

*The Judiciary, State of Hawai‘i*

**Testimony to the Thirty-Second Legislature  
2024 Regular Session**

**House Committee on Judiciary & Hawaiian Affairs**

Representative David A. Tarnas, Chair

Representative Gregg Takayama, Vice Chair

**House Committee on Consumer Protection & Commerce**

Representative Mark M. Nakashima, Chair

Representative Jackson D. Sayama, Vice Chair

Thursday, February 15, 2024, 2:02 p.m.

State Capitol

Conference Room 325 & Videoconference

by:

Thomas J. Berger

Staff Attorney for the Hawai‘i Supreme Court

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**Bill No. and Title:** House Bill No. 1916, Relating to the Disclosure of Personal Information Associated With Certain Public Servants.

**Purpose:** Prohibits government agencies, persons, and organizations from publicly disclosing the personal information of certain public servants and their families upon receiving a written request. Establishes a misdemeanor offense for individuals who post personal information on the Internet in reckless disregard of the risk of harm to certain public servants and their families. Authorizes the display of personal information that is relevant to and displayed as part of a news story, commentary, editorial, or other speech on a matter of public concern. Effective 1/1/2025.

**Judiciary’s Position:**

The Judiciary strongly supports this bill, which is part of the Judiciary’s Administrative Package, and respectfully requests the Joint Committees pass the measure.



**The pressing need for this legislation is demonstrated by the alarming increase in acts of violence against public servants at their homes.** As detailed in the preamble of HB 1916, in the last few years across the country there are numerous examples of horrific acts of violence being committed against public servants and their families at their homes. See HB 1916 at 1:9-16. How did these bad actors find the personal residence of these public servants? In a nutshell, the internet and advancement in technologies has made access to certain government records nearly instantaneous. But the downside to this ease of access is that bad actors can take advantage of this information to harm public servants and their families.

House Bill 1916 establishes a new remedy that would allow certain public servants to request government agencies to not disclose the covered public servants' protected personal information, such as a home address, vehicle license plate number, and similar personal and private information. See HB 1916 at 6:19-7:10 (defining "protected personal information"). The measure is narrowly tailored to protect those public servants - defined as "covered persons" under the instant bill - "who are at greater risk of harm due to the important decision-making functions associated with their government jobs." HB 1916 at 3:12-14. Those covered persons include the Governor, the Lieutenant Governor, any member of the legislature, judges and justices. See HB 1916 at 4:10-5:17 (defining "covered persons").

**The instant bill is carefully crafted with broad exceptions to respect the First Amendment rights of the public and the press.** I will now explain these exceptions. First, the public and press can gain access to the underlying government record, but with redactions. While the instant measure would "restrict the *immediate* access to certain types of location and personally identifying information in order to improve the safety and security" of the covered persons, see HB 1916 at 3:14-16, the underlying government record itself would still be made available upon request with the protected personal information redacted. See HB 1916 at 9:7-16. For example, under HB 1916 the government record with the home address of the covered public servant could still be provided but with the actual home address and other location information fully redacted. Id. Second, the instant bill includes a broad exception for the display on the internet of protected personal information of a covered person or their family "if the information is relevant to and displayed as part of a news story, commentary, editorial, or other speech on a matter of public concern[.]" HB 1916 at 13:11-17.

**Enforcement.** The bill would establish 3 enforcement remedies. First, HB 1916 allows the covered person to request the removal of protected personal information from the internet. See HB 1916 at 10:5-19. This notice-and-removal process is similar to recently enacted federal legislation.<sup>1</sup> Second, where the government agency, person or organization fails to remove the

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<sup>1</sup> In December 2022, the United States Congress passed the Daniel Aderl Judicial Security and Privacy Act as part of H.R. 7776, which was subsequently signed by President Biden enacting Public Law No: 117-263 (the Federal Act). See <https://www.congress.gov/bills/117th-congress/house-bill/7776>. This federal legislation only applies to federal judges and their immediate family. Under the Federal Act any covered information posted on the internet about a federal judge (essentially location information such as a home address) is subject to removal. There is no requirement that the content posted include a threat. In sum, the Federal Act creates a notice-and-removal process whereby a person, business, or association that posts covered information of the federal judge has 72 hours



protected personal information, the instant bill sets forth a civil remedy for injunctive and declaratory relief. HB 1916 at 11:4-12. Third, the risk of criminal misdemeanor liability would attach to a bad actor who publicly posts or displays the protected personal information of a covered person or the covered person’s family “in reckless disregard of the risk of intimidation, threats, harassment, injury, harm, or violence[.]” HB 1916 at 12:19-13:7.

In conclusion, the Judiciary strongly supports HB 1916 because the underlying policy solutions will increase the safety of judges, justices, and court administrators, which thereby supports the ability of the Judiciary to function on behalf of the public. Accordingly, the Judiciary respectfully requests the Joint Committees pass this measure.

Thank you for the opportunity to testify on this matter.

