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## A BILL FOR AN ACT

RELATING TO THE PENAL CODE.

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

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

3           "(1) A person commits the offense of terroristic  
4 threatening in the first degree if the person commits  
5 terroristic threatening:

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

8           (b) By threats made in a common scheme against different  
9 persons;

10          (c) Against a public servant arising out of the  
11 performance of the public servant's official duties.  
12 For the purposes of this paragraph, "public servant"  
13 includes but is not limited to an educational worker.  
14 "Educational worker" has the same meaning as defined  
15 in section 707-711;

16          (d) Against any emergency medical services provider who is  
17 engaged in the performance of duty. For purposes of  
18 this paragraph, "emergency medical services provider"



1 means emergency medical services personnel, as defined  
2 in section 321-222, and physicians, physician's  
3 assistants, nurses, nurse practitioners, certified  
4 registered nurse anesthetists, respiratory therapists,  
5 laboratory technicians, radiology technicians, and  
6 social workers, providing services in the emergency  
7 room of a hospital; or

- 8 (e) With the use of a dangerous instrument[-] or a replica  
9 firearm. For the purposes of this paragraph, "replica  
10 firearm" means any device that substantially resembles  
11 a firearm or can reasonably be perceived to be an  
12 actual firearm."

13 SECTION 2. Section 708-840, Hawaii Revised Statutes, is  
14 amended by amending subsections (1) and (2) to read as follows:

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

- 18 (a) The person attempts to kill another or intentionally  
19 or knowingly inflicts or attempts to inflict serious  
20 bodily injury upon another;

- 21 (b) The person is armed with a dangerous instrument or a  
22 replica firearm and:



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- 1           (i)    The person uses force against the person of
- 2                    anyone present with intent to overcome that
- 3                    person's physical resistance or physical power of
- 4                    resistance; or
- 5           (ii)   The person threatens the imminent use of force
- 6                    against the person of anyone present with intent
- 7                    to compel acquiescence to the taking of or
- 8                    escaping with the property;
- 9           (c)    The person uses force against the person of anyone
- 10                   present with the intent to overcome that person's
- 11                   physical resistance or physical power of resistance
- 12                   during the time of a civil defense emergency
- 13                   proclaimed by the governor pursuant to chapter 128,
- 14                   within the area covered by the civil defense emergency
- 15                   or during the period of disaster relief under chapter
- 16                   127; or
- 17           (d)   The person threatens the imminent use of force against
- 18                   the person of anyone present with intent to compel
- 19                   acquiescence to the taking of or escaping with the
- 20                   property during the time of a civil defense emergency
- 21                   proclaimed by the governor pursuant to chapter 128,
- 22                   within the area covered by the civil defense emergency



1 or during the period of disaster relief under chapter  
2 127.

3 (2) As used in this section[7]:

4 "[~~dangerous~~] Dangerous instrument" means any firearm,  
5 whether loaded or not, and whether operable or not, or other  
6 weapon, device, instrument, material, or substance, whether  
7 animate or inanimate, which in the manner it is used or  
8 threatened to be used is capable of producing death or serious  
9 bodily injury.

10 "Replica firearm" means any device that substantially  
11 resembles a firearm or can reasonably be perceived to be an  
12 actual firearm."

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

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

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

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INTRODUCED BY: Calvin K. Ray

JAN 21 2011 BY REQUEST



**Report Title:**

Penal Code; Terroristic Threatening; Robbery; Replica Firearms

**Description:**

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

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

