c) to §711-1110.9, which creates a new felony crime for the intentional creation or disclosure of an image of a fictional person that has been altered to make it appear that an actual person is nude or engaging in sexual conduct. This section would make it a felony to create or distribute a “deepfake.” This section of S.B. 309 is overbroad, and has implications for the exercise of free speech, as protected by the First Amendment.

We have the following amendments to recommend to the Committee:

In paragraph (c) – add the words “realistic photographic” before “image.” This will ensure the bill is narrowed to the type of conduct and activity that is the goal of the bill – pictures that make it appear that someone is doing something that they did not do, in a convincing and believable manner.

In that paragraph, also add the “reasonable person” standard which also helps focus the bill on the type of activity that is undesirable and leaves out the kind of pictures that most people would not find to be authentic or realistic.

At the end of the paragraph, it should state that “the depicted person suffers harm.” The bill already requires there be an intent to harm and the requirement of suffering harm follows from the intent. Since this is a criminal penalty, there should be a victim who can assert and demonstrate that they experienced harm from the manipulated image.

And finally, our amendments add other categories of speech protected by the First Amendment, including:

¹ MPA-A member companies include: The Walt Disney Studios Motion Pictures; Netflix Studios, LLC; Paramount Pictures Corporation; Sony Pictures Entertainment Inc.; Universal City Studios LLC; and Warner Bros. Entertainment Inc.

A matter of public concern;

A work of political or newsworthy value;

Commentary and criticism or other disclosure that is protected by the First Amendment.²

These amendments will ensure, as an example, that a person who produces a video that depicts former President Trump as a naked “emperor with no clothes,” would not be prosecuted under this bill. And it will prevent someone involved with a movie or TV series who doesn’t like the final version from seeking criminal prosecution against a filmmaker. The threat of criminal prosecution, filmmakers would engage in self-censorship and as such this bill could have an unconstitutional chilling effect on speech.³

We have had productive and meaningful discussions about these amendments with SAG-AFTRA and understand they do not object to them.

We thank you for your consideration and urge the inclusion of these amendments in the bill. If they are included, MPA can support the S.B. 309.

March 18, 2021

² The First Amendment protects works of public interest, newsworthy value, and works of parody, satire, commentary or criticism. *See, e.g. Hustler Magazine v. Falwell*, 485 U.S. 46 (1988). Even false statements can be protected speech. *See U.S. v. Alvarez*, 567 U.S. 709, at 712.

³The Supreme Court has struck down laws due to their chilling effect on speech. *Reno v. ACLU*, 521 U.S. 844 (1997); *Walker v. City of Birmingham*, 388 U.S. 307 (1967)

THE SENATE

S.B. NO.

309

THIRTY-FIRST LEGISLATURE, 2021

STATE OF HAWAII

A BILL FOR AN ACT

RELATING TO PRIVACY.

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

SECTION 1. The legislature finds that House Concurrent Resolution No. 225, S.D. 1, Regular Session of 2019, (resolution) established the twenty-first century privacy law task force (task force), whose membership consisted of individuals in government and the private sector with an interest or expertise in privacy law in the digital era. The resolution found that public use of the internet and related technologies have significantly expanded in recent years, and that a lack of meaningful government regulation has resulted in personal privacy being compromised. Accordingly, the legislature requested that the task force examine and make recommendations regarding existing privacy laws and regulations to protect the privacy interests of the people of Hawai'i.

The legislature further finds that the task force considered a spectrum of related privacy issues that have been raised in Hawai'i and other states in recent years, including the advancement and spread of deep fake technology. Deep fake technology enables the creation of synthetic media in which a person in an existing image or video is replaced with the likeness of another person.

The legislature additionally finds that one of the recommendations made by the task force was that the State protect the privacy of a person's likeness by adopting laws that prohibit the unauthorized use of deep fake technology, which is advancing rapidly and is easily sharable on social media.

Accordingly, the purpose of this Act is to add the intentional disclosure or threat of disclosure of certain types of deep fake images or video to the offense of violation of privacy in the first degree.

