
A BILL FOR AN ACT

RELATING TO THE SAFETY OF JUDICIARY PERSONNEL.

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

1 SECTION 1. The legislature finds that threats and
2 inappropriate communications to judges and court personnel have
3 escalated in recent years. A June 2021 National Institute of
4 Justice audit of the United States Marshals Service's (USMS)
5 judicial security activities noted that the USMS responded to
6 more than four thousand two hundred threats or inappropriate
7 communications against federal judges and other protected
8 persons in fiscal year (FY) 2020, an increase of eighty-one per
9 cent from the number of threats in FY 2016, and a two-hundred
10 thirty-three per cent increase in threats since FY 2008. At the
11 state level, the number of threats and other inappropriate
12 communications against Hawaii judges have increased tenfold in
13 less than ten years, from two in 2012 to approximately twenty in
14 2021.

15 Other judiciary staff whose duties put them at risk of
16 threats or violence are court social workers who monitor
17 offenders placed on probation. Staff routinely supervise



1 probationers convicted of violent crimes, and the Occupational
2 Safety and Health Administration categorizes probation officers
3 as a high risk occupation for workplace violence. Incidents of
4 threats and inappropriate communications against judiciary
5 social workers providing probation oversight have increased
6 sevenfold in the last nine years. Social workers with the
7 judiciary's office of the public guardian have also been
8 threatened with violence in the course of carrying out their
9 duties as court-appointed guardians of incapacitated persons.

10 The USMS audit also noted that, historically, the safety of
11 federal judges is at greater risk when they are away from the
12 courthouse. This statement is borne out by incidents involving
13 attacks against federal judges at their residences, which have
14 resulted in the deaths of or serious injuries to judges and
15 their family members. In at least one of these cases, the
16 attacker used the Internet to access the judge's personal
17 information.

18 The legislature further recognizes that, given the
19 availability of personal information of judges and judiciary
20 staff on the Internet, additional measures are needed to ensure
21 the safety of judges and judiciary personnel. The



1 identification of these methods will require collaboration and
2 cooperation among various governmental and nongovernmental
3 entities.

4 The purpose of this Act is to:

5 (1) Prohibit a person or an organization from posting the
6 personal information of federal and state judges and
7 other judicial staff on the Internet with the intent
8 to intimidate or threaten injury, harm, or violence to
9 the judge or staff or their immediate family members;
10 and

11 (2) Create a task force to identify further appropriate
12 measures to enhance the security of judges and
13 judiciary personnel while not diminishing civil
14 liberties or unduly hindering governmental operations.

15 SECTION 2. The Hawaii Revised Statutes is amended by
16 adding a new chapter to be appropriately designated and to read
17 as follows:

18 "CHAPTER

19 INTERNET POSTING OF PERSONAL INFORMATION

20 § -1 Internet posting of personal information; judges
21 and other court staff. (a) A person or organization shall not



1 knowingly make available on the Internet the personal
2 information of the following individuals, with the intent to
3 intimidate or threaten injury, harm, or violence to the
4 individual or the individual's immediate family members:

5 (1) A sitting, full-time judge of the Hawaii state
6 district court, circuit court, or intermediate court
7 of appeals;

8 (2) A sitting, full-time justice of the Hawaii supreme
9 court;

10 (3) A sitting federal judge;

11 (4) Judiciary social workers who:

12 (A) Perform the following functions while managing
13 and supervising a caseload of clients referred
14 for court-ordered treatment, supervision, or
15 probation:

16 (i) Provide professional social casework
17 services to clients for the purpose of
18 control, treatment, and rehabilitation; or

19 (ii) Monitor clients' compliance with and enforce
20 the terms and conditions of court-ordered
21 supervision or probation, making



1 recommendations for modification or
2 revocation of court orders, as appropriate;
3 or

4 (B) Serve as court-appointed guardian in the office
5 of the public guardian under chapter 551A; or

6 (5) United States probation and pretrial officers.

7 (b) For the purposes of this section:

8 "Federal judge" means a justice of the United States
9 Supreme Court, judge of the United States Court of Appeals,
10 judge or magistrate judge of the United States District Court,
11 or judge of the United States Bankruptcy Court.

12 "Home address" includes a person's permanent residence and
13 any secondary residences affirmatively identified by the person
14 but does not include a person's work address.

15 "Immediate family member" means a spouse, child, or parent,
16 or other minor or adult who lives in the residence, of the
17 individuals listed in subsection (a)(1) to (5).

18 "Organization" means an association or entity, including
19 charitable, religious and nonprofit organizations, for-profit
20 organizations, and business entities, formed for a specific
21 purpose.



1 "Personal information" means a home address, unpublished
2 home telephone number, cellular telephone number, pager number,
3 social security number, personal email address, directions to
4 the person's home, vehicle license plate number, photographs of
5 the person's home or vehicle, or credit card information.