# OFFICE OF INFORMATION PRACTICES

STATE OF HAWAII  
NO. 1 CAPITOL DISTRICT BUILDING  
250 SOUTH HOTEL STREET, SUITE 107  
HONOLULU, HAWAII 96813  
TELEPHONE: 808-586-1400 FAX: 808-586-1412  
EMAIL: oip@hawaii.gov

To: House Committees on Judiciary & Hawaiian Affairs and on  
Consumer Protection & Commerce

From: Cheryl Kakazu Park, Director

Date: February 15, 2024, 2:02 p.m.  
State Capitol, Conference Room 325

Re: Testimony on H.B. No. 1916  
Relating to the Disclosure of Personal Information Associated  
with Certain Public Servants

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Thank you for the opportunity to submit testimony on this bill, which would, on request, require government agencies and other persons and organizations to within 72 hours take down from online and no longer disclose personal information about the Governor, Lieutenant Governor, department heads, legislators, and judges. While the Office of Information Practices (OIP) recognizes the importance of this bill's intent to address the rise in threats against government officials, **OIP has concerns regarding the proposed creation of a confidentiality requirement for government agencies that conflicts with the Uniform Information Practices Act (UIPA) and is likely to be challenging or unworkable in practice.**

The "protected personal information" made confidential upon request by the new chapter would include, among other things, "home address and any property ownership records pertaining thereto" and "property tax records." The UIPA, however, mandates public disclosure **without exception** for "[l]and ownership,

transfer, and lien records, including real property tax information and leases of state land.” HRS § 92F-12(a)(5). **Thus, there would always be a conflict between the new law’s requirement that property ownership information and property tax records be confidential upon request, and the UIPA’s existing requirement that property ownership information and property tax records be public.**

**Other conflicts would likely arise between the new law’s confidentiality requirement and the UIPA’s mandate in section 92F-12(a), HRS, that the following listed information be made public without exception:**

- The name and address must be public without exception for borrowers from state and county loan programs and (if the home address also serves as a business address) of persons holding licenses or permits, which could sometimes include government officials or their family members;
- Minutes of public meetings are required to be public without exception, and especially when in the form of a recording or transcript, those could include passing references to the name or school of someone’s child or a spouse’s employer, which would conflict with this bill’s requirement to keep confidential upon request.
- A government employee’s name, position, and information about the employing agency is public without exception, which, when one of the officials covered by this bill is married to another government employee, would conflict with this bill’s requirement that a spouse’s employer be kept confidential upon request.

OIP is also concerned that implementation of the new chapter would at best be a **serious practical challenge, and at worst unworkable, for government agencies**. It is not always obvious what documents on an agency's website might have an official's direct work telephone number listed as a contact, or a bit of personal information about a new or departing official, including a reference to a family member. While the proposed law would require that a request "specify what protected personal information shall be maintained as private," it does not require specifying the particular documents on a website that actually include that information. Thus, on 72-hours notice, which could include a weekend or holiday, an agency would be required to look at everything it may have put on its website over the years – old newsletters, meeting minutes, correspondence, press releases, submissions of one sort or another – and find any passing references to an official's child or spouse, or instances where the official's direct work number was listed as contact information, or any other form of protected personal information, and must remove or redact all those documents.

The agency would further need to take steps to ensure that no request for records, even records that would normally be fully public, would be responded to in the future without first checking whether any of the requested records contains a reference to the official or family member who has requested confidentiality. The proposed law specifies that a removal request is valid until further notice or the requester's death, so it appears agencies would have to keep an ongoing confidentiality list to refer to whenever they respond to a UIPA request.

If this Committee wishes to move this measure, **OIP would respectfully recommend that this Committee increase the time allowed for agencies to search for and remove from their websites any protected personal**

House Committees on Judiciary & Hawaiian Affairs and  
on Consumer Protection & Commerce  
HB 1916  
February 15, 2024  
Page 4 of 4

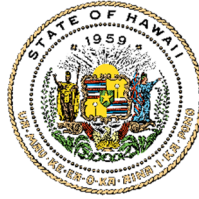
**information** as required in proposed section \_\_\_-2, and to prevent conflicts with the UIPA, would further recommend amending proposed section \_\_\_-6 to **add a new category that is excepted from the new law** as follows:

“(7) Records made public under section 92F-12.”

Thank you for considering OIP’s testimony.

JOSH GREEN, M.D.  
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE  
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
KA 'OIHANA KUMUWAIWAI 'ĀINA

P.O. BOX 621  
HONOLULU, HAWAII 96809

DAWN N.S. CHANG  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE  
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RYAN K.P. KANAKA'OLE  
FIRST DEPUTY  
DEAN D. UYENO  
ACTING DEPUTY DIRECTOR - WATER  
AQUATIC RESOURCES  
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CONSERVATION AND RESOURCES  
ENFORCEMENT  
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FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

Testimony of  
DAWN N. S. CHANG  
Chairperson

Before the House Committees on  
JUDICIARY & HAWAIIAN AFFAIRS  
And  
CONSUMER PROTECTION & COMMERCE

Thursday, February 15, 2024  
2:02 PM  
State Capitol, Conference Room 325

In consideration of  
HOUSE BILL 1916  
RELATING TO THE DISCLOSURE OF PERSONAL INFORMATION ASSOCIATED  
WITH CERTAIN PUBLIC SERVANTS

House Bill 1916 proposes to prohibit government agencies, persons and organizations from publicly disclosing the personal information of certain public servants and their families upon receiving a written request. The bill also establishes a misdemeanor offense for individuals who post personal information on the internet in reckless disregard of the risk of harm to certain public servants and their families. The bill does, however authorize the display of personal information that is relevant to and displayed as part of a news story, commentary, editorial or other speech on a matter of public concern. **The Department of Land and Natural Resources (Department) offers the following comments and concerns.**

This bill recognizes the need to protect personal information in light of recent high-profile crimes that have been committed with the use of such information. However, for some State agencies and in particular, for the Bureau of Conveyance (BOC), the mechanisms and/or funds for such mechanisms to redact select personal information from electronic documents are not available. Likewise, for some State agencies like the BOC who also have a Public Reference Room that offers access to hard copy documents, the cost and resources needed to locate and redact select personal information from this media would be untenable. The bill also requires this process to be voluntary on the part of the covered person or their representative by providing a



“written request” without specifying how this process should work, what forms if any would be used and how the public servant would deliver this request for confirmation of its receipt. These deficiencies may lead to litigation and expose the State to legal action for damages, including attorney’s fees and costs.

