
A BILL FOR AN ACT

RELATING TO CRIMINAL DEFAMATION.

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

1 SECTION 1. Chapter 707, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§707- Criminal defamation. (1) A person commits the
5 offense of criminal defamation if the person, with intent to
6 defame, communicates any defamatory matter to a third person
7 without the consent of the person defamed.

8 (2) No person shall be convicted under this section on the
9 basis of an oral communication of defamatory matter except upon
10 the testimony of two other persons that they heard and
11 understood the oral statement as defamatory or upon a plea of
12 guilty or no contest.

13 (3) This section shall not apply if:

14 (a) The defamatory matter was true and communicated with
15 good motives and for justifiable ends;

16 (b) The communication was absolutely privileged;



1 (c) The communication consists of fair comment made in
2 good faith with respect to persons participating in
3 matters of public concern;

4 (d) The communication consists of a fair and true report
5 or a fair summary of any judicial, legislative, or
6 other public or official proceedings; or

7 (e) The communication is between persons each having an
8 interest or duty with respect to the subject matter of
9 the communication and is made with intent to further
10 the interest or duty.

11 (4) For the purposes of this section, "defamatory matter"
12 means anything that exposes a person, group, class, or
13 association to hatred, contempt, ridicule, degradation, or
14 disgrace in society, or injury to business or occupation.

15 (5) Criminal defamation is a petty misdemeanor; provided
16 that:

17 (a) The court may impose a fine of up to \$20,000 for each
18 offense under this section;

19 (b) If the offense was committed against any public
20 official, the defendant may be sentenced to a term of
21 imprisonment of up to one year;



1 (c) If the offense was committed against the defendant's
2 former employer, former employee, or former co-worker,
3 the defendant:

4 (i) Shall be sentenced to a mandatory minimum term of
5 imprisonment of three days; and

6 (ii) May be ordered to make restitution of up to
7 \$10,000."

8 SECTION 2. This Act does not affect rights and duties that
9 matured, penalties that were incurred, and proceedings that were
10 begun before its effective date.

11 SECTION 3. New statutory material is underscored.

12 SECTION 4. This Act shall take effect upon its approval.

13

INTRODUCED BY: *Mele Carroll*

JAN 24 2012



H.B. NO. 2707

Report Title:

Criminal Defamation; Libel; Slander

Description:

Establishes the offense of criminal defamation. Imposes enhanced penalties, including mandatory minimum terms of imprisonment, for offenses committed against certain persons.

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

