

JAN 20 2010

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# A BILL FOR AN ACT

RELATING TO DANGEROUS INSTRUMENTS.

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

1           SECTION 1. Section 707-700, Hawaii Revised Statutes, is  
2 amended by adding a new definition to be appropriately inserted  
3 and to read as follows:

4           "Replica firearm" means any device that substantially  
5 resembles a firearm or can reasonably be perceived to be an  
6 actual firearm."

7           SECTION 2. Section 707-716, Hawaii Revised Statutes, is  
8 amended by amending subsection (1) to read as follows:

9           "(1) A person commits the offense of terroristic  
10 threatening in the first degree if the person commits  
11 terroristic threatening:

12           (a) By threatening another person on more than one  
13 occasion for the same or a similar purpose;

14           (b) By threats made in a common scheme against different  
15 persons;

16           (c) Against a public servant arising out of the  
17 performance of the public servant's official duties.

18           For the purposes of this paragraph, "public servant"



1 includes but is not limited to an educational worker.  
2 "Educational worker" has the same meaning as defined  
3 in section 707-711;

4 (d) Against any emergency medical services personnel who  
5 is engaged in the performance of duty. For purposes  
6 of this paragraph, "emergency medical services  
7 personnel" shall have the same meaning as in section  
8 321-222; or

9 (e) With the use of a dangerous instrument~~[.]~~ or a replica  
10 firearm."

11 SECTION 3. Section 708-801, Hawaii Revised Statutes, is  
12 amended by adding a new definition to be appropriately inserted  
13 and to read as follows:

14 "Replica firearm" means any device that substantially  
15 resembles a firearm or can reasonably be perceived to be an  
16 actual firearm."

17 SECTION 4. Section 708-840, Hawaii Revised Statutes, is  
18 amended by amending subsection (1) to read as follows:

19 "(1) A person commits the offense of robbery in the first  
20 degree if, in the course of committing theft or non-consensual  
21 taking of a motor vehicle:



- 1 (a) The person attempts to kill another or intentionally  
2 or knowingly inflicts or attempts to inflict serious  
3 bodily injury upon another;
- 4 (b) The person is armed with a dangerous instrument or a  
5 replica firearm and:
- 6 (i) The person uses force against the person of  
7 anyone present with intent to overcome that  
8 person's physical resistance or physical power of  
9 resistance; or
- 10 (ii) The person threatens the imminent use of force  
11 against the person of anyone present with intent  
12 to compel acquiescence to the taking of or  
13 escaping with the property;
- 14 (c) The person uses force against the person of anyone  
15 present with the intent to overcome that person's  
16 physical resistance or physical power of resistance  
17 during the time of a civil defense emergency  
18 proclaimed by the governor pursuant to chapter 128,  
19 within the area covered by the civil defense emergency  
20 or during the period of disaster relief under chapter  
21 127; or



1 (d) The person threatens the imminent use of force against  
 2 the person of anyone present with intent to compel  
 3 acquiescence to the taking of or escaping with the  
 4 property during the time of a civil defense emergency  
 5 proclaimed by the governor pursuant to chapter 128,  
 6 within the area covered by the civil defense emergency  
 7 or during the period of disaster relief under chapter  
 8 127."

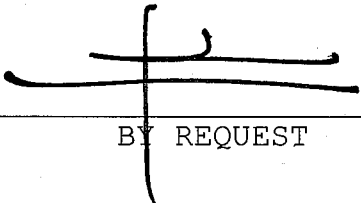
9 SECTION 3. This Act does not affect rights and duties that  
 10 matured, penalties that were incurred, and proceedings that were  
 11 begun before its effective date.

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

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

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INTRODUCED BY:

  
 \_\_\_\_\_  
 BY REQUEST



**Report Title:**

Dangerous Instruments; Replica Firearms

**Description:**

Expands scope of offenses of terroristic threatening in the first degree and robbery in the first degree to include the use of a replica firearm.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

