



The Judiciary, State of Hawai‘i

**Testimony to the Thirty-First Legislature
Regular Session of 2022**

Senate Committee on Ways and Means
Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair

Tuesday, April 5, 2022, 10:15 a.m.
State Capitol, Conference Room 211
Via Videoconference

WRITTEN TESTIMONY ONLY

by
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Chief Staff Attorney

Bill No. and Title: House Bill No. 1539, H.D. 2, S.D. 1, Relating to the Safety of Judiciary Personnel.

Purpose: Prohibits the posting of judges’ and other judicial 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.

Judiciary’s Position:

This bill is part of the Judiciary’s Administrative Package.

Recently, Reuters reported that U.S. federal judges were the target of more than 4,500 threats and other inappropriate communications in 2021. The Director of the U.S. Marshals Service explained that the increase in threat investigations and inappropriate comments have been increasing and the threat risk is “growing exponentially.”



House Bill No. 1539, H.D. 2, S.D. 1, Relating to the Safety of Judiciary Personnel
Senate Committee on Ways and Means
Tuesday, April 5, 2022
Page 2

Efforts to ensure security for judges and their families have taken on new urgency given the horrific murder of U.S. District Court Judge Esther Salas's son in their family home in New Jersey in 2020. This attack was a chilling reminder to judges and other court personnel of the risks inherent in their work.

In Hawai'i, threats and inappropriate communications towards judges have increased ten times in the last decade, and in the last nine years, threats and inappropriate communications towards judiciary social workers providing probation oversight have increased seven times. Social workers with the judiciary's office of the public guardian have also been threatened with violence in the course of carrying out their duties as court-appointed guardians of incapacitated persons. Every decision made -- be it custody, divorce, employment, housing -- has the potential to anger someone and expose judges and court staff -- and their families -- to threats of violence. Inappropriate communications and threats have ranged from references to a judge's family members to an explicit threat to "kill, murder and exterminate" a judge and public guardian, and a courthouse in Kona was firebombed while a judge was inside.

The State legislature in New Jersey recently enacted legislation that protects judges, their families and judicial staff, and such legislation is pending in Congress. A recent article in *Judicature* noted that "justice must be dispensed with neither fear nor favor. When judges are fearful, it impedes their ability to do their jobs and threatens our judicial system's ability to administer justice. The article reminds us that "Every citizen should want to make sure that judges feel confident to perform their constitutional obligations and uphold the laws and safety" of our community and country.

Federal Judges Richard R. Clifton and J. Michael Seabright submitted testimony in support of this bill, and observed that judicial security is "critical to our democracy and the rule of law. Judges must be allowed to do our work without fear of potentially fatal attacks."

Unfortunately, the prevalence of personally identifiable information on the internet that can provide easy access to the address and other information about judges and their families are of deep concern. Two weeks after her son was killed by a disgruntled litigant who found her home address on the internet, Judge Salas made a public plea to remove judges' personally identifiable information from the internet. As she noted, "We know that our job requires us to make tough calls, and sometimes those calls can leave people angry and upset. But what we cannot accept is when we are forced to live in fear for our lives because personal information, like our home addresses, can easily be obtained by anyone seeking to do us or our families harm." This bill, therefore, strives to take steps similarly taken by other States, and as advocated by Judge Salas and others.

There are two distinct components of the bill before you. First, this bill would prohibit persons, with the intent to intimidate or threaten, from posting on the internet personal



House Bill No. 1539, H.D. 2, S.D. 1, Relating to the Safety of Judiciary Personnel
Senate Committee on Ways and Means
Tuesday, April 5, 2022
Page 3

information of state and federal judges and other court staff whose duties put them at risk for acts of violence or threats. Second, the bill establishes a task force to examine additional steps that could be taken to secure online personal information of such judges and staff. Such steps could include limitations on businesses or other entities who post such information, including with respect to real property records.

It is important that government offices and non-governmental entities collaborate on this issue and provide further recommendations for legislation, following robust examination and discussion from many perspectives, as to how sensitive information may best be protected, without undue disruption to either the offices that provide this information or the legitimate users of the information. While absolute security will not be achieved through legislation, and no privacy protection legislation will be perfect, the Judiciary believes that reasonable and effective steps can and should be taken to minimize the greatest risks to our dedicated public servants.

Thank you for the opportunity to submit testimony on this important measure.



TESTIMONY

Senate Committee on Ways and Means
Hearing: Tuesday, April 5, 2022 (10:15 a.m.)

TO: The Honorable Donovan M. Dela Cruz, Chair
The Honorable Gilbert S.C. Keith-Agaran, Vice Chair

FROM: Rhonda L. Griswold
HSBA President-elect

RE: House Bill No. 1539, HD2, SD1
Relating to the Safety of Judiciary Personnel

Section 1 of this measure succinctly sets forth the growing numbers of threats or inappropriate communications against full-time State and Federal judges across the Nation. While there is no specific information on threats or inappropriate communications here in Hawaii, there is no indication unfortunately that Hawaii is any different and court personnel are at risk.

Judicial professionals weigh facts presented, apply the applicable law, and make decisions that do not always comport with the expectations of the litigants. Judges who make decisions that curtail or restrict personal freedoms permanently or temporarily, or that involve parental rights, are particularly vulnerable to threats or inappropriate communications.

This bill would prohibit a person or organization from posting the personal information of Federal and State judges and other judicial staff (social workers, case management workers for court ordered treatment, supervision, or probation, and guardian ad litem working with the Office of the Public Guardian). This bill would also create a Judicial Security Task Force to further review precautions to enhance the security of State and Federal judges and certain judicial personnel, while not diminishing civil liberties or unduly hindering government operations.

The Hawaii State Bar Association is in **STRONG SUPPORT** of this measure, and stands ready to assist the proposed Task Force.

Thank you for the opportunity to submit testimony.

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HB-1539-SD-1

Submitted on: 4/3/2022 8:49:15 PM

Testimony for WAM on 4/5/2022 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Gerard Silva	Individual	Oppose	Written Testimony Only

Comments:

All have to be Trasparent for the people to see who is crooke or not. If you block this then it is time to End the Apoinment of Judges becuase the people will never be able to trust any judge in office.

The people will have to take over!!