



GOV. MSG. NO. 1288

EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

July 3, 2024

The Honorable Ronald D. Kouchi
President of the Senate,
and Members of the Senate
Thirty-Second State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki
Speaker, and Members of the
House of Representatives
Thirty-Second State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 3, 2024, the following bill was signed into law:

HB1916 HD1 SD1 CD1

RELATING TO THE DISCLOSURE OF
PERSONAL INFORMATION ASSOCIATED
WITH CERTAIN PUBLIC SERVANTS.
ACT 187

Sincerely,

Josh Green, M.D.
Governor, State of Hawai'i

on JUL 3 2024

HOUSE OF REPRESENTATIVES
THIRTY-SECOND LEGISLATURE, 2024
STATE OF HAWAII

H.B. NO. 1916
H.D. 1
S.D. 1
C.D. 1

A BILL FOR AN ACT

RELATING TO THE DISCLOSURE OF PERSONAL INFORMATION ASSOCIATED
WITH CERTAIN PUBLIC SERVANTS.

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

1 SECTION 1. The legislature finds that across the country,
2 elected state and local officials, judges, election officials,
3 school board officials, and other public servants in decision-
4 making positions that directly impact the public or an
5 individual have experienced an alarming increase in acts of
6 violence, or attempts to engage in acts of violence, at their
7 personal residence or the residence of a family member. In the
8 past three years, two government officials and the family member
9 of another were killed at their home. Most recently, in October
10 2023, Maryland Judge Andrew Wilkinson was shot and killed in his
11 driveway by a litigant in a case pending before him. Earlier
12 that year, in February 2023, New Jersey Councilwoman Eunice
13 Dwumfour was shot and killed outside her home. In July 2020,
14 United States District Court Judge Esther Salas' son, Daniel
15 Anderl, was shot and killed in their family home in New Jersey
16 by an attorney who had appeared before the judge. In October



1 2022, Paul Pelosi, Speaker of the United States House of
2 Representatives Nancy Pelosi's spouse, was brutally assaulted in
3 the couple's home, resulting in hospitalization and surgery due
4 to a skull fracture received during the altercation. In October
5 2020, the United States Federal Bureau of Investigation thwarted
6 a group that was planning to kidnap the governor of Michigan,
7 Gretchen Whitmer, and ultimately nine individuals were convicted
8 or pled guilty in the prosecution that ensued.

9 The legislature also finds that a 2021 study titled "On the
10 Frontlines of Today's Cities: Trauma, Challenges and Solutions"
11 by the National League of Cities found that eighty-one per cent
12 of local public officials surveyed said they had experienced
13 harassment, threats, or violence in recent years. In addition
14 to having their safety and well-being threatened, the report
15 found that harassment and violent behavior interrupted local
16 officials' ability to do their jobs and led to the loss of
17 institutional knowledge due to resignations. Other public
18 servants, including local election officials, have also
19 experienced increased threats and harassment. According to a
20 Brennan Center for Justice April 2023 survey of over ten
21 thousand local election officials across the country, thirty per



1 cent reported being threatened, harassed, or abused. More than
2 half reported that the threats were in person. Seventy-three
3 per cent believed that threats against election officials have
4 increased recently.

5 The legislature also finds that data gathered by the
6 federal and state courts illustrates that the trend of threats
7 and inappropriate communications against public officials is
8 increasing. Federal judges and other court personnel were the
9 targets of more than four thousand five hundred threats and
10 other inappropriate communications in 2021, according to the
11 United States Marshals Service. This represents an increase of
12 eighty-one per cent from the number of threats in fiscal year
13 2016, just five years prior, and a two hundred thirty-three per
14 cent increase in threats since fiscal year 2008. At the state
15 level, the number of threats and other inappropriate
16 communications to Hawai'i judges have increased tenfold since
17 2012. A recent Marshals Service audit found that federal
18 judges' safety is at greater risk when they are away from the
19 courthouse. This statement is borne out by incidents involving
20 attacks against both federal and state judges at their
21 residences, which have resulted in the deaths of or serious



1 injuries to judges and their family members. In multiple cases,
2 the attacker or would-be attacker used the Internet to access
3 judges' personal information. The legislature notes that Act
4 46, Session Laws of Hawaii 2022, which established a judicial
5 security task force, was passed in recognition of the need for
6 additional measures to ensure the safety of judges in Hawai'i.
7 The task force recommended that legislation to protect personal
8 information be enacted.

