

JAN 17 2008

A BILL FOR AN ACT

RELATING TO DISORDERLY CONDUCT.

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

1 SECTION 1. Section 711-1101, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§711-1101 **Disorderly conduct.** (1) A person commits the
4 offense of disorderly conduct if, with intent to cause physical
5 inconvenience or alarm by a member or members of the public, or
6 recklessly creating a risk thereof, the person:

7 (a) Engages in fighting or threatening, or in violent or
8 tumultuous behavior; [~~or~~]

9 (b) Makes unreasonable noise; [~~or~~]

10 (c) Subjects another person to offensively coarse behavior
11 or abusive language which is likely to provoke a
12 violent response; [~~or~~]

13 (d) Creates a hazardous or physically offensive condition
14 by any act [~~which~~] that is not performed under any
15 authorized license or permit; [~~or~~]



1 (e) Impedes or obstructs, for the purpose of begging or
2 soliciting alms, any person in any public place or in
3 any place open to the public[-]; or

4 (f) Performs in person, or plays by recording, violent
5 music in a public place, as defined in section
6 711-1111.

7 (2) Noise is unreasonable, within the meaning of
8 subsection (1)(b), if considering the nature and purpose of the
9 person's conduct and the circumstances known to the person,
10 including the nature of the location and the time of the day or
11 night, the person's conduct involves a gross deviation from the
12 standard of conduct that a law-abiding citizen would follow in
13 the same situation; or the failure to heed the admonition of a
14 police officer that the noise is unreasonable and should be
15 stopped or reduced.

16 The renter, resident, or owner-occupant of the premises who
17 knowingly or negligently consents to unreasonable noise on the
18 premises shall be guilty of a noise violation.

19 (3) Music is violent within the meaning of subsection
20 (1)(f), if a song contains violent lyrics that increase
21 aggression-related thoughts and emotions that can influence
22 perceptions of ongoing social interactions, coloring them with



1 an aggressive tint. Music is violent if such aggression-biased
2 interpretations of the music's lyrics can, in turn, instigate a
3 more aggressive response, whether verbal or physical or both,
4 than would have been evoked in a nonbiased state, thus provoking
5 an aggressive escalatory spiral of antisocial exchanges.

6 [~~3~~] (4) Disorderly conduct is a petty misdemeanor if it
7 is the defendant's intention to cause substantial harm or
8 serious inconvenience, or if the defendant persists in
9 disorderly conduct after reasonable warning or request to
10 desist. Otherwise disorderly conduct is a violation."

11 SECTION 2. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 3. This Act shall take effect upon its approval.

14

INTRODUCED BY:



By Request



Report Title:

Penal Code; Disorderly Conduct; Music

Description:

Clarifies disorderly conduct offense to include music containing lyrics that is played to incite violent activity.