SECTION 2. Section 711-1110.9, Hawaii Revised Statutes, is amended to read as follows:

"§ 711-1110.9 Violation of privacy in the first degree. (1) A person commits the offense of violation of privacy in the first degree if, except in the execution of a public duty or as authorized by law:

(a) The person intentionally or knowingly installs or uses, or both, in any private place, without consent of the person or persons entitled to privacy therein, any device for observing, recording, amplifying, or broadcasting another person in a stage of undress or sexual activity in that place; ~~or~~

(b) The person knowingly discloses or threatens to disclose an image or video of another identifiable person either in the nude, as defined in section 712-1210, or engaging in sexual conduct, as defined in section 712-1210, without the consent of the depicted person, with intent to harm substantially the depicted person with respect to that person's health, safety, business, calling, career, education, financial condition, reputation, or personal relationships or as an act of revenge or retribution; ~~provided that:~~ or

(c) The person intentionally creates or discloses, or threatens to disclose, an realistic photographic image or video of a composite fictitious person depicted in the nude as defined in section 712-1210, or engaged in sexual conduct as defined in section 712-1210, that includes the recognizable physical characteristics of a known person so that the realistic photographic image or video appears to depict the known person and not a composite fictitious person, and a reasonable person would believe the depiction is the known person with intent to substantially harm the depicted person with respect to that person's health, safety, business, calling, career, education, financial condition, reputation, or personal relationships, or as an act of revenge or retribution and the depicted person suffers harm.

(i) (2) This Other than as provided in paragraph (1)(c), this section shall not apply to realistic photographic images or videos of the depicted person made:

~~(A)~~ (a) When the person was voluntarily nude in public or voluntarily engaging in sexual conduct in public; or

~~(B)~~ (b) Pursuant to a voluntary commercial transaction; ~~and~~ or

(c) in connection with:

(i) A matter of legitimate public concern;

(ii) A work of political or newsworthy value or similar work; or

(iii) Commentary, criticism, or disclosure that is otherwise protected by the Hawaii Constitution or the United States Constitution.

(d) For purposes of this subdivision, sexually explicit material is not of newsworthy value solely because the depicted individual is a public figure.

~~(ii)~~ (3) Nothing in this ~~paragraph~~ section shall be construed to impose liability on a provider of "electronic communication service" or "remote computing service" as those terms are defined in section 803-41, for an image or video disclosed through the electronic communication service or remote computing service by another person.

~~(2)~~ (4) Violation of privacy in the first degree is a class C felony. In addition to any penalties the court may impose, the court may order the destruction of any recording made in violation of this section.

~~(3)~~ (5) Any recording or image made or disclosed in violation of this section and not destroyed pursuant to subsection ~~(2)~~ (4) shall be sealed and remain confidential."

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

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



Randy Perreira
President

HAWAII STATE AFL-CIO

888 Mililani Street, Suite 501 • Honolulu, Hawaii 96813

Telephone: (808) 597-1441
Fax: (808) 593-2149

The Thirty-First Legislature, State of Hawai‘i
Hawai‘i State House of Representatives
Committee on Consumer Protection & Commerce

Testimony by
Hawai‘i State AFL-CIO
March 18, 2021

S.B. 309 S.D. 1 – RELATING TO PRIVACY

The Hawai‘i State AFL-CIO is a state federation of 74 affiliate local unions and councils with over 68,000 members across both public and private sectors. We appreciate the opportunity to testify in strong support of S.B. 309 S.D. 1.

This bill is intended to protect victims from a form of sexual abuse: *non-consensual* deepfake pornographic videos, in which a person’s likeness is used to depict sexual acts. With the advent of social media, deterrence is needed to protect individual rights. This is not about *consensual* use of deepfake technology in which performers, celebrity or otherwise, consent and are properly paid for use of their likeness in digital sex scenes. This is to protect victims from the trauma of this type of sexual abuse.

We appreciate your consideration of our testimony and strongly urge passage of S.B. 309 S.D. 1.

