

JAN 25 2012

A BILL FOR AN ACT

RELATING TO OFFENSES AGAINST PUBLIC ADMINISTRATION.

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

1 SECTION 1. Chapter 710, Hawaii Revised Statutes, is
2 amended by adding a new section to part VI to be appropriately
3 designated and to read as follows:

4 "§710- Disrespect of a house of the legislature. (1)

5 Pursuant to article III, section 18, of the Hawaii state
6 constitution, a person who is not a member of either house of
7 the legislature commits the offense of disrespect of a house of
8 the legislature if, while the person is present at a legislative
9 session of either house or at a hearing of any committee of
10 either house, the person exhibits disorderly or contemptuously
11 behavior.

12 (2) For purposes of subsection (a), the acts that
13 constitute disorderly or contemptuous behavior shall include but
14 not be limited to:

15 (a) Making loud, boisterous, or incessant shouts;

16 (b) Refusing to be or to remain seated on orders from the
17 sheriff or sergeant-at-arms, in response to behavior
18 under paragraph (a);



- 1 (c) Assaulting any member of the legislature or the
- 2 public;
- 3 (d) Threatening bodily harm to any member of the
- 4 legislature or the public;
- 5 (e) Failing to obey a lawful directive of the presiding
- 6 officer of the legislature during a legislative
- 7 session or a legislative chair during a hearing; or
- 8 (f) On account of the exercise of any legislative function
- 9 by a member of either house:
- 10 (i) Threatening harm to the body or estate of any
- 11 member of either house;
- 12 (ii) Assaulting, arresting, or detaining any witness
- 13 or other person ordered to attend a legislative
- 14 session or hearing, on the witness' or other
- 15 person's way going to or returning from a
- 16 legislative session or hearing; or
- 17 (iii) Rescuing any person arrested by order of either
- 18 house.

19 (3) A person committing any of the acts under subsection
20 (2) shall be:

- 21 (a) Subject to arrest by the sheriff or other lawful
- 22 authority;



1 (b) Served with a written charge against the person that
 2 states the specific behavior that is the basis of the
 3 arrest; and

4 (c) Afforded an opportunity to present evidence and be
 5 heard in the person's own defense.

6 (4) Violation of this section shall constitute a
 7 misdemeanor."

8 SECTION 2. New statutory material is underscored.

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

10

INTRODUCED BY: *S.B.T.*



S.B. NO. 3026

Report Title:

Legislature; Disruptive Behavior

Description:

Creates the offense of disrespect of a house of the legislature for disorderly or contemptuous behavior by a person who is not a member of the legislature.

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