6 § -2 Injunctive and declaratory relief; attorney's fees
7 and costs. A person whose personal information is disseminated
8 in violation of section -1 may bring an action seeking
9 injunctive or declaratory relief. If a court finds that a
10 violation has occurred, it may grant injunctive or declaratory
11 relief and shall award the person reasonable attorney's fees and
12 costs. Nothing in this section is intended to preclude civil or
13 criminal liability or relief under any other provision of law."

14 SECTION 3. (a) A judicial security task force shall be
15 convened and shall be placed within the judiciary for
16 administrative purposes. The task force shall examine,
17 evaluate, and determine optimal methods for securing online
18 personal information of federal and state judges and appropriate
19 judiciary personnel, which may include requirements for non-
20 disclosure or redaction of personal information on the Internet.
21 The task force shall have the following objectives:



- 1 (1) Identify, consult, and collaborate with public and
2 private stakeholders to secure online personal
3 information of federal and state judges and specified
4 judiciary staff;
- 5 (2) Consider how other states, including New Jersey,
6 California, Washington, and Illinois, as well as
7 Congress are addressing the issue of judicial security
8 with regard to prohibiting or limiting the online
9 publication or posting of certain personal information
10 for specified persons;
- 11 (3) Determine the most effective practices or
12 restrictions, including those that limit persons,
13 businesses, and associations from publicly posting,
14 publishing, or displaying personal information
15 concerning federal and state judges and certain
16 judiciary personnel;
- 17 (4) Determine appropriate exceptions to these practices or
18 restrictions, if any, for any suggested redaction or
19 nondisclosure requirements, including matters
20 affecting the title to real property;



- 1 (5) Make recommendations regarding measures that would
2 enhance judicial security without unduly hindering
3 government operations and without diminishing civil
4 liberties and first amendment rights; and
- 5 (6) Make recommendations as to penalties, fines, or other
6 sanctions to be imposed for unlawful publication of
7 personal information about federal and state judges or
8 specified judiciary personnel.
- 9 (b) The task force shall consist of the following members:
- 10 (1) The administrative director of the courts or the
11 director's designee, who shall serve as a co-chair of
12 the task force;
- 13 (2) The director of public safety or the director's
14 designee, who shall serve as a co-chair of the task
15 force;
- 16 (3) The special assistant to the administrative director
17 of the courts for judiciary security;
- 18 (4) A sitting full-time judge of the Hawaii state district
19 court, circuit court, or intermediate court of
20 appeals;



- 1 (5) A member representing the federal judiciary, who shall
- 2 be invited by the co-chairs;
- 3 (6) A member appointed by the governor;
- 4 (7) The attorney general or the attorney general's
- 5 designee;
- 6 (8) The comptroller or the comptroller's designee
- 7 representing the office of enterprise technology
- 8 services;
- 9 (9) The director of commerce and consumer affairs or the
- 10 director's designee;
- 11 (10) A member representing the city and county of Honolulu,
- 12 real property tax division;
- 13 (11) A member representing the law enforcement community,
- 14 who shall be invited by the co-chairs; and
- 15 (12) A member of the nonprofit sector, who shall be invited
- 16 by the co-chairs.

17 Task force members may recommend for membership on the task
18 force additional stakeholders with appropriate expertise,
19 subject to approval by the co-chairs. For purposes of this
20 subsection, "stakeholder" means a representative of a regional,
21 state, or local government agency; a representative of a



1 nongovernmental organization in areas that may include civil
2 liberties, data collection and dissemination, and law
3 enforcement; or advocates having experience in data collection
4 and dissemination on the Internet, civil liberties, or law
5 enforcement.

6 (c) The initial meeting of the task force shall occur no
7 later than sixty days after the effective date of this Act,
8 during which the members shall elect a vice chair and any other
9 necessary officers from among the appointed members.

10 (d) The task force shall meet no less than quarterly and
11 may hold additional public meetings as deemed necessary.
12 Meetings may be held virtually.

13 (e) Members of the task force shall receive no
14 compensation for their duties and shall not be subject to
15 section 84-17, Hawaii Revised Statutes, solely based on their
16 participation on the task force. The task force shall be exempt
17 from chapter 92, Hawaii Revised Statutes.

18 (f) The task force shall submit a report of its findings
19 and recommendations, including any proposed legislation, to the
20 legislature no later than forty days prior to the convening of
21 the regular session of 2023.



1 (g) The task force shall cease to exist on July 1, 2023.

2 SECTION 4. This Act does not affect rights and duties that
3 matured, penalties that were incurred, and proceedings that were
4 begun before its effective date.

5 SECTION 5. This Act shall take effect upon its approval.



Report Title:

Judiciary Package; Judges; Court Staff; Information; Safety

Description:

Prohibits the posting of judges' and other court staff's personal information on the Internet with the intent to intimidate or threaten. Establishes a Judicial Security Task Force to review and recommend additional measures to enhance the security of judges and judiciary personnel. (SD1)

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