9 Accordingly, the purpose of this Act is to prohibit
10 government agencies, persons, and organizations from making
11 publicly available on the Internet the protected personal
12 information of certain public servants, upon written request
13 from the public servant or their representative. This Act is
14 not intended to restrict public access to government records
15 upon request as provided by chapter 92F, Hawaii Revised
16 Statutes, or as otherwise provided by law, so long as the means
17 of access does not involve making protected personal information
18 publicly available on the Internet. In addition, this Act is
19 not intended to restrain a public servant from independently
20 making public their own personal information.



1 SECTION 2. The Hawaii Revised Statutes is amended by
2 adding a new chapter to be appropriately designated and to read
3 as follows:

4 "CHAPTER
5 RESTRICTIONS ON PUBLICATION OF CERTAIN PUBLIC SERVANTS' PERSONAL
6 INFORMATION

7 § -1 Definitions. For purposes of this chapter:

8 "Covered public servant" means:

- 9 (1) The governor;
- 10 (2) The lieutenant governor;
- 11 (3) The administrative director appointed pursuant to
12 section 26-3;
- 13 (4) Any head of a department established under section 26-
14 4;
- 15 (5) Any member of the legislature;
- 16 (6) Any active, formerly active, or retired:
 - 17 (A) Justice of the Hawaii supreme court;
 - 18 (B) Judge of the Hawaii intermediate appellate court;
 - 19 (C) Judge of a Hawaii circuit court or circuit family
20 court;



- 1 (D) Judge of a Hawaii district court or district
- 2 family court; or
- 3 (E) Per diem judge of a Hawaii district court or
- 4 district family court;
- 5 (7) Any active, formerly active, or retired:
- 6 (A) Justice of the United States Supreme Court;
- 7 (B) Judge of the United States Court of Appeals;
- 8 (C) Judge or magistrate judge of the United States
- 9 District Court; or
- 10 (D) Judge of the United States Bankruptcy Court,
- 11 who resides in the State, formerly resided in the
- 12 State while serving as a federal judge, or owns real
- 13 property in the State;
- 14 (8) The administrative director of the courts;
- 15 (9) The deputy administrative director of the courts;
- 16 (10) Any employee or volunteer of the office of elections;
- 17 or
- 18 (11) Any person designated for good cause by the governor,
- 19 president of the senate, speaker of the house of
- 20 representatives, chief justice, chief judge of the
- 21 United States District Court for the District of



1 Hawaii, or chairperson of the office of Hawaiian
2 affairs in the designator's respective body.

3 "Family" means spouses or reciprocal beneficiaries, former
4 spouses or former reciprocal beneficiaries, persons who have a
5 child in common, parents, children, persons related by
6 consanguinity, and persons jointly residing or formerly residing
7 in the same dwelling unit.

8 "Government agency" means any:

- 9 (1) Unit of government in the State, any county, or any
10 combination of counties;
- 11 (2) Department;
- 12 (3) Institution;
- 13 (4) Board;
- 14 (5) Commission;
- 15 (6) District;
- 16 (7) Council;
- 17 (8) Bureau;
- 18 (9) Office;
- 19 (10) Governing authority;
- 20 (11) Instrumentality of state or county government; or
- 21 (12) Corporation or other establishment,



1 owned, operated, or managed by or on behalf of the State or any
2 county, but does not include the nonadministrative functions of
3 the courts of the State.

4 "Home" means a permanent residence and any secondary
5 residences affirmatively identified by the covered public
6 servant but does not include a work address or investment
7 property.

