
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 by amending subsection (1) to read as follows:

3 "(1) A person commits the offense of harassment if, with
4 intent to harass, annoy, or alarm any other person, that person:

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

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

14 (c) Repeatedly makes telephone calls, facsimile~~[, or]~~
15 transmissions, or any form of electronic communication
16 as defined in section 711-1111(2), including
17 electronic mail transmissions, without purpose of
18 legitimate 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 SECTION 2. Section 711-1106.5, Hawaii Revised Statutes, is
12 amended by amending subsection (3) to read as follows:

13 "(3) For purposes of this section, "nonconsensual contact"
14 means any contact that occurs without that individual's consent
15 or in disregard of that person's express desire that the contact
16 be avoided or discontinued. Nonconsensual contact includes
17 direct personal visual or oral contact and contact via
18 telephone, facsimile, or any form of electronic communication,
19 as defined in section 711-1111(2), including electronic mail
20 transmission."

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 Statutory material to be repealed is bracketed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; Electronic Communications

Description:

Provides that the offense of harassment includes all forms of electronic communications. (SD1)