



February 25, 2026

Position: **SUPPORT** of **SB2448 SD1**, Relating to the Disclosure of Intimate Images

To: Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair
Members of the Senate Committee on Judiciary

From: Llasmin Chaîne, LSW, Executive Director, Hawaii State Commission on the Status of Women

Re: Testimony in **SUPPORT** of **SB2448 SD1**, Relating to the Disclosure of Intimate Images

Hearing: Thursday, February 26, 2026, 10:00 a.m.
Conference Room 016, State Capitol

The Hawaii State Commission on the Status of Women is dedicated to advancing gender equity and safeguarding the rights and dignity of all women and girls in Hawaii. **SB2448 SD1**, which enacts the Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act, **directly addresses the harm caused by nonconsensual sharing of intimate images, a serious issue that disproportionately affects women and undermines their safety, privacy, health and economic security.**

By establishing clear civil remedies for victims, this bill provides a necessary avenue for recourse and accountability outside of the criminal justice system. The unauthorized disclosure of intimate images can result in significant emotional distress, reputational damage, and barriers to employment and education. The proposed **legislation aligns with best practices** recognized nationally for empowering survivors, deterring future violations by clarifying legal remedies, and recognizing that civil remedies can provide more accessible and survivor-centered pathways to justice. The **civil framework proposed by this bill complements existing criminal statutes and supports a holistic response to technology-facilitated gender-based violence.**

The Commission respectfully encourages this Committee to **advance SB2448 SD1** and recommends ongoing review of the law's implementation to ensure continued alignment with evolving technology and community needs.

Thank you for this opportunity to submit testimony.



**Written Testimony by Elizabeth Kent
In Support of SB 2448, SD 1
Before the Committee on Judiciary
February 26, 2026, at 10:00 a.m.**

Aloha Chair Rhoads and Committee Members:

Thank you for the opportunity to express strong support for SB 2448, SD 1, which would enact the Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act. This bill is based on one drafted by the Uniform Law Commission (ULC), a non-partisan organization of volunteer attorneys appointed by their states. I serve as one of the ULC's commissioners from Hawaii.

This uniform act has been enacted in ten jurisdictions and introduced in four more this year. Enacting this bill would provide benefits for victims that do not exist under current Hawaii law.

SB 2448, SD 1. creates a civil cause of action for the unauthorized disclosure of an intimate image when (1) there is an intentional disclosure or threat to disclose a private intimate image of an identifiable individual without the consent of the depicted individual, (2) the person who is disclosing the image has the requisite awareness that the person did not consent to the disclosure, and (3) the disclosure harms the depicted individual. The disclosure of private images without consent and for no legitimate purpose can cause severe and irreversible harm; this cause of action would address that harm and provide for additional remedies.

SB 2448, SD 1 establishes clear remedies available to victims of unauthorized disclosures or threatened disclosures. Under SB 2448, SD 1, a prevailing plaintiff may recover:

1. The greater of:
 - a. Economic and noneconomic damages caused by the disclosure or threatened disclosure; or
 - b. Statutory damages of up to \$10,000 against each defendant found liable;
2. An amount equal to the monetary gain made by the defendant

from a disclosure; and

3. Punitive damages.

Under SB 2448, SD 1, the court may also provide reasonable attorney's fees and costs and injunctive relief. Exceptions are included in appropriate circumstances.

Section 4 of the bill provides limited exceptions for certain disclosures, including those made during law enforcement activity, legal proceedings, or medical treatment. There is also an exception for disclosures relating to matters of public concern or public interest.

Based on conversations with others who are interested in this bill, I suggest moving the definitions currently found in Section 3, at page 4, lines 1-11, to Section 2, which starts at page 1, line 10. This will make it easier for plaintiffs to navigate the court system and provide more clarity about what is necessary to prove a cause of action. As many of the victims may be pro se, this is especially important to consider.

Thank you for your consideration of SB 2448, SD 1, the Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act, and for the opportunity to express strong support for it. I hope Committee members will vote in favor of this bill.

Respectfully Submitted,

Elizabeth Kent
Uniform Law Commissioner, Hawaii



FEBRUARY 26, 2026

SENATE BILL 2448 SD1

CURRENT REFERRAL: JDC

808-679-7454

kris@imuaalliance.org

www.imuaalliance.org

@imuaalliance

Kris Coffield,
President

David Negaard,
Director

Mireille Ellsworth,
Director

Justin Salisbury,
Director

Eileen Roco,
Director

Beatrice DeRego,
Director

Corey Rosenlee,
Director

Amy Zhao,
*Policy and Partnerships
Strategist*

POSITION: SUPPORT

Imua Alliance supports SB 2448 SD1, relating to the disclosure of intimate images, which enacts the Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act.

Imua Alliance is a Hawai'i-based organization dedicated to ending sexual exploitation and gender violence. Increasingly, our services are being requested by survivors of image-based sexual abuse (IBSA), a growing problem facilitated by the exponential progression of technology and a key issue in battling modern-day exploitation.

