

MAR 13 2008

SENATE CONCURRENT RESOLUTION

REQUESTING THE ATTORNEY GENERAL TO EXAMINE THE PREVALENCE OF
USING SHORT MESSAGE SERVICES (SMS) SUCH AS TEXT MESSAGING,
INSTANT MESSAGING, AND SPAM VIA CELL PHONES TO BULLY,
STALK, HARASS, AND OTHERWISE THREATEN OTHERS.

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2 WHEREAS, there was an Aiea/Pearl City town meeting on
3 February 20, 2008, to discuss cyber-bullying and cyber-threats;
4 and

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6 WHEREAS, during this town meeting persons expressed concern
7 with the emergence of cell phones as devices used to stalk,
8 harass, and abuse others via text messaging and other SMS
9 functions; and

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11 WHEREAS, electronic bullying nationwide is on the rise as
12 more persons have cell phones with the capability of sending and
13 receiving SMS or text messaging, instant messaging, and spam;
14 and

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16 WHEREAS, cyberstalking, threatening behavior, or unwanted
17 advances directed at another using the Internet, computer
18 communications and other forms of online computer
19 communications, is expanding to include cell phones as a vehicle
20 for threats; and

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22 WHEREAS, a recent study conducted by Teenage Research
23 Unlimited found that in the United States "sixty-three per cent
24 of teenagers ages thirteen to eighteen believe that using common
25 technological devices to threaten physical harm is a serious
26 problem"; and

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28 WHEREAS, that same study further found that approximately
29 ten per cent of these teenagers claim that they have been
30 threatened physically via e-mail, Instant Messenger, text
31 message, chat, or other technological means; and



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2 WHEREAS, a survey commissioned by NCH, a children's charity
3 that was founded in 1869 in the United Kingdom and known for
4 many years as the National Children's Home, found that "one in
5 four children in the United Kingdom have been bullied or
6 threatened through their mobile phone or computer"; and
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8 WHEREAS, the NCH survey indicated that mobile phones appear
9 to be the most common medium for bullying with sixteen per cent
10 of young people saying they had received bullying or threatening
11 text messages, followed by seven per cent who had been harassed
12 in internet chat rooms, and four per cent by e-mail; now,
13 therefore,
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15 BE IT RESOLVED by the Senate of the Twenty-fourth
16 Legislature of the State of Hawaii, Regular Session of 2008, the
17 House of Representatives concurring, that the Department of the
18 Attorney General is requested to examine the emergence of cell
19 phone SMS stalking and bullying in Hawaii; and
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21 BE IT FURTHER RESOLVED that the Department of the Attorney
22 General is further requested to:
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- 24 (1) Collect existing information and data on the incidence
25 rate of cell phone SMS bullying and stalking in
26 Hawaii, especially as may be available on children and
27 teens;
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29 (2) Research and compile a list of state and national laws
30 in existence that address this emerging problem and
31 allow for punitive measures to be taken against the
32 bully or stalker; and
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34 (3) Provide a summary overview of trends and laws in other
35 countries that address cell phone SMS bullying and
36 stalking; and
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38 BE IT FURTHER RESOLVED that the Department of the Attorney
39 General is requested to submit a report on its findings and
40 recommendations to the Legislature no later than twenty days
41 prior to the Regular Session of 2009 on the results of their
42 examination of SMS stalking and bullying in Hawaii and any
43 recommendations for amendments or additions to Hawaii law that



1 may be necessary to deter and punish cell phone SMS bullies and
2 stalkers; and

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4 BE IT FURTHER RESOLVED that a certified copy of this
5 Concurrent Resolution be transmitted to the Attorney General.
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