For the BOC, the bill includes an exemption providing that all our document information, including the protected personal information, can be provided to title companies. This may lead to unintended consequences should the BOC be required to redact protected personal information or publicly available content that many other businesses and financial institutions would otherwise rely on for processing loan or credit approvals.

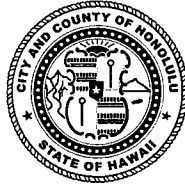
The Department would recommend that other states enacting such laws be consulted for “best practices” so that the State of Hawaii can create model legislation that can be implemented successfully and not result in unintended consequences for the affected public servants as well as other entities that depend on the accuracy and completeness of State documents and information. In the case of Minnesota, similar legislation started with the need to protect victims of domestic violence that resulted in a program called “Safe at Home”. A key part of the developing, coordinating and improving that program that addressed protecting personal information amongst other provisions, was the establishment of a state office that became the lead so that a comprehensive effort could be orchestrated with all the key stakeholders.

Mahalo for the opportunity to comment on this measure.

**DEPARTMENT OF BUDGET AND FISCAL SERVICES**  
**KA 'OIHANA MĀLAMA MO'OHELU A KĀLĀ**  
**CITY AND COUNTY OF HONOLULU**

530 SOUTH KING STREET, ROOM 208 • HONOLULU, HAWAII 96813  
PHONE: (808) 768-3900 • FAX: (808) 768-3179 • WEBSITE: honolulu.gov

RICK BLANGIARDI  
MAYOR  
MEIA



ANDREW T. KAWANO  
DIRECTOR  
PO'O

CARRIE CASTLE  
DEPUTY DIRECTOR  
HOPE PO'O

February 14, 2024

The Honorable David A Tarnas, Chair  
The Honorable Gregg Takayama, Vice-Chair  
and Members of the Committee on Judiciary & Hawaiian Affairs  
State Capitol  
415 South Beretania Street  
Honolulu, Hawai'i 96813

The Honorable Mark M. Nakashima, Chair  
The Honorable Jackson D. Sayama, Vice-Chair  
and Members of the Committee on Consumer Protection & Commerce  
State Capitol  
415 South Beretania Street  
Honolulu, Hawai'i 96813

Dear Chairs Tarnas and Nakashima, Vice-Chairs Takayama and Sayama, and Committee Members:

**SUBJECT:** Testimony Expressing Concerns of House Bill No. 1916 (2024)  
Hearing: Thursday, February 15, 2024, 2:02 p.m., Room 325 via  
Videoconference

The City and County of Honolulu ("City") appreciates the opportunity to testify and provide comments on House Bill 1916 (2024) ("HB 1916"), relating to the disclosure of personal information associated with certain public servants.

The City acknowledges that in recent news reports, there has been an alarming trend of increased hostility, threats and violence nationwide toward government officials, political candidates, and public employees. The City further supports efforts to decrease such incidents by preventing the unnecessary disclosure of personal information of current government officials and employees. However, the City has concerns with HB 1916.

On pages 6-7, in proposed HRS § \_\_\_-1, HB 1916 proposes to define "protected personal information" to include "property tax records," which is overly inclusive. Real property records include not only the name of the owner and the site address but also non-personal information such as assessments and taxes levied, description and historical information of the land and improvements, and comparable sales information, among other factual information of real

The Honorable David A Tarnas, Chair  
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and Members of the Committee on Consumer Protection & Commerce  
February 14, 2024  
Page 2

property, which should not be exempt from disclosure. By broadly including “property tax records” in the definition of “protected personal information” without limitation, HB 1916 would frustrate the City’s efforts to promote transparency in the manner in which real property is assessed and taxed.<sup>1</sup>

HRS § 92F(a)(5) provides that real property tax records must be disclosed. However, under the definition of “protected personal information,” the entire property tax record would be exempt from disclosure upon the receipt of a written request by a covered person. The City posits that there should be a balance between protecting certain personal information of covered persons and the policy favoring government transparency and accountability. The City suggests that the definition of “protected personal information” be amended from the blanket “property tax records,” to “the covered person’s name and address(es) contained in property tax records.”

The City also requests the inclusion of another exemption relating to administrative hearings and appeals in proposed HRS § \_\_-6 on pages 13 and 14. For example, HRS § 91-9.5 and Revised Ordinances of Honolulu § 8-12.7(i) provide for the publication of notice of hearings for contested hearings and tax appeals. The prohibition from publishing the covered person’s names in the notices of hearing may result in the deprivation of the right to due process – notice and opportunity to be heard.

