

HB-1539

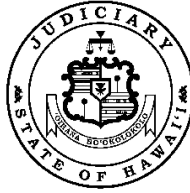
Submitted on: 1/28/2022 8:41:51 AM

Testimony for JHA on 2/1/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Leimomi Khan	Individual	Support	No

Comments:

Support. It is important that the members of the Judiciary be protected from threats and bodily harm in the performance of their duties. Unfortunate that our world has turned into a place that seems to disrespect law enforcement and the courts.



The Judiciary, State of Hawai‘i

Testimony to the Thirty-First Legislature Regular Session of 2022

House Committee on Judiciary & Hawaiian Affairs
Representative Mark M. Nakashima, Chair
Representative Scot Z. Matayoshi, Vice Chair

Tuesday, February 1, 2022, 2:00 p.m.
State Capitol, Via Videoconference

by
Susan Pang Gochros
Chief Staff Attorney

Bill No. and Title: House Bill No. 1539, 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 for ensuring the safety of federal and state judges and others while taking into consideration the operational needs of government offices, agencies and the public.

Judiciary’s Position:

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



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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.

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 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 testify on this important measure.

Rep. Mark M. Nakashima, Chair
Rep. Scot Z. Matayoshi, Vice Chair
Committee on Judiciary & Hawaiian Affairs

Judge Richard R. Clifton, U.S. Court of Appeals for the Ninth Circuit
Chief Judge J. Michael Seabright, U.S. District Court for the District of Hawaii

Hearing Tuesday, February 1, 2022, 2:00 p.m.

Support for HB 1539, Relating to the Safety of Judiciary Personnel

We are federal judges who live and work in Hawai'i. Judge Clifton is also the current president of the Federal Judges Association, a private organization to which the substantial majority of federal court of appeals and district judges belong. We do not purport to speak for our colleagues on the federal bench here, but we expect that they agree with our support for HB 1539.

As the bill recites, the United States Marshals Service has reported the number of threats or inappropriate communications against federal judges and other federal court personnel increased eighty-one percent from FY 2016 to FY 2020 and two-hundred thirty-three per cent since FY 2008. Most threats do not become more than threats, but some do.

The July 2020 attack on New Jersey District Judge Esther Salas, which killed her 20-year-old son and critically wounded her husband, was the latest in a series of attacks on federal judges in which judicial officers or their family members were killed. The murders of Judge Wood (1979), Judge Daronco (1988), Judge Vance (1989), family members of Judge Lefkow (2005), Judge Roll (2011), and now family members of Judge Salas demand action to improve security for federal judicial officers and their families.

HB 1539 covers federal judges as well as state justices and judges. We appreciate being included within the proposed legislation. Judicial security is obviously important to the personal safety of judges, our families, and our court staff. More broadly, it is critical to our democracy and the rule of law. Judges must be allowed to do our work without fear of potentially fatal attacks.

This bill represents a small step toward protecting judges and judiciary personnel. The judicial security task force that would be created by the bill can take a closer look at other measures. Some of those measures are reflected in a bipartisan bill that is currently progressing through Congress as S. 2340, recently approved by the Senate Judiciary Committee without dissent. We look forward to working with that task force.

Our judicial duties do not permit us to attend the committee hearing on February 1, but we will be happy to answer questions or provide further information if it is desired by the committee or any of its members. We may be contacted through our chambers.