IBSA is a widespread and deeply harmful phenomenon. According to a 2020 study in JAMA Network Open, approximately 1 in 5 adults in the U.S. reported having had a nude image shared without their consent, and among those, the majority experienced significant psychological distress. A 2023 report by the Cyber Civil Rights Initiative (CCRI) found that non-consensual pornography survivors experience elevated rates of anxiety, depression, PTSD, and suicidality, and many face practical harms such as job loss, educational disruption, and relationship breakups. These harms can persist indefinitely because sexually explicit images can circulate online without effective removal or accountability.

The National Center for Missing & Exploited Children (NCMEC) has documented dramatic increases in reports of child sexual abuse material (CSAM), much of which includes images originally created by minors or shared without consent. In 2023, NCMEC's CyberTipline received over 36 million reports of suspected child sexual abuse imagery, underscoring both the volume and severity of image-based abuse circulating online. Criminal law alone is often too slow or narrow to address these harms, especially for adult survivors, leaving many without meaningful recourse.

This proposal fills a critical gap by providing a civil cause of action. Survivors of IBSA often face barriers to criminal justice remedies: burden of proof, evidentiary hurdles, and limited prosecutorial resources. A civil remedy

complements criminal law by allowing survivors to pursue accountability, monetary damages, and injunctive relief, including expedited removal orders and prohibitions on further distribution. Civil actions also incentivize platforms and third parties to act responsibly and support removal and takedown efforts.

Civil remedies for IBSA have proven their impact elsewhere. States that have adopted civil remedies for IBSA report greater survivor satisfaction, increased compliance with removal requests, and measurable reductions in reposting and re-sharing of harmful content. Civil causes of action empower survivors to be proactive partners in their own protection, rather than reliant solely on reactive enforcement to obtain justice and restore their dignity.

Prioritizing civil remedies also reduces inequities in justice access. Survivors from marginalized communities—including LGBTQ+ people, women, and young adults—are statistically more likely to be targeted for non-consensual image distribution. According to research published by the Journal of Interpersonal Violence, women and gender minorities reported higher rates of online sexual victimization than men, and survivors with limited financial resources often cannot afford privacy, counseling, or legal assistance without a civil cause of action that can bring damages and attorneys' fees.

This bill sets reasonable procedural standards—including statutes of limitations calibrated to modern digital harms, protections for anonymous reporting, and safeguards against frivolous claims—while ensuring that survivors have the tools to protect their privacy.

With aloha,

Kris Coffield

President, Imua Alliance



Date: February 25, 2026

To: Sen Karl Rhoads, Chair
Sen Michael Gabbard, Vice Chair
Members of the Senate Judiciary Committee

From: Lynn Costales Matsuoka, Executive Director
The Sex Abuse Treatment Center
A Program of Kapi'olani Medical Center for Women & Children

RE: Testimony on SB 2448, SD1
Relating to Disclosure of Intimate Images

Hearing: February 26, 2026, Conference Room 016, 2pm

Good morning, Chair Rhoads, Vice Chair Gabbard, and Members of the Senate Judiciary Committee. Thank you for the opportunity for the Sex Abuse Treatment Center to provide testimony in on SB 2448, SD1 relating to the disclosure of intimate images.

The Sex Abuse Treatment Center supports the overall intention of the bill but submits comments on its unintended consequences that could impact survivors, as a uniform civil remedy law.

Our concerns lie primarily with the requirement that the intimate image is “private”. This element suggests that the image is not “private” if it was previously shared, and also suggests that the more it was shared, the less “private” the image is. This would allow a defendant to compel the plaintiff/victim to disclose all persons the image was shared with and the circumstances surrounding that. It openly invites scrutiny of the victim’s actions surrounding the sharing of the intimate image, versus the wrongful conduct of the offender/defendant.

The sharing of an intimate image does not make the image any less private and victims should not have to defend their actions, even if they did. Any victim should have the right to share their image, intimate or otherwise, with whomever they choose. This decision is personal and for them to make without question or judgment. To provide the defendant with the opportunity to attack that decision only serves to steer attention away from the defendant’s wrongful conduct and focus the attention on the plaintiff/victim **past** sharing of the image, in effort to disprove the image was private.

Similarly, under the criminal counterpart, Violation of Privacy under HRS 711-1110.9(1)(b) there is no requirement the image be “private”. It is enough that the nude image is disclosed without the victim’s consent and intended to cause harm. If the element of “private” is not required under the criminal laws, why would it be required of the plaintiff/victim under the civil remedies law?

Here, under the definition of “private” it specifically addresses the reasonable expectation of privacy a victim/plaintiff has in the image at the time of “creation” or when “obtained”. It does not include the time of disclosure or attempted disclosure, which is concerning. As we see it, a victim’s reasonable expectation of privacy in their intimate image should extend throughout the life of image, until such time as the victim is agreeable to its disclosure. In fact, the intent of the bill is meant to specifically address this. As written however, it appears the definition of privacy is limited to creation and obtained and unnecessarily includes that it (intimate image) be private. Again, the sharing of the image does not make it any less private for the victim and given that it is part of the plaintiff’s cause of action (case in chief), forecloses the opportunity to preclude introduction of plaintiff’s prior conduct surrounding the image into evidence. Discovery and the trial will undoubtedly focus on the plaintiff’s conduct, rather than the offender.