Finally, in light of the seventy-two (72) hour compliance period, the City further suggests adding language that would allow (but not necessarily require) affected government agencies to establish procedures or rules describing the method of delivery and the type of information necessary to ensure that protected personal information being redacted or cloaked is in fact of the covered person making the request. As an example, the real property tax office would need the tax map keys of all of the covered person’s real property, but the provision of a tax map key would not assist the motor vehicle and drivers’ licensing division in identifying the correct

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<sup>1</sup> The City’s real property tax information webpage, which can be accessed at <https://www.qpublic.net/hi/honolulu/search.html>, does not have a name search function. The general public may only search by tax map key or address. Taxpayers, the real estate, banking and mortgage industries utilize the City’s real property tax information webpage for tax appeals, real estate transactions and financing transactions, respectively.

The Honorable David A. Tarnas, Chair  
The Honorable Gregg Takayama, Vice-Chair  
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and Members of the Committee on Consumer Protection & Commerce  
February 14, 2024  
Page 3

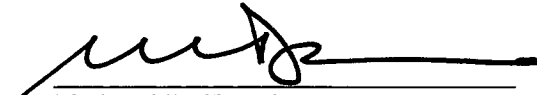
covered person or his/her family members. Furthermore, such procedures or rules may also require the covered person to update his or her records when circumstances change, such as a change in ownership of records, or name change (marriage or divorce).

Thank you for the opportunity to provide testimony, and for your attention to the City's concerns regarding HB 1916.

Sincerely,

  
Andrew T. Kawano  
Director

APPROVED:

  
Michael D. Formby  
Managing Director

Testimony to the Thirty-Second Legislature  
2024 Regular Session

**House Committee on Judiciary & Hawaiian Affairs**  
**House Committee on Consumer Protection & Commerce**

Hearing: **Thursday, February 15, 2024, 2:02 pm**

TO: **The Honorable David A. Tarnas, Chair, JHA**  
**The Honorable Gregg Takayama, Vice Chair, JHA**

**The Honorable Mark M Nakashima, Chair, CPC**  
**The Honorable Jackson D. Sayama, Vice Chair, CPC**

FROM: **Judge Esther Salas, U.S. District Judge for the District of New Jersey**

RE: **HB 1916**  
Relating to the Disclosure of Personal Information Associated with Certain  
Public Servants

On July 19, 2020, my life changed in an instant when a disgruntled lawyer with hate in his heart came to my house, rang the doorbell, and viciously took the life of my only child, Daniel. After shooting my son at close range, the shooter turned his gun on my husband, Mark Anderl, and attempted to take his life as well. Mark was shot three times and five different parts of his body were impacted by the bullets. In the days following our brutal attack, as Mark fought for his life in the I.C.U., the investigation revealed that the lawyer who killed my son and severely injured my husband had appeared before me in my capacity as a United States District Judge and was angry with me because of the way I was handling his case. Because my home address was readily available on the internet, this lawyer came to my home with a plan to assassinate me.

On the day of the shooting, the last words spoken to me by Daniel, as we cleaned up the basement from a celebration of his 20<sup>th</sup> birthday were, “Let’s keep talking; I love talking to you, Mom.” He was still glowing from a glorious weekend at home with the people he loved the most in life—his parents and closest friends. Just as he uttered those beautiful words, the doorbell rang, and Daniel raced up the stairs to meet his fate. Seconds later, as I stood alone in our basement, the vicious and callous acts by the gunman changed my life forever. Since that dreadful day, I have come face to face with the reality that my job as a United States District Court judge cost me the life of my beloved son, Daniel, and nearly cost me the life of my husband of twenty-nine years.

Judges are at risk. Better security is a matter of life and death for judges and their families. However, the importance of judicial security goes beyond the well-being of judges alone: it is essential for the well-being of our nation’s democracy as well. Judges must be

able to make decisions without fear of retribution, retaliation, or death. The government has a responsibility to protect all judges because our safety is foundational to our great democracy.

The ambush at my home was not the first instance in which a judicial officer was attacked simply for doing the job they swore to do. There have been several federal judges assassinated since 1979. And in 2005, United States District Judge Joan Lefkow of Chicago returned home to find her mother and husband killed by an angry litigant. Sadly, federal judges are not the only judges who face grave danger. State judges are similarly at risk. Last October, a state court judge in Maryland, Andrew Wilkinson, was fatally shot outside his home hours after awarding custody of the shooter's children to his estranged wife. In June of 2022, a retired state court judge in Wisconsin, John Roemer, was shot and killed in his home by a man whom the judge had sentenced 15 years earlier.

It is easy to find personal information about judges on the internet. Judges' addresses can be purchased online for just a few dollars, including photos of our homes and the license plates on our vehicles. In my case, the deranged gunman who took the life of my only son and gravely injured my husband was able to create a complete dossier of my life: he stalked my neighborhood, mapped my routes to work, had a list of Daniel's baseball games, and even knew the church our family belonged to. This free access to such personal information enabled this man to plot my assassination and tragically take the life of our only child.

In December of 2022, Congress passed and President Biden signed the Daniel Aderl Judicial Security and Privacy Act, named after my son, to bolster efforts to protect members of the federal judiciary and safeguard the personally identifiable information of federal judges and their immediate families. The law protects federal judges' personal identifying information, including home addresses, from resale by data brokers. It allows federal judges to redact personal information displayed on federal government internet sites and prevent publication of personal information by other businesses and individuals where there is no legitimate news media interest or matter of public concern.

