
A BILL FOR AN ACT

RELATING TO CYBERBULLYING.

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

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

4 "§711- Harassment by cyberbullying. (1) A person
5 commits the offense of harassment by cyberbullying if, with
6 intent to harass, annoy, or alarm another person, or in reckless
7 disregard of the risk thereof, that person engages in conduct
8 involving pursuit, surveillance, or nonconsensual contact upon
9 the other person without legitimate purpose, or uses electronic
10 communication to embarrass, humiliate, impersonate, or discredit
11 the other person.

12 (2) A person convicted under this section may be required
13 to undergo a counseling program as ordered by the court.

14 (3) As used in this section:

15 "Cyberbullying" means electronically transmitted acts,
16 whether by or through the Internet, cell phone, personal digital
17 assistant device, or any wireless hand-held device, that causes
18 mental or physical harm and is sufficiently severe, persistent,



1 or pervasive that it creates an intimidating, threatening, or
2 abusive environment.

3 "Electronic communication" means any transfer of signs,
4 signals, writing, images, sounds, data, or intelligence of any
5 nature transmitted in whole or part by a wire, radio,
6 electromagnetic, photoelectronic, or photo-optical system.

7 "Nonconsensual contact" means any contact that occurs
8 without that individual's consent or in disregard of that
9 individual's express desire that the contact be avoided or
10 discontinued. Nonconsensual contact includes direct personal,
11 visual, or oral contact and contact via telephone, facsimile, or
12 any form of electronic communication, including electronic mail
13 transmission.

14 (4) Harassment by cyberbullying is a misdemeanor."

15 SECTION 2. Section 708-890, Hawaii Revised Statutes, is
16 amended by adding a new definition to be appropriately inserted
17 and to read as follows:

18 "Cyberbullying" means electronically transmitted acts,
19 whether by or through the Internet, cell phone, personal digital
20 assistant device, or any wireless hand-held device, that causes
21 mental or physical harm and is sufficiently severe, persistent,



1 or pervasive that it creates an intimidating, threatening, or
2 abusive environment."

3 SECTION 3. Section 708-893, Hawaii Revised Statutes, is
4 amended by amending subsection (1) to read as follows:

5 "(1) A person commits the offense of use of a computer in
6 the commission of a separate crime if the person:

7 (a) Intentionally uses a computer to obtain control over
8 the property of the victim to commit theft in the
9 first or second degree; or

10 (b) Knowingly uses a computer to identify, select,
11 solicit, persuade, coerce, entice, induce, [~~or~~]
12 procure, pursue, survey, or contact the victim or
13 intended victim of the following offenses:

14 (i) Section 707-726, relating to custodial
15 interference in the first degree;

16 (ii) Section 707-727, relating to custodial
17 interference in the second degree;

18 (iii) Section 707-731, relating to sexual assault in
19 the second degree;

20 (iv) Section 707-732, relating to sexual assault in
21 the third degree;



- 1 (v) Section 707-733, relating to sexual assault in
- 2 the fourth degree;
- 3 (vi) Section 707-751, relating to promoting child
- 4 abuse in the second degree; [~~or~~]
- 5 (vii) Section 712-1215, relating to promoting
- 6 pornography for minors[-]; or
- 7 (viii) Section 711- , relating to harassment by
- 8 cyberbullying."

9 SECTION 4. The provisions of this Act shall be liberally
10 construed to give effect to the purposes thereof.

11 SECTION 5. Nothing in this Act is intended to interfere
12 with the First Amendment rights of free speech and expression of
13 any person affected.

14 SECTION 6. This Act does not affect rights and duties that
15 matured, penalties that were incurred, and proceedings that were
16 begun before its effective date.

17 SECTION 7. If any provision of this Act, or the
18 application thereof to any person or circumstance, is held
19 invalid, the invalidity does not affect other provisions or
20 applications of the Act that can be given effect without the
21 invalid provision or application, and to this end the provisions
22 of this Act are severable.



1 SECTION 8. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 9. This Act shall take effect upon its approval.

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H.B. NO. 2295

Report Title:

Cyberbullying; Penal Code

Description:

Establishes the offense of harassment by cyberbullying. Amends the offense of use of a computer in the commission of a separate crime to include harassment by cyberbullying.

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

