

JAN 18 2008

A BILL FOR AN ACT

RELATING TO CRIME.

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

1 SECTION 1. Chapter 711, Hawaii Revised Statutes, is
2 amended by adding two new sections to be appropriately
3 designated and to read as follows:

4 "§711- Harassment by disruptive threats. (1) A person
5 commits the offense of harassment by disruptive threats if the
6 person:

7 (a) Wilfully posts a message or writing through the use of
8 any medium of communication, including an electronic
9 communication device, with the intent to harass,
10 annoy, intimidate, terrorize, frighten, or cause
11 mental, emotional, or physical distress to another
12 person, or with the intent to disrupt the orderly
13 conduct of any institution such as a school or
14 business; or

15 (b) Wilfully posts a message or writing through the use of
16 any medium of communication, including an electronic
17 communication device, and knows or should reasonably



1 know that posting the message or writing would cause
2 another person to be frightened or to suffer mental,
3 emotional, or physical distress, or would disrupt the
4 orderly conduct of any institution such as a school or
5 business.

6 (2) For the purposes of this section:

7 "Electronic communication" shall have the same meaning as
8 provided in section 2510(12) of title 18 of the United States
9 Code.

10 "Electronic communication device" includes, but is not
11 limited to, telephones, cellular or digital mobile phones,
12 computers, video recorders, fax machines, or pagers.

13 (3) Harassment by disruptive threats is a misdemeanor and
14 shall be punishable by a fine of not more than \$2,000, or a term
15 of imprisonment not to exceed one year, or both.

16 §711- Remote harassment. (1) A person commits the
17 offense of remote harassment if the person, with the intent to
18 annoy, harass, intimidate, terrorize, or cause mental,
19 emotional, or physical distress to another person, wilfully
20 posts a writing or message of any type, including but not
21 limited to advertisements or solicitations, through the use of



1 any medium of communication, including an electronic
2 communication device, and if:

3 (a) The person knows or reasonably should know that
4 posting the message or writing could cause another
5 person to be annoyed, feel harassed, intimidated,
6 terrorized, or frightened, or could cause another
7 person to suffer mental, emotional, or physical
8 distress;

9 (b) The person knows or reasonably should know that the
10 message or writing could cause two or more separate
11 acts of unconsented contact with another person;

12 (c) Conduct arising from posting the message or writing
13 would cause a reasonable person to suffer emotional,
14 mental, or physical distress, or to feel terrorized,
15 frightened, intimidated, threatened, harassed, or
16 annoyed; and

17 (d) Conduct arising from posting the message or writing
18 caused a person to suffer emotional, mental, or
19 physical distress, or to feel terrorized, frightened,
20 intimidated, threatened, harassed, or annoyed.

21 (2) For the purpose of this section:



1 "Electronic communication" shall have the same meaning as
2 provided in section 2510(12) of title 18 of the United States
3 Code.

4 "Electronic communication device" includes, but is not
5 limited to, telephones, cellular or digital mobile phones,
6 computers, video recorders, fax machines, or pagers.

7 (3) Remote harassment is a misdemeanor and shall be
8 punishable by a fine not to exceed \$2,000, or a term of
9 imprisonment not to exceed one year, or both."

10 SECTION 2. This Act does not affect rights and duties that
11 matured, penalties that were incurred, and proceedings that were
12 begun, before its effective date.

13 SECTION 3. New statutory material is underscored.

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

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Report Title:

Crime; Harassment; Disruptive Threats

Description:

Makes harassment by disruptive threats a misdemeanor. Makes it a crime to remotely harass another person by posting any type of writing or message with the intent to harass, intimidate, terrorize, frighten, or cause mental, emotional, or physical distress to another person.

