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# A BILL FOR AN ACT

RELATING TO HARASSMENT.

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

1 SECTION 1. Section 711-1106, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 **"§711-1106 Harassment.** (1) A person commits the offense  
4 of harassment if, with intent to harass, annoy, or alarm any  
5 other person, that person:

6 (a) Strikes, shoves, kicks, or otherwise touches another  
7 person in an offensive manner or subjects the other  
8 person to offensive physical contact;

9 (b) Insults, taunts, or challenges another person in a  
10 manner likely to provoke an immediate violent response  
11 or that would cause the other person to reasonably  
12 believe that the actor intends to cause bodily injury  
13 to the recipient or another or damage to the property  
14 of the recipient or another;

15 (c) Repeatedly makes telephone calls, facsimile, [e~~x~~]  
16 electronic mail transmissions, or other computer  
17 communication without purpose of legitimate  
18 communication;



1 (d) Repeatedly makes a communication anonymously or at an  
2 extremely inconvenient hour;

3 (e) Repeatedly makes communications, after being advised  
4 by the person to whom the communication is directed  
5 that further communication is unwelcome; or

6 (f) Makes a communication using offensively coarse  
7 language that would cause the recipient to reasonably  
8 believe that the actor intends to cause bodily injury  
9 to the recipient or another or damage to the property  
10 of the recipient or another.

11 (2) Harassment is a [~~petty misdemeanor~~] class C felony."

12 SECTION 2. Section 711-1106.5, Hawaii Revised Statutes, is  
13 amended by amending subsections (3) and (4) to read as follows:

14 "(3) For purposes of this section, "nonconsensual contact"  
15 means any contact that occurs without that individual's consent  
16 or in disregard of that person's express desire that the contact  
17 be avoided or discontinued. Nonconsensual contact includes  
18 direct personal visual or oral contact and contact via  
19 telephone, facsimile, [~~or~~] electronic mail transmission[-], or  
20 any other computer communication.

21 (4) Harassment by stalking is a [~~misdemeanor~~] class C  
22 felony."



1           SECTION 3. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun, before its effective date.

4           SECTION 4. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6           SECTION 5. This Act shall take effect upon its approval.



**Report Title:**

Harassment by Stalking; Computer Communication

**Description:**

Provides that harassment includes all computer communications; adds computer communication as a form of nonconsensual contact in the offense of harassment by stalking. (SD1)

