

---

---

## A BILL FOR AN ACT

RELATING TO UNLAWFUL INTERNET POSTING OF PERSONAL INFORMATION.

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

1 SECTION 1. Chapter 487J, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4 "§487J- Unlawful internet posting of sitting, full-time  
5 justice's or judge's home address, or personal telephone or  
6 cellular phone number. (a) No state or county agency shall  
7 post on the Internet the home address, or personal telephone or  
8 cellular phone number of a sitting, full-time justice or judge  
9 without first obtaining the written permission of that person.

10 (b) No person shall knowingly post on the Internet the  
11 home address, or personal telephone or cellular phone number of  
12 any sitting, full-time justice or judge, or the justice's or  
13 judge's residing spouse or child:

14 (1) Knowing that the individual whose information is  
15 posted is a sitting, full-time justice or judge, or  
16 the justice's or judge's residing spouse or child; and

17 (2) Intending to cause bodily injury to the individual.



## H.B. NO. 288

1 (c) A violation of subsection (a) or (b) is a misdemeanor.

2 (d) (1) No person, business, or association shall publicly  
3 post or publicly display on the Internet the home  
4 address, or personal telephone or cellular phone  
5 number of any sitting, full-time justice or judge if  
6 that official has made a written demand of that  
7 person, business, or association to not disclose the  
8 information;

9 (2) A written demand made under paragraph (1) by a  
10 sitting, full-time justice or judge shall be effective  
11 for four years, regardless of whether the justice's or  
12 judge's term has expired prior to the end of the four-  
13 year period;

14 (3) A person, business, or association that receives the  
15 written demand of a sitting, full-time justice or  
16 judge pursuant to paragraph (1):

17 (A) Shall remove the justice's or judge's home  
18 address, or personal telephone or cellular phone  
19 number from public display on the Internet,  
20 including information provided to cellular  
21 telephone applications, within forty-eight hours



## H.B. NO. 288

1           of delivery of the written demand, and shall  
2           continue to ensure that this information shall  
3           not be reposted on the same internet website,  
4           subsidiary site, or any other internet website  
5           maintained by the recipient of the written  
6           demand; and

7           (B) Shall not transfer the justice's or judge's home  
8           address, or personal telephone or cellular phone  
9           number to any other person, business, or  
10           association through any other medium; provided  
11           that this subparagraph shall not be deemed to  
12           prohibit a telecommunications carrier, as defined  
13           in section 269-1, or its affiliate, from  
14           transferring the justice's or judge's home  
15           address, or personal telephone or cellular phone  
16           number to any person, business, or association,  
17           if the transfer is authorized by federal or state  
18           law, regulation, order, or tariff, or necessary  
19           in an emergency, or to collect a debt owed by the  
20           justice or judge to the telephone carrier or its  
21           affiliate;



## H.B. NO. 288

1       (4) For the purposes of this subsection, "publicly post"  
2       or "publicly display" means to intentionally  
3       communicate or otherwise make information available to  
4       the general public;

5       (5) A sitting, full-time justice or judge whose home  
6       address, or personal telephone or cellular phone  
7       number is made public as a result of a violation of  
8       this subsection may bring an action seeking injunctive  
9       or declaratory relief. If a court finds that a  
10       violation has occurred, it may grant injunctive or  
11       declaratory relief and shall award the justice or  
12       judge court costs and reasonable attorney's fees; and

13       (6) A sitting, full-time justice or judge may designate in  
14       writing the justice's or judge's employer, a related  
15       governmental entity, or any other individual or entity  
16       to act, on behalf of the justice or judge, as that  
17       person's agent with regard to making a written demand  
18       pursuant to this subsection.

19       (e) An interactive computer service or access software  
20       provider, as defined in 47 United States Code section 230(f)  
21       shall not be liable under this section unless the service or



# H.B. NO. 288

1 provider intends to cause bodily injury to a sitting, full-time  
2 justice or judge.

3 (f) Nothing in this section is intended to preclude civil  
4 or criminal liability or relief under any other provision of  
5 law."

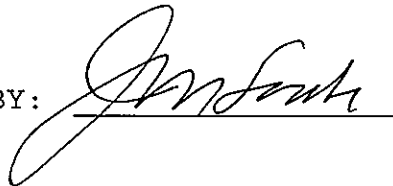
6 SECTION 2. This Act does not affect rights and duties that  
7 matured, penalties that were incurred, and proceedings that were  
8 begun before its effective date.

9 SECTION 3. New statutory material is underscored.

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

11

INTRODUCED BY: \_\_\_\_\_



**By Request**

JAN 22 2015



# H.B. NO. 288

**Report Title:**

Judiciary Package; Internet Posting of Personal Information

**Description:**

Regulates internet posting of sitting, full-time justices' or judges' home addresses and personal telephone and cellular phone numbers.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