8 "Organization" means an association or entity including a
9 charitable, religious, or nonprofit organization; for-profit
10 organization; or business entity, formed for a specific purpose.

11 "Protected personal information" includes:

12 (1) A home address, directions to a home, photograph of a
13 home that legibly displays the address or otherwise
14 identifies the location, and any property ownership
15 information;

16 (2) Contact information, including but not limited to a
17 home telephone number, cellular phone number, direct
18 work telephone number, and personal electronic mail
19 address;

20 (3) A photograph of a vehicle that legibly displays the
21 vehicle license plate number;



- 1 (4) The names and locations of schools and day care
- 2 facilities attended by the children of the covered
- 3 public servant;
- 4 (5) The identity of children of the covered public servant
- 5 that are under the age of eighteen;
- 6 (6) Voter registration information;
- 7 (7) The contents of any application for absentee voter
- 8 ballots;
- 9 (8) The covered public servant's name and residential
- 10 address contained in property tax records; and
- 11 (9) The name and address of the employer of a covered
- 12 public servant's family member.

13 § -2 **Publication of public servants' personal**
14 **information; restrictions.** Except as otherwise provided in
15 section -6, upon receipt of a written request from a covered
16 public servant, a government agency, person, or organization
17 shall not make publicly available on the Internet the protected
18 personal information of the covered public servant and their
19 family. After receiving a written request, the government
20 agency, person, or organization shall remove the protected
21 personal information from the Internet within three business



1 days by ensuring that the protected personal information is not
2 made publicly available on any website, social media, or social
3 network controlled by that government agency, person, or
4 organization.

5 § -3 **Written requests.** (a) Except as provided in
6 subsection (b), a written request pursuant to this chapter shall
7 be valid if the covered public servant or representative of the
8 covered public servant's employer submits a request in writing
9 directly to a person or organization; provided that the covered
10 public servant has given written consent to the representative.

11 (b) A written request to a government agency shall only be
12 valid if the request:

13 (1) Is made by the executive or administrative head of the
14 department where the covered public servant is or was
15 employed; provided that in the case of the judiciary,
16 the written request under this section shall be made
17 by the administrative director of the courts, and in
18 the case of federal courts, the written request under
19 this section shall be made by the clerk of court for
20 the United States District Court for the District of
21 Hawaii;



- 1 (2) Expressly identifies the specific government record
2 with the protected personal information that is
3 publicly available on the Internet and includes, where
4 applicable, the government agency's indexed document
5 number;
- 6 (3) Requests the government agency to remove the record
7 with the protected personal information from being
8 publicly available on the Internet; and
- 9 (4) For any new or previously identified government record
10 subject to this chapter, is made no more than once a
11 month, and includes all the covered public servants of
12 the subject department in a single request; provided
13 that a written request may be submitted at any time
14 under exigent circumstances based on a threat to the
15 covered public servant or the covered public servant's
16 family as determined by the subject department
17 executive or administrative head submitting the
18 request.
- 19 (c) A written request shall be valid until:
- 20 (1) The covered public servant provides the government
21 agency, person, or organization with written



1 permission to release the protected personal
2 information; or

3 (2) The covered public servant's death.

4 § -4 **Extension of time to respond to written request.** A
5 government agency, person, or organization that receives a valid
6 written request and requires additional time to comply with the
7 written request may extend the deadline to comply with the
8 written request. The extension shall be made by providing a
9 written acknowledgement to the requestor within three business
10 days. The extension of time to comply with the written request
11 may be extended for up to an additional ten business days from
12 the date the written acknowledgement is transmitted.

13 § -5 **Civil remedies.** (a) If a person or organization
14 violates this chapter, the covered public servant or their
15 family member whose protected personal information is made
16 public as a result of the violation may bring an action seeking
17 injunctive or declaratory relief in the circuit court. If the
18 court grants injunctive or declaratory relief, the person or
19 organization responsible for the violation shall be required to
20 pay the costs and reasonable attorney's fees of the covered
21 public servant or their family member.



