
A BILL FOR AN ACT

RELATING TO DEFAMATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that defamation lawsuits
2 are sometimes brought against individuals who are making
3 truthful claims about sexual misconduct, which can be used to
4 silence victims. The threat of lawsuits may negatively impact
5 victims attempting to report sexual misconduct. Therefore,
6 providing additional protections to individuals who make
7 truthful claims about sexual misconduct will create safer
8 communities for Hawai'i's people.

9 Accordingly, the purpose of this Act is to protect
10 individuals making claims of sexual misconduct from defamation
11 lawsuits unless the claim is made with malice.

12 SECTION 2. Chapter 663, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§663- Defamation limited in cases of sexual assault,
16 sexual harassment, and sexual discrimination. (a) No



1 individual shall be liable in damages in any defamation action
2 for making a protected communication without malice.

3 (b) A prevailing defendant in any defamation action
4 brought against the defendant for making a protected
5 communication shall be entitled to reasonable attorney's fees
6 and costs.

7 (c) For the purposes of this section, "protected
8 communication" means factual information related to any incident
9 of sexual assault, sexual harassment, or sex discrimination,
10 experienced by the individual making the communication,
11 including but not limited to:

12 (1) Any discrimination on the basis of sex pursuant to
13 section 378-2;

14 (2) Any discrimination on the basis of sex pursuant to
15 section 515-3;

16 (3) Any sexual offenses included in part V of chapter 707;
17 and

18 (4) Any retaliation for reporting or opposing sexual
19 assault, sexual harassment, or sex discrimination."

20 SECTION 3. New statutory material is underscored.



1 SECTION 4. This Act shall take effect on July 1, 3000.



Report Title:

Defamation; Litigation; Sexual Misconduct; Immunity

Description:

Protects individuals who make claims of sexual assault, sexual harassment, or sex discrimination from defamation lawsuits unless the claims were made with malice. Effective 7/1/3000.
(HD1)

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