However, there are still over 30,000 state and local judges who are not covered by the federal legislation. While several states have enacted laws to protect state and local judges, there are many states that have yet to enact legislation that would cover state and local judicial officers, as well as the federal judicial officers who sit in those states. States need to enact similar laws to protect information available in public records and to protect state court judges, who are not covered by the federal statute. State and municipal records are a primary source of information for data brokers, so state laws must be enacted to protect the information contained in those records. My home state of New Jersey, for example, passed what is known as "Daniel's Law," which prohibits the distribution of personal information, including home addresses and phone numbers, for judges, prosecutors, and law enforcement personnel.

I urge the enactment of similar legislation by the State of Hawaii.



House Committee on Judiciary & Hawaiian Affairs  
Honorable David A. Tarnas, Chair  
Honorable Gregg Takayama, Vice Chair

**RE: Testimony in Opposition to H.B. 1916, Relating to the Disclosure of  
Personal Information Associated with Certain Public Servants.**  
Hearing: February 15, 2024 at 2:02 p.m.

Dear Chair and Members of the Committee:

My name is Ben Creps. I am a staff attorney at the Public First Law Center, a nonprofit organization that promotes government transparency. Thank you for the opportunity to respectfully submit testimony **in opposition to** of H.B. 1916.

We respectfully suggest reworking this measure to focus it more on curbing the malicious public display of protected personal information and less on limiting public access to information. In this regard, a possible solution to address “doxing” (publishing private identifying information on the internet with the intent to cause harm), without interfering with legitimate access and use of government information, is simply to reduce or eliminate electronic access to certain records, while maintaining in-person access. This straightforward approach, one of “practical obscurity,” is already employed by some federal courts and could help strike the necessary balance between these competing interests.

We strongly support the intent to protect personal information from being used to harass or threaten individuals. This protection, however, should not be limited to just one elite class of individuals (high-level government officials), as proposed here. There are many individuals who face legitimate risks of doxing. This protection should also be narrowly tailored to apply only while the risk of harm exists – not the entirety of an individual’s life.

The biggest problem with this bill is the creation of a new exception to the public records law that has a significant potential for misuse. H.B. 1916 provides that broadly-defined “protected personal information” shall “be exempted from the provisions of chapter 92F[.]” Page 9, lines 2-6.

Existing law, however, already provides robust public records exemptions that address the intent of H.B. 1916 – including exemptions for privacy (including information that “if disclosed would create a substantial and demonstrable risk of physical harm to an individual”) and frustration of a legitimate government function. HRS § 92F-13(1) and -



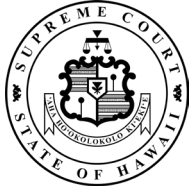
13(3); HRS § 92F-14(b)(10). In other words, protected personal information is *not* being disclosed through public record disclosures. *E.g.*, [https://techpolicy.sanford.duke.edu/wp-content/uploads/sites/4/2023/07/Sherman-Justin\\_WrittenTestimony\\_MA\\_Legislature.pdf](https://techpolicy.sanford.duke.edu/wp-content/uploads/sites/4/2023/07/Sherman-Justin_WrittenTestimony_MA_Legislature.pdf) (highlighting role of data brokers who scrape personal information from mobile apps and credit applications, as well as other commercially available people search services). We thus ask that all references to chapter 92F be removed.

Additionally, key terms are overly broad or undefined. For example, the definition of “protected personal information” is not narrowly tailored toward its legitimate purpose. It includes the identity of immediate family member’s employers. Mandatory judicial disclosures presently include, however, the identity of the partner and the partner’s employer. (An exemplar is attached.) This allows for public scrutiny of information needed to identify actual and perceived judicial conflicts of interest. The definition also includes the “direct telephone number to a covered person’s private office or chambers,” which creates practical problems for persons who have a legitimate need for this information (such as litigants, attorneys, and others interested in access to the courts). The same is true for the inclusion of “any property ownership records” pertaining to a home address, which, together with the limited exception for title companies, would make unavailable records necessary for a wide range of due diligence purposes.

As another example of overbreadth, “post or display” broadly includes “communicating to another” and is not limited to the public display of personal information on the Internet.

Thank you again for the opportunity to testify in opposition S.B. 1916.





SUPREME COURT CLERK'S OFFICE  
417 SOUTH KING STREET  
HONOLULU, HAWAII 96813-2912

FINANCIAL DISCLOSURE STATEMENT

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11-APR-2022  
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Before completing this form please read the instructions for Financial Disclosure Statement, including the text of Supreme Court Rule 15. REMINDER: For all items requiring a monetary amount, the following financial range codes SHOULD be used.

- A - Less than \$1,000
- At least \$1,000 but less than \$10,000
- C - At least \$10,000 but less than \$25,000
- D - At least \$25,000 but less than \$50,000
- E - At least \$50,000 but less than \$100,000
- F - At least \$100,000 but less than \$150,000
- G - At least \$150,000 but less than \$250,000
- H - At least \$250,000 but less than \$500,000
- I - At least \$500,000 but less than \$750,000
- J - At least \$750,000 but less than \$1,000,000
- K - \$1,000,000 or more

TO BE FILED BY ALL FULL TIME AND PER DIEM JUDGES.