1 (b) If a government agency violates this chapter, the
2 covered public servant or their family member whose protected
3 personal information is made public as a result of the violation
4 may bring an action seeking injunctive or declaratory relief in
5 the circuit court. No costs or fees shall be awarded.

6 § -6 **Exceptions.** This chapter shall not apply to:

- 7 (1) Protected personal information that the covered public
8 servant or their family member voluntarily publishes
9 on the Internet after the effective date of this
10 chapter;
- 11 (2) Records pertaining to property presumed abandoned
12 pursuant to chapter 523A, the Uniform Unclaimed
13 Property Act;
- 14 (3) Information subject to disclosure pursuant to a court
15 order;
- 16 (4) Filings made pursuant to chapter 490, the Uniform
17 Commercial Code, and recorded judgments;
- 18 (5) Copies of recorded instruments affecting title to real
19 property or property tax records that contain
20 protected personal information that are provided by
21 the bureau of conveyances or another government agency



1 to a title insurer as defined in section 431:20-102,
2 underwritten title company as defined in section
3 431:20-102, licensed title insurance producer under
4 article 9A of chapter 431, or title plant company that
5 has requested to access the record in its ordinary
6 course of business, or are provided by such
7 organization to a government agency for government
8 purposes;

9 (6) Records a government agency provides to any other
10 government entity; provided that the record shall not
11 be made publicly available on the Internet;

12 (7) Information that is relevant to and displayed as part
13 of a news story, commentary, editorial, or other
14 speech on a matter of public concern;

15 (8) The furnishing of consumer reports by a consumer
16 reporting agency protected by and subject to the Fair
17 Credit Reporting Act, title 15 United States Code
18 section 1681 et seq.;

19 (9) The disclosure of nonpublic personal information
20 protected by and subject to the Gramm-Leach-Bliley



1 Act, title 15 United States Code section 6801 et seq.
2 (Public Law 106-102);

3 (10) The disclosure of information regulated by the Health
4 Insurance Portability and Accountability Act, title 42
5 United States Code section 1320d et seq.;

6 (11) The disclosure of information subject to the Driver's
7 Privacy Protection Act, title 18 United States Code
8 section 2721 et seq.; and

9 (12) The publication of a notice, including a notice of an
10 administrative hearing or appeal, that is required by
11 law.

12 § -7 **Rules.** Any government agency may adopt, amend, or
13 repeal rules pursuant to chapter 91 as the agency deems
14 necessary to implement this chapter.

15 § -8 **Government records.** This chapter shall not be
16 construed to alter rights to access government records under
17 chapter 92F or as otherwise provided by law; provided that a
18 government agency that receives a valid written request under
19 this chapter shall not make protected personal information
20 publicly available on the Internet when disclosing the
21 government records."

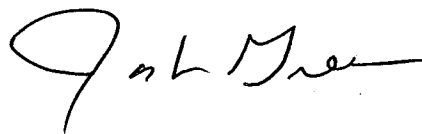


1 SECTION 3. If any provision of this Act, or the
2 application thereof to any person or circumstance, is held
3 invalid, the invalidity does not affect other provisions or
4 applications of the Act that can be given effect without the
5 invalid provision or application, and to this end the provisions
6 of this Act are severable.

7 SECTION 4. This Act does not affect rights and duties that
8 matured, penalties that were incurred, and proceedings that were
9 begun before its effective date.

10 SECTION 5. This Act shall take effect on October 1, 2024.

APPROVED this 3rd day of July, 2024



GOVERNOR OF THE STATE OF HAWAII



HB No. 1916, HD 1, SD 1, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 1, 2024
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2024.



Scott K. Saiki
Speaker
House of Representatives

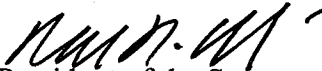



Brian L. Takeshita
Chief Clerk
House of Representatives

THE SENATE OF THE STATE OF HAWAI'I

Date: May 1, 2024
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2024.


President of the Senate


Clerk of the Senate