

STAND. COM. REP. NO.

2839

Honolulu, Hawaii

MAR 0 1 2024

RE: S.B. No. 2686
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B.
No. 2686 entitled:

"A BILL FOR AN ACT RELATING TO THE DISCLOSURE OF PERSONAL
INFORMATION OF CERTAIN PUBLIC SERVANTS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Exempt certain personal information of public servants from government records that are subject to disclosure under the State's Uniform Information Practices Act;
- (2) Establish within the State's Address Confidentiality Program protection for public servants that prohibits upon written request from the public servant or representative any person or organization from disclosing certain personal information; and
- (3) Establish the offense of unlawful publication of personal information that prohibits any person or organization from knowingly disclosing protected personal information of public officials with the intent to cause reputational harm, emotional injury, or bodily injury.



Your Committee received testimony in support of this measure from the Judiciary; Employees' Retirement System; Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; RELX Group; Hawaii State AFL-CIO; American Judicature Society; and one individual.

Your Committee received testimony in opposition to this measure from the Public First Law Center, Software and Information Industry Association, League of Women Voters of Hawaii, and TechNet.

Your Committee received comments on this measure from the Department of Law Enforcement, Department of Land and Natural Resources, Department of the Attorney General, Office of Information Practices, Department of Budget and Fiscal Services of the City and County of Honolulu, and Coalition for Sensible Public Records Access.

Your Committee finds that across the country, elected state and local officials, judges, election officials, school board officials, and others in decision-making positions that directly impact the public or an individual in other high-profile government positions have experienced an alarming increase in acts of violence, or attempts to engage in acts of violence, at their personal residence or the residence of a family member. In the past three years, two government officials and the family member of another were killed at their home. Additionally, federal judges and other court personnel were the targets of more than four thousand five hundred threats and other inappropriate communications in 2021, representing an increase of eighty-one percent from the number of threats in the fiscal year 2016. At the state level, the number of threats and other inappropriate communications to judges in the State have increased tenfold since 2012. This measure will prevent harm to public servants and their families by protecting their personal information from being used to threaten or harass those individuals.

Your Committee notes that your Committee intends that a representative of a covered public servant will include the covered public servant's employer. For example, the Judiciary may make a request on behalf of a judge if the judge authorizes it.

Your Committee has amended this measure by:



- (1) Deleting language that would have exempted certain personal information of public servants from government records that are subject to disclosure under the State's Uniform Information Practices Act;
- (2) Deleting language that would have defined "covered public servant" to mean:
 - (A) Any person employed or retired, appointed, or volunteering for the State or any of its political subdivisions or agencies;
 - (B) Members of boards and commissions who are appointed and confirmed pursuant to section 26-34, and other individuals including volunteers who are responsible for or assisting with government responsibilities; or
 - (C) Any active, formerly active, or retired justice of the United States Supreme Court, judge of the United States Court of Appeals, or judge or magistrate judge of the United States District Court or United States Bankruptcy Court, provided the person resides in the State;
- (3) Inserting language defining "covered public servant" to mean:
 - (A) The Governor;
 - (B) The Lieutenant Governor;
 - (C) The State Administrative Director appointed pursuant to section 26-3, Hawaii Revised Statutes;
 - (D) Any head of a state department established under section 26-4, Hawaii Revised Statutes;
 - (E) Any member of the Legislature;
 - (F) Any active, formerly active, or retired justice of the Hawaii Supreme Court; judge of the Hawaii



Intermediate Court of Appeals; judge of a Hawaii circuit court or circuit family court; judge of a Hawaii district court or district family court; or per diem judge of a Hawaii district court or district family court;

- (G) Any active, formerly active, or retired justice of the United States Supreme Court; judge of the United States Court of Appeals; judge or magistrate judge of the United States District Court; or judge of the United States Bankruptcy Court who resides in the State, formerly resided in the State while serving as a federal judge, or owns real property in the State;
 - (H) The Administrative Director of the courts;
 - (I) The Deputy Administrative Director of the courts;
 - (J) Any employee or volunteer of the Office of Elections; or
 - (K) Any person designated for good cause by the Governor, Chief Justice, Chairperson of the Office of Hawaiian Affairs, President of the Senate, or Speaker of the House of Representatives in the designator's respective body;
- (4) Amending section 1 to reflect its amended purpose; and
 - (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2686, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2686, S.D. 1, and be placed on the calendar for Third Reading.



Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



