
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
3 continue to escalate. United States federal judges were the
4 targets of more than four thousand five hundred threats and
5 other inappropriate communications in 2021, according to the
6 United States Marshals Service. This represents an increase of
7 eighty-one per cent from the number of threats in fiscal year
8 2016, and a two hundred thirty-three per cent increase in
9 threats since fiscal year 2008. At the state level, the number
10 of threats and other inappropriate communications to Hawaii
11 judges have increased tenfold in less than ten years, from two
12 in 2012 to approximately twenty in both 2021 and 2022.

13 The legislature further finds that other judiciary staff
14 have duties that put them at risk of threats or violence. These
15 include social workers, who monitor offenders placed on
16 probation. Judiciary staff supervise probationers convicted of
17 violent crimes, and the Occupational Safety and Health



1 Administration categorizes probation officers as being in a
2 high-risk occupation for workplace violence.

3 The legislature notes that incidents of threats and
4 inappropriate communications to judiciary social workers who
5 provide probation oversight have increased sevenfold in the last
6 nine years. Social workers with the judiciary's office of the
7 public guardian have also been threatened with violence while
8 carrying out their duties as court-appointed guardians of
9 incapacitated persons. Overall, threats and inappropriate
10 communications toward state judiciary employees rose from seven
11 in 2017 to thirty-six in 2022.

12 The legislature also notes that a recent United States
13 Marshals Service audit found that federal judges' safety is at
14 greater risk when they are away from the courthouse. This
15 statement is borne out by incidents involving attacks against
16 federal judges at their residences, which have resulted in the
17 deaths of or serious injuries to judges and their family
18 members. In at least one of these cases, the attacker used the
19 internet to access the judge's personal information.

20 The legislature finds that Act 46, Session Laws of Hawaii
21 2022 (Act 46), which established a judicial security task force,



1 was passed in recognition of the need for additional measures to
2 ensure the safety of judges and judiciary personnel. The
3 purpose of the task force was to identify appropriate measures
4 to enhance the security of judges and judiciary personnel while
5 not diminishing civil liberties or unduly hindering governmental
6 operations. The task force's efforts included consideration of
7 optimal methods for securing personal information posted on the
8 internet, including requiring nondisclosure or redaction of the
9 information. Among other things, the task force recommended the
10 reintroduction of a proposal from an earlier draft of Act 46 to
11 prohibit internet postings of the personal information of judges
12 and certain judicial staff if the posting is made with the
13 intent to intimidate or threaten harm.

14 Accordingly, the purpose of this Act is to prohibit, in
15 certain circumstances, the publication of the personal
16 information of federal and state judges and other judicial staff
17 whose duties put them at risk for acts of violence or threats,
18 including publication where the post is made with the intent to
19 intimidate or threaten, or where a reasonable person would
20 believe that providing the information would expose the at-risk
21 individual to harassment or risk of harm to life or property.



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

4 "CHAPTER

5 INTERNET POSTING OF PERSONAL INFORMATION

6 § -1 **Definitions.** For purposes of this chapter:

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

10 "Personal information" means a home address, home telephone
11 number, cellular telephone number, pager number, social security
12 number, personal electronic mail address, directions to the
13 person's home, vehicle license plate number, or photographs of
14 the person's home or vehicle.

15 § -2 **Internet posting of personal information; judges
16 and other court staff.** (a) A person or organization shall not
17 knowingly make available on the internet the personal
18 information of the following individuals, with the intent to
19 intimidate or to threaten injury, harm, or violence to the
20 individual or the individual's immediate family members, or
21 under circumstances in which a reasonable person would believe



1 that providing the information would expose the individual to
2 harassment or a risk of harm to life or property:

- 3 (1) A sitting federal judge;
- 4 (2) A sitting, full-time justice of the Hawaii supreme
5 court;
- 6 (3) A sitting, full-time judge of the Hawaii state
7 intermediate court of appeals, circuit court, circuit
8 family court, district court, or district family
9 court;
- 10 (4) A United States probation and pretrial officer; or
- 11 (5) A judiciary social worker who:
 - 12 (A) Performs the following functions while managing
13 and supervising a caseload of clients referred
14 for court-ordered treatment, supervision, or
15 probation:
 - 16 (i) Provides professional social casework
17 services to clients for the purpose of
18 control, treatment, and rehabilitation; or
 - 19 (ii) Monitors clients' compliance with, and
20 enforcing the terms and conditions of,
21 court-ordered supervision or probation, and



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

4 (B) Serves as a court-appointed guardian in the
5 office of the public guardian under chapter 551A.

6 (b) For the purposes of this section:

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

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

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

16 "Organization" means an association or entity, including a
17 charitable, religious, or nonprofit organization; for profit
18 organization; or business entity, formed for a specific purpose.

19 **§ -3 Injunctive and declaratory relief; attorney's fees**
20 **and costs.** A person whose personal information is disseminated
21 in violation of section -2 may bring an action seeking



1 injunctive or declaratory relief. If a court finds that a
2 violation has occurred, it may grant injunctive or declaratory
3 relief and shall award the person reasonable attorney's fees and
4 costs; provided that nothing in this section is intended to
5 preclude civil relief or criminal liability under any other
6 provision of law.

7 § -4 **Severability.** If any provision of this chapter,
8 or the application thereof to any person or circumstance, is
9 held invalid, the invalidity shall not affect other provisions
10 or applications of the chapter that can be given effect without
11 the invalid provision or application, and to this end the
12 provisions of this chapter are severable."

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

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



Report Title:

Judiciary Package; Safety; Judiciary Personnel; Personal Information

Description:

Prohibits, in certain circumstances, the publication of the personal information of federal and state judges and other judicial staff whose duties put them at risk for acts of violence or threats. (HD1)

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