To avoid the potential for victim blaming, we recommend that sec 3(a)(2) be amended to “The depicted individual has a reasonable expectation of privacy in the intimate image”. (p 3, line 6)

Finally, we ask that consideration be given to the statute of limitations of 8 years, in SB 2448, SD1. We believe this is sufficient time from a plaintiff to bring action, but we also note the disparity in the time limitation for a sexual assault victim to bring suit against the offender under 657-7, which is 2 years. Here, a plaintiff/victim has 8 years to file suit from date of disclosure of an intimate image, and under 657-7, an adult victim of sexual assault has only 2 years to sue an offender. We know, two (2) years is hardly enough time for a victim to recover from the trauma of being sexually violated. We respectfully ask that we increase the time limitation for sexual assaults, under HRS 657-7 to match the time limitation for NDII.

For the reasons stated above, we respectfully support the intent of SB 2448, SD1 and ask for the recommended amendments or defer this bill for further consideration.

SB-2448-SD-1

Submitted on: 2/23/2026 8:53:25 PM

Testimony for JDC on 2/26/2026 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Ellen Godbey Carson	Individual	Support	Written Testimony Only

Comments:

I support this bill. I appreciate the Uniform Law Committee doing extensive work to prepare a bill to help protect our residents from unauthorized disclosure of intimate images. This allows civil liability to both provide a deterrent and a means of redress by those injured from this malicious conduct.

Dennis M. Dunn
(dennismdunn47@gmail.com)
Kailua, HI 96734

TO: **Senator Karl Rhoads, Chair**
Senator Mike Gabbard, Vice Chair
Senate Committee on Judiciary

RE: **Senate Bill 2448, S.D. 1, Relating to The Disclosure of Intimate Images**

HEARING: **Thursday, February 26, 2026, 10:00 a.m.**
Conference Room 016

Good morning, Chair Rhoads and Vice Chair Gabbard and members of Senate Committee on Judiciary. My name is Dennis Dunn, and I am the former Director of the Victim Witness Kokua Services in the Honolulu Prosecuting Attorney's Office, having retired at the end of 2022 after 44 years of service with the program. I am testifying today in **support of S.B. 2448 if it is amended**, This Bill proposes to enact the Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images, presumably designed to create targeted civil liability for those who distribute intimate images of other persons without the consent of the individual depicted in the images.

My comments and suggestions regarding S.B 2448, S.D. 1 are drawn from my nearly 50 years of experience as an advocate for crime victims, forty-four of which were as an employee of the Honolulu Prosecuting Attorney's Office, serving as Director of the Victim Witness Kokua Services from 1985 to 2022. During my tenure with the Prosecutor's Office, I was privileged to work with many survivors of a variety of sexual offenses. In addition to my advocacy role with these survivors, I have been honored to serve as the handler for Pono and Clover, courthouse facility dogs who provide comfort and support to crime victims during interviews and court proceedings. In my capacity as a handler, I have listened to numerous hours of victims' stories of the betrayal of trust of a friend or acquaintance who distributes intimate images of them without their permission. Like other sexually based offenses, the intense trauma caused by a victim's experience is heightened by the betrayal of the relationship and the knowledge that electronic images of this nature may last forever throughout the vast reaches of the internet. Shame, embarrassment, and fear are common emotions experienced by these victims due to these acts, which frequently last for many years, if not a lifetime.

While I support the creation of additional pathways for civil recovery for victims of the unauthorized disclosure of intimate images, I am deeply concerned about some of the current provisions of S.B. 2448, S.D. 1. My concern is primarily with the use of the term "private". This term suggests that the image is not "private" if it was previously shared, and implies that more it was shared, the less "private" the image is. The concern here is that this would allow a defendant to compel the plaintiff/victim to disclose all the individuals with whom the image was shared and potentially the circumstances of that "sharing". This may lead to intense scrutiny of the victims' actions surrounding the

sharing of an intimate image and not necessarily address the conduct for which this bill intended, which is the disclosure of the image(s) without the depicted person's consent.

The consensual sharing of an intimate image does not make an image any less private and victims should not have to defend their actions, even if they did. Any victim should have the right to share their image, intimate or otherwise, with whomever they choose. This decision is personal and for them to make without questions or judgment. Providing a civil defendant with the opportunity to scrutinize a victim's decision to voluntarily share images allows perpetrators to escape liability for their conduct by further intimidating and deterring victims from seeking civil redress for the unauthorized disclosure no matter how egregious. This provision is more onerous even than the requirements of the existing criminal statute, H.R.S. Section 711-1110.9, which makes no reference to the term "private", but only requires that the image is disclosed without consent and intended to cause harm. It makes no sense to have a more strenuous requirements for civil recovery than a criminal conviction. To me, the requirement of proving "privacy" required by this Bill is a significant problem that must be removed if this measure is to move forward.

In summary **I support S.B. 2448, S.D, 1, but only if the use of the term "private" is removed** from the Bill. Thank you for your time and consideration.