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 and good-faith reporters attempting to report sexual
- 6 misconduct. Therefore, providing additional protections to
- 7 individuals who make truthful claims about sexual misconduct
- 8 will create safer 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 proven to be 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

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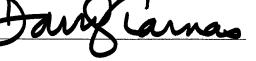
1	Individua	I shall be liable in damages in any defamation action
2	for makin	g a protected communication without malice.
3	(b)	A prevailing defendant in any defamation action
4	brought against the defendant for making a protected	
5	communication shall be entitled to reasonable attorneys' fees	
6	and 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 sexual discrimination,	
10	experienced by the person making the communication, including	
11	but not l	imited to:
12	(1)	Any sexual misconduct offenses included in part V of
13		chapter 707;
14	(2)	Any discrimination on the basis of sex pursuant to
15		section 378-2;
16	(3)	Any discrimination on the basis of sex pursuant to
17		section 515-3; and
18	(4)	Any retaliation for reporting or opposing sexual
19		assault, sexual harassment, or sexual discrimination."
20	SECT:	ION 3. New statutory material is underscored.

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

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INTRODUCED BY:



JAN 1 4 2025

H.B. NO. 148

Report Title:

Defamation; Litigation; Sexual Assault; Sexual Harassment; Sexual Discrimination; Immunity

Description:

Protects individuals who make claims of sexual misconduct from defamation lawsuits unless the claims were proven to be made with malice.

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