Respectfully submitted,

Randy Perreira
President



INTERNATIONAL LONGSHORE & WAREHOUSE UNION

LOCAL OFFICE • 451 ATKINSON DRIVE • HONOLULU, HAWAII 96814 • PHONE 949-4161

HAWAII DIVISION: 100 West Lanikaula Street, Hilo, Hawaii 96720 • OAHU DIVISION: 451 Atkinson Drive, Honolulu, Hawaii 96814
MAUI COUNTY DIVISION: 896 Lower Main Street, Wailuku, Hawaii 96793 • KAUAI DIVISION: 4154 Hardy Street, Lihue, Hawaii 96766
HAWAII LONGSHORE DIVISION: 451 Atkinson Drive, Honolulu, Hawaii 96814

LOCAL 142

The Thirty-First Legislature
Regular Session of 2021

THE HOUSE

Committee on Consumer Protection & Commerce

Rep. Aaron Ling Johanson, Chair

Rep. Lisa Kitagawa, Vice Chair

State Capitol, Videoconference

Thursday, March 18, 2021; 2:00 p.m.

STATEMENT OF THE ILWU LOCAL 142 ON S.B. 309, S.D.1 RELATING TO PRIVACY

The ILWU Local 142 supports S.B. 309, S.D.1 which adds the intentional disclosure or threat of disclosure of certain types of deep fake images or video to the offense of violation of privacy in the first degree.

The ILWU Local 142 stands in solidarity with SAG-AFTRA and their many members who have been harmed and humiliated by the use of Deepfakes and who are concerned about their well-being if the law doesn't change.

We strongly recommend passage of S.B. 309, S.D.1 to protect people from the harm and humiliation of Deepfakes.

Thank you for the opportunity to testify.

SB-309-SD-1

Submitted on: 3/17/2021 10:33:23 AM

Testimony for CPC on 3/18/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Chantel Osurman	SAG-AFTRA	Support	No

Comments:

Thank you for addressing this important issue. I support SB309 and making the creation and distribution of deepfake pornography a felony. Anyone who has been a victim of deepfake pornography has been denied their right to the respect and privacy every human deserves. Privacy protection is a basic human right... everyone should be free from abuse and harassment in this indecent manner.



COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Rep. Aaron Ling Johanson, Chair

Rep. Lisa Kitagawa, Vice Chair

HEARING DATE: Thursday, March 18, 2021

TIME: 2:00 p.m.

PLACE: VIA VIDEOCONFERENCE

**SB 309
IN SUPPORT**

Aloha Chair Johanson, Vice Chair Kitagawa and Committee Members,

This testimony is being submitted on behalf of the membership of the International Brotherhood of Electrical Workers Local 1260. IBEW Local 1260 represents more than 3000 members throughout the Pacific, across the Hawaiian Islands, Guam, and Wake Island. We appreciate the opportunity to testify in strong support of SB309.

We stand with our Union Sisters and Brothers at SAG-AFTRA. Deepfake pornography has been made of over 1,000 SAG-AFTRA members and is being used to harass college students and former partners. Deepfakes have been weaponized primarily against women for as long as they have existed, but even male celebrities, and politicians have fallen victim. This form of harassment and abuse can wreak havoc on people's lives, and no criminal recourse exists for the victims. Privacy protection is a basic human right, and all individuals should be free from this cruel mistreatment.

We appreciate your consideration of our testimony and strongly encourage passage of SB 309.

Respectfully submitted,
Leroy Chincio
Business Manager and Financial Secretary
International Brotherhood of Electrical Workers
Local 1260
700 Bishop Street #1600
Honolulu, HI 96813

IATSE LOCAL 665

FILM, TELEVISION, STAGE, PROJECTION AND TRADESHOWS

Since 1937

INTERNATIONAL ALLIANCE OF THEATRICAL STAGE EMPLOYEES, MOVING PICTURE TECHNICIANS, ARTISTS AND ALLIED CRAFTS
OF THE UNITED STATES, ITS TERRITORIES AND CANADA, AFL-CIO, CLC

LATE *Testimony submitted late may not be considered by the Committee for decision making purposes.

