
A BILL FOR AN ACT

RELATING TO CYBERBULLYING.

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

1 SECTION 1. The legislature finds that across the country,
2 states are grappling with escalating instances of cyberbullying
3 and their often tragic results. Currently, twenty-five states
4 have passed laws against cyberbullying, and most states direct
5 local school districts on how to deal with cyberbullying -
6 ranging from training personnel to disciplining students.

7 The department of education and board of education have
8 both rules and policies governing cyberbullying. As recently as
9 the September 28, 2010, meeting of the board of education,
10 members reviewed how the department addresses cyberbullying, and
11 what might be done to provide greater protection for students.

12 The legislature further finds that currently, the
13 department refers cyberbullying issues to the police. The
14 police, however, are hampered in their response because there is
15 no clear penalty for cyberbullying.

16 The purpose of this Act is to provide greater protection
17 for victims of cyberbullying by expanding the types of



1 electronic communication applicable to the current law relating
2 to violation of privacy in the second degree.

3 SECTION 2. Section 711-1111, Hawaii Revised Statutes, is
4 amended by amending subsection (2) to read as follows:

5 "(2) This section shall not apply to any dissemination,
6 distribution, or transfer of images subject to this section by
7 an electronic communication service provider or remote storage
8 service in the ordinary course of its business. For the purpose
9 of this subsection:

10 "Electronic communication" means any transfer of signs,
11 signals, writing, images, sounds, data, or intelligence of any
12 nature transmitted in whole or part by a wire, radio,
13 electromagnetic, photoelectronic, or photo-optical system[-],
14 including the Internet, cell phone, personal digital assistance
15 device, or any wireless hand-held device.

16 "Electronic communication service" means any service that
17 provides to users thereof the ability to send or receive wire or
18 electronic communications.

19 "Electronic communication service provider" means any
20 person engaged in the offering or sale of electronic
21 communication services to the public.



1 "Electronic communication system" means any wire, radio,
2 electromagnetic, photo-optical, or photoelectronic facilities
3 for the transmission of wire or electronic communications, and
4 any computer facilities or related electronic equipment for the
5 electronic storage of such communications, including e-mail, web
6 hosting, multimedia messaging services, and remote storage
7 services offered by an electronic communication service
8 provider.

9 "Remote storage service" means the provision to the public
10 of computer storage or processing services by means of an
11 electronic communication system."

12 SECTION 3. The provisions of this Act shall be liberally
13 construed to give effect to the purposes thereof.

14 SECTION 4. Nothing in this Act is intended to interfere
15 with the First Amendment rights of free speech and expression of
16 any person affected.

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

20 SECTION 6. If any provision of this Act, or the
21 application thereof to any person or circumstance is held
22 invalid, the invalidity does not affect other provisions or



1 applications of the Act, which can be given effect without the
2 invalid provision or application, and to this end the provisions
3 of this Act are severable.

4 SECTION 7. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 8. This Act shall take effect upon its approval.

7



Report Title:

Harassment by Cyberbullying; Electronic Communication

Description:

Amends the definition of "electronic communication", as used in determining various offenses of harassment, to include the Internet, cell phone, personal digital assistance device, or any wireless hand-held device. (SD1)

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