(Type only)

NAME: <u>Ayabe</u>	NAME: <u>Bert</u>	NAME: <u>I</u>	NAME OF SPOUSE OR DOMESTIC PARTNER:
(LAST)	(FIRST)	(MIDDLE)	<u>Gail Ayabe</u>
OFFICE ADDRESS: <u>777 Punchbowl Street</u>			No. of Dependent Children
NUMBER, STREET			(Do not include names)
CITY OR TOWN: <u>Honolulu</u>	ZIP CODE: <u>96813</u>		<u>0</u>
JUDICIAL POSITION HELD	DATE OF APPOINTMENT	OFFICE PHONE	
<u>Circuit Court Judge</u>	<u>June 10, 2014</u>	<u>(808) 539-4580</u>	

CALENDAR YEAR COVERED BY THIS DISCLOSURE: 2021

ITEM RSCH 15(d)(1)	JUDICIAL COMPENSATION	ANNUAL INCOME <u>G</u>
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ITEM RSCH 15(d)(1)	JUDGE'S OTHER INCOME (if income for services rendered exceeds \$1,000)	
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EMPLOYER/LAW FIRM	BUSINESS ADDRESS	ANNUAL INCOME

ITEM RSCH 15(d)(1)	INCOME OF SPOUSE OR DOMESTIC PARTNER AND DEPENDENT CHILDREN (if income for services rendered exceeds \$1,000)	
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EMPLOYER	ANNUAL INCOME
<u>Goodsill Anderson Quinn &amp; Stifel</u>	<u>H</u>

ITEM 4 RSCH 15(d)(1)	AN OTHER INCOME, FOR SERVICES RENDERED, IN EXCESS OF \$1,000 - INCOME DISCLOSED IN ITEMS 1 - 3 NEED NOT BE REPEATED HERE		
	SOURCE	NATURE OF SERVICES RENDERED	AMOUNT

 Check here if entry is None

 Check here if you have attached additional sheets

ITEM 5 RSCH 15(d)(2)	EACH OWNERSHIP OR BENEFICIAL INTEREST, HELD IN ANY BUSINESS CARRYING ON BUSINESS IN THE STATE, HAVING A VALUE OF \$5,000 OR MORE OR EQUAL TO 10% OF THE OWNERSHIP OF THE BUSINESS			
	NAME OF BUSINESS	NATURE OF BUSINESS	NATURE OF INTEREST	ENTER AMOUNT OR NO. OF SHARES

 Check here if entry is None

 Check here if you have attached additional sheets

ITEM 6 RSCH 15(d)(2)	OWNERSHIP OR BENEFICIAL INTEREST UNDER ITEM 5 TRANSFERRED DURING THIS DISCLOSURE PERIOD		
	NAME OF BUSINESS	DATE OF TRANSFER	VALUE OF TRANSFER

 Check here if entry is None

 Check here if you have attached additional sheets

ITEM 7 RSCH 15(d)(3)	LIST EACH OFFICERSHIP, DIRECTORSHIP, TRUSTEESHIP OR OTHER FIDUCIARY RELATIONSHIP HELD IN ANY BUSINESS.		
	NAME OF BUSINESS	TITLE AND TERM OF OFFICE	COMPENSATION (enter amount or NONE)
	Goodsill Anderson Quinn & Stifel	Partner	None
	C&G Apartments	Partner	None

 Check here if entry is None

 Check here if you have attached additional sheets

ITEM 8 RSCH 15(d)(4)	LIST CREDITORS, OTHER THAN CREDIT CARD ACCOUNTS, TO WHOM MORE THAN \$3,000 WAS OWED DURING THE DISCLOSURE PERIOD LIST CREDIT CARD DE T THAT E CEEDED \$10,000 FOR SI MONTHS OR MORE		
NAME AND ADDRESS OF CREDITOR	ORIGINAL AMOUNT OWED	AMOUNT OWED AT END OF YEAR	

Check here if entry is None       Check here if you have attached additional sheets

ITEM 9 RSCH 15(d)(5)	REAL PROPERT IN THE STATE IN WHICH IS HELD AN INTEREST WITH A FAIR MARKET ALUE OF \$10,000 OR MORE		
POSTAL ZIP CODE OF LOCATION  96821  96814  96817	VALUE  K  K  J		

Check here if entry is None       Check here if you have attached additional sheets

ITEM 10 RSCH 15(d)(5)	REAL PROPERT , THE FAIR MARKET ALUE OF WHICH E CEEDS \$10,000 ACQUIRED DURING THE DISCLOSURE PERIOD			
POSTAL ZIP CODE OF LOCATION	NATURE OF INTEREST	NAME AND ADDRESS OF PERSON RECEIVING CONSIDERATION	CONSIDERATION GIVEN	

Check here if entry is None       Check here if you have attached additional sheets

ITEM 11 RSCH 15(d)(5)	REAL PROPERT , THE FAIR MARKET ALUE OF WHICH E CEEDS \$10,000, TRANSFERRED DURING THE DISCLOSURE PERIOD		
POSTAL ZIP CODE OF LOCATION	NAME AND ADDRESS OF PERSON FURNISHING CONSIDERATION		CONSIDERATION RECEIVED

Check here if entry is None       Check here if you have attached additional sheets

ITEM 12 RSCH 15(d)(6)	CREDITOR INTEREST IN INSOLVENT BUSINESS HAVING A VALUE OF \$5,000 OR MORE		
NAME OF BUSINESS	NATURE OF BUSINESS	NATURE OF INTEREST	VALUE

