

STAND. COM. REP. NO. **762**

Honolulu, Hawaii
MAR 04, 2021

RE: H.B. No. 169
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 169 entitled:

"A BILL FOR AN ACT RELATING TO DISORDERLY CONDUCT,"

begs leave to report as follows:

The purpose of this measure is to amend the offense of disorderly conduct to include engaging in conduct with the intent to convey certain false or misleading information.

Your Committee received testimony in support of this measure from the Honolulu Police Department. Your Committee received testimony in opposition to this measure from the Office of the Public Defender and eighteen individuals.

Your Committee finds that the conveyance of threats of violence, mass violence, or destruction of property, using various media is a growing concern. These messages are often intended as pranks, or are intended to disrupt services, and result in the unnecessary expenditure of significant resources by law enforcement agencies.

Your Committee further finds that court rulings have held that the Hawaii Penal Code does not criminalize the making of false or misleading threats. Therefore, this measure is necessary to discourage the issuance of such messages in this digital age.



However, your Committee recognizes that this measure may result in the stigmatization of minors who may post false or misleading information on social media without understanding the seriousness or permanence of their actions.

Accordingly, your Committee has amended this measure by:

- (1) Allowing minors convicted of a first-time offense of disorderly conduct for conveying false or misleading information to apply to the court for expungement upon attaining the age of eighteen or three years after the conviction, whichever is later; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 169, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 169, H.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,


MARK M. NAKASHIMA, Chair



