

JAN 19 2022

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

14 Other judiciary staff whose duties put them at risk of
15 threats or violence are court social workers who monitor
16 offenders placed on probation. Staff routinely supervise
17 probationers convicted of violent crimes, and the Occupational



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

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

17 The purpose of this Act is to prohibit a person having the
18 intent to intimidate or threaten from posting on the internet
19 the personal information of state and federal judges and other
20 judicial staff whose duties put them at risk for acts of
21 violence or threats.



1 The legislature further recognizes that, given the
2 availability of personal information of judges and judiciary
3 staff on the internet, additional measures are needed to ensure
4 the safety of judges and judiciary personnel. The
5 identification of these methods will require collaboration and
6 cooperation among various governmental and non-governmental
7 entities. Thus, this Act also creates a task force to identify
8 further appropriate measures to enhance the security of judges
9 and judiciary personnel while not diminishing civil liberties or
10 unduly hindering governmental operations.

11 SECTION 2. The Hawaii Revised Statutes is amended by
12 adding a new chapter to be appropriately designated and to read
13 as follows:

14 **"CHAPTER**

15 **INTERNET POSTING OF PERSONAL INFORMATION**

16 **§ -1 Internet posting of personal information; judges**
17 **and other court staff.** (a) A person or organization shall not
18 knowingly make available on the internet the personal
19 information of the following individuals, with the intent to
20 intimidate or threaten injury, harm, or violence to the
21 individual or the individual's immediate family members:



S.B. NO. 2116

- (1) A sitting, full-time judge of the Hawaii state district court, circuit court, or intermediate court of appeals;
- (2) A sitting, full-time justice of the Hawaii supreme court;
- (3) A sitting federal judge;
- (4) Judiciary social workers who:
 - (A) Perform the following functions while managing and supervising a caseload of clients referred for court-ordered treatment or supervision/probation:
 - (i) Provide professional social casework services to clients for the purpose of control, treatment, and rehabilitation; or
 - (ii) Monitor clients' compliance with and enforce the terms and conditions of court-ordered supervision/probation, making recommendations for modification or revocation of court orders, as appropriate; or



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

(5) United States probation and pretrial officers.

(b) For the purposes of this chapter:

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

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

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

"Judiciary" means the branch of government established in
section 601-1.

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



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

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) Identify, consult, and collaborate with public and private stakeholders to secure online personal information of state and federal judges and specified judiciary staff;
- (2) Consider how other states, including New Jersey, California, Washington, and Illinois, and Congress are addressing this issue with regard to prohibiting or limiting the online publication or posting of certain personal information for specified persons;
- (3) Determine the most effective practices or restrictions, including those that limit persons, businesses, and associations from publicly posting, publishing, or displaying personal information concerning federal and state judges and certain judiciary personnel;
- (4) Determine appropriate exceptions to such practices or restrictions, if any, for any suggested redaction or nondisclosure requirements, including matters affecting the title to real property;
- (5) Make recommendations regarding measures that would enhance security without unduly hindering government



1 operations and without diminishing civil liberties and
2 first amendment rights; and

3 (6) Make recommendations as to penalties, fines, or other
4 sanctions to be imposed for unlawful publication of
5 personal information about federal and state judges or
6 specified judiciary personnel.

7 (b) The task force shall consist of the following members:

8 (1) The administrative director of the courts or the
9 director's designee, who shall serve as a co-chair of
10 the task force;

11 (2) The director of public safety or the director's
12 designee, who shall serve as a co-chair of the task
13 force;

14 (3) The special assistant to the administrative director
15 of the courts for judiciary security;

16 (4) A sitting full-time judge of the Hawaii state district
17 court, circuit court, or intermediate court of
18 appeals;

19 (5) A member representing the federal judiciary, who shall
20 be invited by the co-chairs;

21 (6) A member appointed by the governor;



(7) The attorney general or the attorney general's designee;

(8) The comptroller of accounting and general services or the comptroller's designee representing the office of enterprise technology services;

(9) The director of commerce and consumer affairs or the director's designee;

(10) A member representing the city and county of Honolulu, real property tax division;

(11) A member representing the law enforcement community, who shall be invited by the co-chairs; and

(12) A member of the non-profit sector, who shall be invited by the co-chairs.

Task force members may recommend for membership on the task force additional stakeholders with appropriate expertise, subject to approval by the co-chairs. "Stakeholder" means a representative of a regional, state, or local government agency; a representative of a nongovernmental organization in areas that may include civil liberties, data collection and dissemination, and law enforcement; or advocates having experience in data



1 collection and dissemination on the internet, civil liberties,
2 or law enforcement.

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

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

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

15 (f) The task force shall submit a final report of its
16 findings and recommendations, including any proposed
17 legislation, to the legislature no later than twenty days prior
18 to the convening of the regular session of 2023.

19 (g) The task force shall terminate on July 1, 2023.



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

4 SECTION 5. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 6. This Act shall take effect upon its approval.

7

INTRODUCED BY: *AMN-M*
By Request



S.B. NO. 2116

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 for ensuring the safety of federal and state judges and specified judicial staff while taking into consideration the operational needs of government offices, agencies and the public.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

