

JAN 21 2011

A BILL FOR AN ACT

RELATING TO THE PENAL CODE.

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

1 SECTION 1. Section 707-716, Hawaii Revised Statutes, is
2 amended by amending subsection (1) to read as follows:

3 "(1) A person commits the offense of terroristic
4 threatening in the first degree if the person commits
5 terroristic threatening:

6 (a) By threatening another person on more than one
7 occasion for the same or a similar purpose;

8 (b) By threats made in a common scheme against different
9 persons;

10 (c) Against a public servant arising out of the
11 performance of the public servant's official duties.

12 For the purposes of this paragraph, "public servant"
13 includes but is not limited to an educational worker.

14 "Educational worker" has the same meaning as defined
15 in section 707-711;

16 (d) Against any emergency medical services provider who is
17 engaged in the performance of duty. For purposes of
18 this paragraph, "emergency medical services provider"



1 means emergency medical services personnel, as defined
2 in section 321-222, and physicians, physician's
3 assistants, nurses, nurse practitioners, certified
4 registered nurse anesthetists, respiratory therapists,
5 laboratory technicians, radiology technicians, and
6 social workers, providing services in the emergency
7 room of a hospital; or

8 (e) With the use of a dangerous instrument~~[-]~~ or a replica
9 firearm. For the purposes of this paragraph, "replica
10 firearm" means any device that substantially resembles
11 a firearm or can reasonably be perceived to be an
12 actual firearm."

13 SECTION 2. Section 708-840, Hawaii Revised Statutes, is
14 amended by amending subsections (1) and (2) to read as follows:

15 "(1) A person commits the offense of robbery in the first
16 degree if, in the course of committing theft or non-consensual
17 taking of a motor vehicle:

18 (a) The person attempts to kill another or intentionally
19 or knowingly inflicts or attempts to inflict serious
20 bodily injury upon another;

21 (b) The person is armed with a dangerous instrument or a
22 replica firearm and:



1 (i) The person uses force against the person of
2 anyone present with intent to overcome that
3 person's physical resistance or physical power of
4 resistance; or

5 (ii) The person threatens the imminent use of force
6 against the person of anyone present with intent
7 to compel acquiescence to the taking of or
8 escaping with the property;

9 (c) The person uses force against the person of anyone
10 present with the intent to overcome that person's
11 physical resistance or physical power of resistance
12 during the time of a civil defense emergency
13 proclaimed by the governor pursuant to chapter 128,
14 within the area covered by the civil defense emergency
15 or during the period of disaster relief under chapter
16 127; or

17 (d) The person threatens the imminent use of force against
18 the person of anyone present with intent to compel
19 acquiescence to the taking of or escaping with the
20 property during the time of a civil defense emergency
21 proclaimed by the governor pursuant to chapter 128,
22 within the area covered by the civil defense emergency



Report Title:

Penal Code; Terroristic Threatening; Robbery; Replica Firearms

Description:

Expands the scope of the offenses of terroristic threatening in the first degree and robbery in the first degree to include the use of replica firearms.

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

