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**THE HONORABLE BRIAN T. TANIGUCHI, CHAIR
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SENATE COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS**

**TWENTY-FIFTH STATE LEGISLATURE
REGULAR SESSION OF 2009**

April 2, 2009

RE: HOUSE BILL 615, H.D. 1, S.D. 1; RELATING TO HARASSMENT

Good morning Chair Taniguchi and members of the Judiciary and Government Operations Committee, the Department of the Prosecuting Attorney provides the following testimony **in support of H.B. 615, H.D. 1, S.D. 1**, which proposes to amend H.R.S. Section 711-1106 to include "any form of electronic communication, as defined in (H.R.S.) SECTION 711-1111(2)" under the offense of Harassment .

Our Department is very familiar with the issue that H.B. 615, H.D. 1, S.D. 1 is attempting to address, that the methods of communication used by criminals to harass our citizenry is constantly expanding in this age of quickly evolving technology. Our statutes, including Harassment, instantly becomes outdated as innovative harassers utilize every type of technology imaginable to torment their victims. Act 83 of Session Laws 2004 made statutory amendments to the existing privacy law in order to prohibit the inappropriate use of new digital technologies, such as cellular phones, that are capable of taking digital photographs and transmitting those images [House Standing Committee Report No. 826-04, Conference Committee Report No. 43-04]. We believe that using this existing statutory definition will effectively close a similar gap in our Harassment statute and allow us to adequately respond to those criminals whose use of technology seems to have leapfrogged ahead of us in recent years. Hopefully this proposal can begin to restore the confidence of the public in the ability of our Penal Code to address today's technologically adept criminals.

In conclusion, we urge you to support H.B. 615, H.D. 1, S.D. 1. Thank you for your time and consideration.