Check here if entry is None       Check here if you have attached additional sheets

ITEM 13 RSCH 15(d)(7); Rule 3-13 Revised Code of Judicial Conduct	GIFT(S) THAT MUST BE REPORTED UNDER RULE 3-13(c) OF THE HAWAIIAN REVISED CODE OF JUDICIAL CONDUCT		
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SOURCE	DESCRIPTION OF GIFT	ESTIMATED VALUE
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Check here if entry is None       Check here if you have attached additional sheets

ITEM 14 RSCH 15(d)(8) & 22(h)	FULL-TIME JUDGES' APPROVED JUDICIAL EDUCATION		
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I attended **2** hours of Approved Judicial Education during the reporting period

REMARKS:

See attached sheets

CERTIFICATION I hereby certify that the above is a true, correct, and complete statement

SIGNATURE /s/ /s/ Bert I. Ayabe

DATE: 4-11-2022

NOTE This filing is not valid without a signature

**Electronically Filed  
Supreme Court  
SCFD-11-0000179  
11-APR-2022  
10:54 AM  
Dkt. 27 ATTCH**

**Financial Disclosure Statement 2021**

Attachment(s)

Submitted by: Bert I. Ayabe

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## Exhibit A

Item 5

EACH OWNERSHIP OR BENEFICIAL INTEREST, HELD IN ANY BUSINESS CARRYING ON BUSINESS IN THE STATE, HAVING A VALUE OF \$5000 OR MORE OR EQUAL TO 10% OF THE OWNERSHIP FO THE BUSINESS

<u>Name of Business</u>	<u>Nature of Business</u>	<u>Nature of Interest</u>	<u>Enter amount or No. of shares</u>
C & G Apartments	Apartment Rental	Partner	50%
Boeing	Airlines	Stock	B
Cisco Systems	Technology	Stock	C
Johnson & Johnson	Pharmaceuticals	Stock	C
Microsoft Corp.	Technology	Stock	G
O'Reilly Automotive	Auto Parts Sale	Stock	B
Qualcomm Inc.	Technology	Stock	B
Tractor Supply Co.	Retail Sales	Stock	B



**HAWAII GOVERNMENT EMPLOYEES ASSOCIATION**  
AFSCME Local 152, AFL-CIO

**RANDY PERREIRA**, Executive Director • Tel: 808.543.0011 • Fax: 808.528.0922

The Thirty-Second Legislature, State of Hawaii  
The House of Representatives  
Committee on Judiciary and Hawaiian Affairs  
Committee on Consumer Protection and Commerce

Testimony by  
Hawaii Government Employees Association

February 15, 2024

H.B. 1916 — RELATING TO THE DISCLOSURE OF PERSONAL INFORMATION  
ASSOCIATED WITH CERTAIN PUBLIC SERVANTS

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO supports the purpose and intent of H.B. 1916 which prohibits government agencies, persons, and organizations from publicly disclosing the personal information of certain public servants and their families upon receiving a written request and establishes a misdemeanor offense for individuals who post personal information on the Internet in reckless disregard of the risk of harm to certain public servants and their families.

Today, public servants are faced with unnecessary scrutiny and harassment by the community for just doing their job. With the use of social media, personal and sensitive information can spread like wildfire on platforms/pages that attract thousands of viewers. A lot of public servants are already underpaid and overworked and at some point, may have to contend with physical, verbal, or cyber harassment. Not only do these negative actions effect their jobs, but also their personal lives – including their family and mental health. No human-being, let alone an average 'line-worker' should have their personal information blasted online without their consent or be physically harassed at their home for just earning a humble paycheck. It's inappropriate, unacceptable, and not right. We appreciate the intent of this measure because it protects the personal information of public servants. It also establishes penalties for bad actors who spread personal information online. We are optimistic that preventing the leakage of personal information will ease anxiety for public servants who fear that the nature of their job may result in unexpected personal attacks.

Thank you for the opportunity to provide testimony in support of H.B. 1916.

Respectfully submitted,

  
Randy Perreira  
Executive Director



**TESTIMONY**

House Committee on Judiciary & Hawaiian Affairs  
House Committee on Consumer Protection & Commerce  
**Hearing: Thursday, February 15, 2024 (2:02 p.m.)**

TO: Representative David A. Tarnas, Chair  
Representative Gregg Takayama, Vice Chair  
  
Representative Mark M. Nakashima, Chair  
Representative Jackson D. Sayama, Vice Chair

FROM: Jesse K. Souki, HSBA President

RE: HB 1916 – RELATING TO THE DISCLOSURE OF PERSONAL INFORMATION ASSOCIATED WITH CERTAIN PUBLIC SERVANTS

Chair Tarnas, Chair Nakashima and members of the House Committees on Judiciary & Hawaiian Affairs and Consumer Protection & Commerce:

The Hawaii State Bar Association (HSBA) appreciates the opportunity to offer testimony in **SUPPORT** of HB 1916. Hawaii’s judges and justices are among the active members of the HSBA. The safety of our members is of great importance to the HSBA. Their ability to administer justice fosters an independent judiciary that is necessary for ensuring the rule of law is respected. Providing for the safety of our judges and justices today will also encourage the next generation of lawyers to apply for these important positions.

In recent years, there has been a disturbing surge in acts of violence targeting judicial officers, elected officials, and their families across the nation, including incidents within the state of Hawaii. Startlingly, recent data reveals thousands of threats and inappropriate communications directed at judicial officers nationwide.

