

JAN 23 2009

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~~] that is likely to provoke
12 a 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~~[7]~~; or

4 (f) Personally performs or plays a recording of 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)~~[7]~~ if:

9 (a) [~~considering~~] Considering the nature and purpose of
10 the person's conduct and the circumstances, including
11 the nature of the location and the time of the day or
12 night, that are known to the person, [~~including the~~
13 nature of the location and the time of the day or
14 night,] the person's conduct involves a gross
15 deviation from the standard of conduct that a law-
16 abiding citizen would follow in the same situation; or

17 (b) [~~the failure~~] The person fails to heed the admonition
18 of a police officer that the noise is unreasonable and
19 should be stopped or reduced.

20 The renter, resident, or owner-occupant of [~~the~~] a premises
21 who knowingly or negligently consents to unreasonable noise on
22 the premises shall be guilty of a noise violation.



1 (3) Music is violent within the meaning of subsection
 2 (1)(f), if a song contains lyrics that increase aggression-
 3 related thoughts and emotions that can influence perceptions of
 4 ongoing social interactions, coloring them with an aggressive
 5 tint. Music is violent if the aggression-biased interpretations
 6 of the music's lyrics can instigate, in turn, a more aggressive
 7 response, whether verbal or physical or both, than would have
 8 been evoked in a nonbiased state, thus provoking an aggressive
 9 escalatory spiral of antisocial exchanges.

10 ~~(3)~~ (4) Disorderly conduct is a petty misdemeanor if it
 11 is the defendant's intention to cause substantial harm or
 12 serious inconvenience, or if the defendant persists in
 13 disorderly conduct after reasonable warning or request to
 14 desist. Otherwise disorderly conduct is a violation."

15 SECTION 2. Statutory material to be repealed is bracketed
 16 and stricken. New statutory material is underscored.

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

18

By Request

INTRODUCED BY: *[Signature]*

Report Title:

Penal Code; Disorderly Conduct; Music

Description:

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

