
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- 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 electronic
16 communication:

17 (A) With the intent to harm;

18 (B) That causes substantial harm;



- 1 (C) With the intent to solicit a response by public
- 2 safety agency personnel; or
- 3 (D) That causes a response by public safety agency
- 4 personnel.

5 (2) For the purposes of this section:

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

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

11 "Personal information" has the same meaning as defined in
12 section 711-1106.6;

13 "Pose" has the same meaning as defined in section 711-
14 1106.6; and

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

17 (3) Aggravated harassment by impersonation is a class C
18 felony."

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

21 "**[+]~~§~~711-1106.6~~[-]~~ Harassment by impersonation. (1) A**
22 person commits the offense of harassment by impersonation if



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

12 (2) Harassment by impersonation is a misdemeanor.

13 (3) For the purposes of this section:

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

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

19 SECTION 3. This Act does not affect rights and duties that
20 matured, penalties that were incurred, and proceedings that were
21 begun before its effective date.



1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect on January 7, 2059.



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. Effective January 7, 2009. (HB1709 HD1)

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