The escalating threats and safety concerns underscore the imperative to safeguard the personal residences and other personally identifying information of these public servants. It is crucial for the state to play a proactive role in ensuring the safety and unwavering commitment of these dedicated individuals who serve the public.

In light of these compelling reasons, the HSBA urges the committee to pass HB 1916, which aims to prohibit the public disclosure of personal information belonging to judicial officers, public servants, and their families, particularly when requested by such individuals. This legislative measure aligns with the paramount goal of preserving the safety of those who tirelessly dedicate themselves to public service.

Mahalo for your consideration.

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Testimony to the Thirty-Second Legislature  
2024 Regular Session  
House Committee on Judiciary and Hawaiian Affairs  
House Committee on Consumer Protection and Commerce  
Hearing: Thursday, February 15, 2024 (2:02 p.m.)

TO: The Hon. David A. Tarnas, Chair  
The Hon. Gregg Takayama, Vice Chair  
Members of the House Committee on Judiciary and Hawaiian Affairs  
The Hon. Mark M. Nakashima, Chair  
The Hon. Jackson D. Sayama, Vice Chair  
Members of the Committee on Consumer Protection and Commerce

FROM: American Judicature Society Ad Hoc Committee on Judicial Security

RE: HB1916  
Relating to the Disclosure of Personal Information Associated with Certain  
Public Servants

On behalf of the American Judicature Society (AJS) Ad Hoc Committee on Judicial Security, we write in strong support of HB1916.

HB1916 would protect certain personal information of public servants in the legislative, executive, and judicial branches. While the safety of every public servant is inarguably a worthwhile goal, our testimony today is focused on HB1916's protections for judges. It is the AJS's mission to secure and promote an independent and qualified judiciary and a fair system of justice. HB1916 helps to do all these things.

As the previous Legislature recognized, steps must be taken to protect our state's judges. HB1916 provides some of these long-overdue protections by prohibiting the unauthorized disclosure of judges' personal information—such as a home address or telephone number. Similar protections have already been adopted by Congress and numerous states nationwide. It is time for Hawai'i to do the same.

In recent years, federal and state court judges across the country have been barraged by a growing number of inappropriate communications and threats. The number of threats and inappropriate communications directed toward federal judges and other protected persons (including federal prosecutors and court officials) rose from 592 in 2003, to 4,511 in 2021. Between 2019 and 2022, the number of substantiated threats against federal judges rose from 178 to 311.

Here in Hawai'i, the trend is equally worrisome. The number of threats and inappropriate communications reported by state court judges more than quadrupled between 2017 and 2022. Since 2012, that number increased tenfold.

Just in December, it was reported that a woman broke into the home of a state court judge to serve on the judge a summons. Fortunately, there was no reported harm to the judge or the judge’s family.

The experiences of U.S. District Judge Susan Oki Mollway also illustrate the appalling threats that our judges face. More than ten years after Judge Mollway sentenced a man to twenty-seven months’ imprisonment, the man called Judge Mollway and threatened to assault her and to “blow [her] God [damn] brains out.” Luckily, the caller never acted on these threats.

The threats confronted by judges, however, are not always empty. Details of horrific attacks on judges have consumed recent headlines. Last October, a state court judge in Maryland was fatally shot outside his home hours after awarding custody of the suspected shooter’s children to his estranged wife. In June, a retired state court judge in Wisconsin was shot and killed in his home by a man whom the judge had sentenced more than fifteen years earlier. Finally, in July 2020, a man opened fire at the home of a federal district court judge in New Jersey after appearing in a case before the judge months earlier. During the shooting, the judge’s son was killed, and her husband was critically wounded.

Given the threats and attacks faced by judges, President Biden signed a law in December 2022—enacted with broad bipartisan support in both houses of Congress—protecting federal judges’ personal information from appearing online. But the law is limited to federal judges, and it does not apply to the posting of a judge’s personal information by state or local agencies. A growing number of states—including Delaware, Illinois, and New Jersey, to name a few—have enacted laws protecting their judges.

Currently, Hawai‘i law does not specifically protect judges’ personal information. Recognizing this void, in October 2023, the AJS issued a report encouraging the Legislature to introduce and enact a bill protecting judges’ personal information.<sup>1</sup> HB1916 builds upon the recommendations in the AJS report. HB1916 would restrict government and private entities from publishing the personal information of judges and other public servants. By protecting the personal information of Hawai‘i’s judges, HB1916 would buttress the proper functioning of the state’s judicial system.

As Chief Justice Recktenwald, Chief Judge Watson, and Judge Clifton stated in a recent piece in the Honolulu Star-Advertiser, “[o]ur system of government depends upon judges being able to administer justice based on the law and facts before them, without fear of harm to them or their families.” Rather than waiting for a tragic incident to lead our local news broadcasts, we should embrace this opportunity to protect our judges, our judicial system, and our democracy. HB1916 should be enacted.

Thank you for the opportunity to offer this testimony in strong support of HB1916.

American Judicature Society  
Ad Hoc Committee on Judicial Security

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<sup>1</sup> The AJS report is available at <https://americanjudicaturesociety.org/wp-content/uploads/2023/11/11.27.23-REVISED-AJS-Report-Protecting-Personal-Information-of-Hawaii-Judges.docx>.