



EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

GOV. MSG. NO. 1358

July 2, 2013

The Honorable Donna Mercado Kim,
President
and Members of the Senate
Twenty-Seventh State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813


The Honorable Joseph M. Souki,
Speaker and Members of the
House of Representatives
Twenty-Seventh State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Kim, Speaker Souki, and Members of the Legislature:

This is to inform you that on July 2, 2013, the following bill was signed into law:

SB2 HD1

RELATING TO SIMULATED FIREARMS
ACT 255 (13)

Sincerely,


NEIL ABERCROMBIE
Governor, State of Hawaii

A BILL FOR AN ACT

RELATING TO SIMULATED FIREARMS.

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;

8 (e) With the use of a dangerous instrument [†] or a
9 simulated firearm. For purposes of this section,
10 "simulated firearm" means any object that:

11 (i) Substantially resembles a firearm;

12 (ii) Can reasonably be perceived to be a firearm; or

13 (iii) Is used or brandished as a firearm; or

14 (f) By threatening a person who:

15 (i) The defendant has been restrained from, by order
16 of any court, including an ex parte order,
17 contacting, threatening, or physically abusing
18 pursuant to chapter 586; or

19 (ii) Is being protected by a police officer ordering
20 the defendant to leave the premises of that
21 protected person pursuant to section 709-906(4),
22 during the effective period of that order."



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

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

6 (a) The person attempts to kill another or intentionally
7 or knowingly inflicts or attempts to inflict serious
8 bodily injury upon another;

9 (b) The person is armed with a dangerous instrument or a
10 simulated firearm and:

11 (i) The person uses force against the person of
12 anyone present with intent to overcome that
13 person's physical resistance or physical power of
14 resistance; or

15 (ii) The person threatens the imminent use of force
16 against the person of anyone present with intent
17 to compel acquiescence to the taking of or
18 escaping with the property;

19 (c) The person uses force against the person of anyone
20 present with the intent to overcome that person's
21 physical resistance or physical power of resistance
22 during the time of a civil defense emergency



1 proclaimed by the governor pursuant to chapter 128,
2 within the area covered by the civil defense emergency
3 or during the period of disaster relief under chapter
4 127; or

5 (d) The person threatens the imminent use of force against
6 the person of anyone present with intent to compel
7 acquiescence to the taking of or escaping with the
8 property during the time of a civil defense emergency
9 proclaimed by the governor pursuant to chapter 128,
10 within the area covered by the civil defense emergency
11 or during the period of disaster relief under chapter
12 127.

13 (2) As used in this section [~~7, "dangerous instrument"~~]:

14 "Dangerous instrument" means any firearm, whether loaded or
15 not, and whether operable or not, or other weapon, device,
16 instrument, material, or substance, whether animate or
17 inanimate, which in the manner it is used or threatened to be
18 used is capable of producing death or serious bodily injury.

19 "Simulated firearm" means any object that:

20 (a) Substantially resembles a firearm;

21 (b) Can reasonably be perceived to be a firearm; or

22 (c) Is used or brandished as a firearm."



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

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

6 SECTION 5. This Act shall take effect upon its approval.

APPROVED this 2 day of JUL, 2013



GOVERNOR OF THE STATE OF HAWAII