

---

---

# 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 two new sections to be appropriately  
3 designated and to read as follows:

4           "**§711-A Aggravated harassment by online impersonation.**

5           (1) A person commits the offense of aggravated harassment by  
6 online harassment if that person commits the offense of  
7 harassment by online impersonation as provided in section 711-B  
8 and has been convicted of harassment by online impersonation  
9 under section 711-B within five years preceding the instant  
10 offense.

11           (2) Aggravated harassment by online impersonation is a  
12 class C felony.

13           **§711-B Harassment by online impersonation.** (1) A person  
14 commits the offense of harassment by online impersonation if  
15 that person uses the name or persona of another person to create  
16 a web page on or to post one or more messages on a commercial  
17 social networking site:

18           (a) Without obtaining the other person's consent; and



1        (b) With the intent to harm, defraud, intimidate, or  
2        threaten any person. For purposes of this subsection,  
3        "harm" shall have the same meaning as in section 710-  
4        1000.

5        (2) Harassment by online impersonation is a misdemeanor.

6        (3) It shall be a defense to prosecution under this  
7        section that the actor is any of the following entities or that  
8        the actor's conduct consists solely of action taken as an  
9        employee of any of the following entities:

10       (a) A commercial social networking site;

11       (b) An internet service provider;

12       (c) A telecommunications provider;

13       (d) A cable operator, as defined by section 440G-3; or

14       (e) An interactive computer service, as defined by Title  
15       47 United States Code, Section 230.

16       (4) For the purposes of this section, "commercial social  
17       networking site" means any business, organization, or other  
18       similar entity operating a website that permits persons to  
19       become registered users for the purpose of establishing personal  
20       relationships with other users through direct or real-time  
21       communication with other users or the creation of web pages or  
22       profiles available to the public or to other users. The term



1 does not include an electronic mail program or a message board  
2 program."

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

5 "[+]§711-1106.6[+] **Harassment by impersonation.** (1) A  
6 person commits the offense of harassment by impersonation if  
7 that person poses as another person, without the express  
8 authorization of [~~that~~] the other person, and makes or causes to  
9 be made, either directly or indirectly, a transmission of any  
10 personal information of the other person to another by any oral  
11 statement, any written statement, or any statement conveyed by  
12 any electronic means, with the intent to harass, annoy, or alarm  
13 any person.

14 (2) Harassment by impersonation is a misdemeanor[-];  
15 provided that, if the offense is committed with the intent to  
16 solicit a response by emergency services personnel, then the  
17 offense is a class C felony.

18 (3) For the purposes of this section:

19 "Personal information" means information associated with an  
20 actual person that is a name, an address, a domain address, a  
21 telephone number, or an electronic mail address.



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

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

6 SECTION 4. In codifying the new sections added by section  
7 1 of this Act, the revisor of statutes shall substitute  
8 appropriate section numbers for the letters used in designating  
9 the new sections in this Act.

10 SECTION 5. Statutory material to be repealed is bracketed  
11 and stricken. New statutory material is underscored.

12 SECTION 6. This Act shall take effect on January 7, 2059.



**Report Title:**

Computers; Online Harassment; Aggravated Online Harassment;  
Harassment by Impersonation

**Description:**

Makes the use of another person's name or persona to create a web page on or to post one or more messages on a commercial social networking site, without the permission of the other person, and with the intent to harm, defraud, intimidate, or threaten any person, a misdemeanor. Makes the repeated commission of this offense a class C felony. Provides that harassment by impersonation, if committed with the intent to solicit a response by emergency services personnel, is a class C felony. Effective January 7, 2009. (HD618 HD1)

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

