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# A BILL FOR AN ACT

RELATING TO OFFENSES AGAINST PUBLIC ORDER.

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

1           SECTION 1. Section 711, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§711-A Aggravated harassment by impersonation. (1) A  
5 person commits the offense of aggravated harassment by  
6 impersonation if that person:

7           (a) Has been convicted of harassment by impersonation  
8           under section 711-1106.6 within five years of the  
9           instant offense; or

10          (b) Poses as another person, without the express  
11          authorization of the other person, and makes or causes  
12          to be made, either directly or indirectly, a  
13          transmission of any personal information of the other  
14          person to another by any oral statement, any written  
15          statement, or any statement conveyed by any electronic  
16          communication means; and:

17          (A) The offense was committed with the intent to  
18                 harm;



1           (B) The offense causes substantial harm;

2           (C) The offense was committed with the intent to  
3           solicit a response by public safety agency  
4           personnel; or

5           (D) The offense causes a response by public safety  
6           agency personnel.

7           (2) For the purposes of this section:

8           "Electronic communication" has the same meaning as defined  
9           in section 711-1111(2) and includes: online chat, instant  
10           messaging, and postings; web pages; and social networking web  
11           sites.

12           "Harm" has the same meaning as defined in section 710-1000;

13           "Personal information" has the same meaning as defined in  
14           section 711-1106.4;

15           "Pose" has the same meaning as defined in section 711-  
16           1106.4; and

17           "Public safety agency" has the same meaning as defined in  
18           section 710-1014.5.

19           (3) Aggravated harassment by impersonation is a class C  
20           felony."

21           SECTION 2. Section 711-1106.6, Hawaii Revised Statutes, is  
22           amended to read as follows:



1 "[f]§711-1106.6[+] Harassment by impersonation. (1) A  
2 person commits the offense of harassment by impersonation if  
3 that person poses as another person, without the express  
4 authorization of [~~that~~] the other person, and makes or causes to  
5 be made, either directly or indirectly, a transmission of any  
6 personal information of the other person to another by any oral  
7 statement, any written statement, or any statement conveyed by  
8 any electronic communication means, with the intent to harass,  
9 annoy, or alarm any person. For the purposes of this  
10 subsection, "electronic communication" has the same meaning as  
11 defined in section 711-1111(2) and includes: online chat,  
12 instant messaging, and posting; web pages; and social networking  
13 web sites.

14 (2) Harassment by impersonation is a misdemeanor.

15 (3) For the purposes of this section:

16 "Personal information" means information associated with an  
17 actual person that is a name, an address, an internet domain  
18 address, a telephone number, or an electronic mail address.

19 "Pose" means to falsely represent oneself, directly or  
20 indirectly, as another person or persons."



# H.B. NO. 1709

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 approval.

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INTRODUCED BY:

Cindy Evans

JAN 11 2012



# H.B. NO. 1709

**Report Title:**

Aggravated Harassment by Impersonation

**Description:**

Creates a new class C felony offense, aggravated harassment by impersonation. Clarifies that "electronic communication," when used to commit the offense of harassment by impersonation, includes: online chat, instant messaging, and postings; web pages; and social networking web sites.

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