The Thirty-First Legislature, State of Hawai'i
Hawai'i State House of Representatives
Committee on Consumer Protection & Commerce

Testimony by
IATSE Local 665
March 18th, 2021

S.B. 309 S.D. 1 - RELATING TO PRIVACY

Aloha Chair Johanson, Vice-Chair Kitagawa, and Members of the House Committee,

My name is Tuia'ana Scanlan, President of IATSE Local 665. Local 665 represents Entertainment Technicians in Stagecraft, Tradeshow & Conventions, and Film/TV industries across the State of Hawaii. Thank you for addressing this important issue. **We submit this testimony in strong support of S.B. 309 S.D. 1.**

The creation and distribution of deepfake pornography should be a felony. This issue has victimized a disproportionate number of minorities and could impact you or anyone else. Also, deepfake pornography has been made of over 1,000 SAG-AFTRA members and is being used to harass college students and former partners. This privacy protection is a basic human right. Workplaces should be free from abuse and harassment and workers should be shielded from this kind of indecency. It is abhorrent to allow this activity to continue without significant repercussions.

It is for these reasons that we **support S.B. 309 S.D. 1**. Thank you for the opportunity to testify.

Respectfully,



Tuia'ana Scanlan
President, IATSE Local 665
he/him/his

IRON WORKERS STABILIZATION FUND

March 18, 2021; 2 pm
House
Consumer Protection and Commerce
Committee
Via Videoconference
State Capitol
415 South Beretania Street

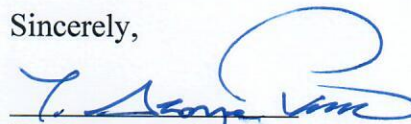
Re: SB309 - RELATING TO PRIVACY.

Dear Chair Johanson, Vice-Chair Kitagawa, and members of the committee:

We **SUPPORT** the intent of SB309. The bill, if enacted, adds that the intentional disclosure or threat of disclosure of certain types of deep fake images or video to the offense of violation of privacy in the first degree.

As we enter the twenty-first century, we are now facing new privacy issues that can dramatically affect the careers of all in the digital era. We support the efforts of the HCR 225, SD (2019) task force, and especially the recommendation to protect individuals from the use of their images engaged in sexual conduct against their wishes. Such use of individuals images could threaten their careers and ability to earn a living in the future. We support the making the creation and distribution of deepfake pornography as a felony. This legislation will provide much needed protection for our workers in this new digital era.

Sincerely,



T. George Paris
Managing Director

TGP: MP

SB-309-SD-1

Submitted on: 3/16/2021 6:09:43 PM

Testimony for CPC on 3/18/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jean Simon	Individual	Support	No

Comments:

Mahalo for addressing the important issue of Deepfake pornography.

I support SB 309, making the creation, distribution of deepfake pornography a felony.

Deepfake pornography has been made of over 1/000 SAG-AFTRA members and is being used to harass college students and former partners. As an actress and a member of SAG-AFTRA, I would not want to be a victim of deepfake pornography!

This privacy protection is a basic human right – to be free from abuse and harassment.

Mahalo!

Jean Simon

Honolulu, Hawaii

SB-309-SD-1

Submitted on: 3/16/2021 10:17:39 PM

Testimony for CPC on 3/18/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kai Li	Individual	Support	No

Comments:

Aloha e Mā• Iama Pono,

Mahalo to the Legislature for addressing this important issue.

I am supporting SB 309.

I support making the creation and distribution of deepfake pornography a felony.

This issue can and has victimized fellow SAG-AFTRA members, and could impact you or anyone else. It is important to note that deepfake pornography has been made of over 1,000 SAG-AFTRA members and is being used to harass college students and former partners.)

This privacy protection is a basic human right to be free from abuse and harassment.

Privacy is one of the rarest and most trampled basic human right in our current society. Someone's reputation, once falsely and unfairly tarnished, can never be recovered.

please address this issue by passing this bill.

Mahalo Nui Loa Iā• 'Oe

Dr Kai Li