
A BILL FOR AN ACT

RELATING TO HOMELAND SECURITY.

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

1 SECTION 1. The legislature finds that the State faces a
2 persistent threat of targeted violence against government
3 agencies, educational institutions, and public places that
4 present soft targets for lone offenders. Examples of completed,
5 planned, or emerging threats of targeted violence in Hawaii
6 include the 1999 Xerox shooting, the 2019 Pearl Harbor shipyard
7 shooting, the 2019 Diamond Head arson, and the dozens of threats
8 of mass violence received every year against Hawaii schools and
9 universities.

10 The legislature further finds that targeted violence is
11 preventable. As reported by the United States Secret Service,
12 most attacks on public spaces and schools come from actors who
13 exhibit observable concerning behavior well ahead of committing
14 targeted violence.

15 Prevention efforts include training, outreach, and
16 education on targeted violence topics; behavioral
17 intervention/threat assessment and management efforts; and



1 referrals to community resources. When state agencies and the
2 public are knowledgeable about the dynamics of targeted
3 violence, the community can mitigate threats through
4 intervention. Hawaii has become a national leader in these
5 prevention efforts, most recently by developing a statewide
6 targeted violence prevention strategy.

7 However, the legislature further finds that there is a need
8 for more organized targeted violence prevention efforts at the
9 statewide level. Specifically, there needs to be a concerted
10 effort to educate and train state agencies and the public on the
11 phenomenon of targeted violence and how to prevent it. The
12 development of behavioral intervention/threat assessment and
13 management teams in government agencies and the private sector
14 will further this objective by including direct service
15 providers in prevention efforts and promoting collaboration with
16 state agency-based and community-based threat assessment
17 programs. There also needs to be centralized reporting,
18 analysis, and dissemination of threat information between
19 agencies.

20 The purpose of this Act is to prevent targeted violence by
21 providing outreach, education, and training on targeted violence



1 and targeted violence prevention; technical support for threat
 2 assessment; and a centralized mechanism for identifying,
 3 analyzing, and disseminating information about threats. This
 4 Act seeks to enable information sharing in a way that complies
 5 with healthcare and education privacy laws and laws protecting
 6 individual privacy rights.

7 SECTION 2. Chapter 128A, Hawaii Revised Statutes, is
 8 amended by adding a new part to be appropriately designated and
 9 to read as follows:

10 **"PART . TARGETED VIOLENCE PREVENTION PROGRAM**

11 **§128A- Definitions.** In this part, unless context
 12 otherwise requires:

13 "Hazard" includes natural and human-made hazards.

14 "State agency" means the executive and administrative
 15 departments enumerated in chapter 26, legislature, and
 16 judiciary.

17 "System" means the all-threats or all-hazards statewide
 18 reporting system established under the office of homeland
 19 security.



1 "Targeted violence" means acts dangerous to human life that
2 are committed in violation of the criminal laws of the United
3 States or any state and that:

- 4 (1) Involve a degree of planning;
- 5 (2) Involve a pre-identified target, including:
 - 6 (A) A person based on actual or perceived identity
 - 7 traits or group affiliation; or
 - 8 (B) Property based on actual or perceived identity
 - 9 traits or group affiliation;
- 10 (3) Appear intended to:
 - 11 (A) Intimidate, coerce, or otherwise impact a broader
 - 12 population beyond the target of the immediate
 - 13 act; or
 - 14 (B) Generate publicity for the perpetrator or the
 - 15 perpetrator's grievances;
- 16 (4) Occur within the jurisdiction of the State; and
- 17 (5) Exclude acts of interpersonal violence, street or
- 18 gang-related crimes, or financially motivated crimes.

19 "Threat assessment" means a product or process of
20 evaluating information based on a set of criteria for entities,
21 actions, or occurrences, whether natural or human-made, that



1 have or indicate the potential to harm life, information,
2 operations, or property.

3 **§128A- Targeted violence prevention program;**

4 **established.** (a) There is established within the office of
5 homeland security a program to coordinate state efforts to
6 prevent targeted violence.

7 (b) The office of homeland security shall provide
8 outreach, education, and training to state agencies and the
9 community on the topics of targeted violence and targeted
10 violence prevention efforts.

11 (c) In consultation with federal, state, and county
12 governmental and private sector agencies, the office of homeland
13 security may provide model guidance for the establishment of
14 threat assessment programs.

15 **§128A- All-threats or all-hazards statewide reporting**

16 **system; established.** (a) There is established within the
17 office of homeland security an all-threats or all-hazards
18 statewide reporting system for the purpose of preventing
19 targeted violence.



1 (b) The office of homeland security shall be charged with
2 the collection, retention, analysis, and dissemination of data
3 and information reported to the system.

4 (c) Government agencies, private agencies, or individuals
5 may use the system to report threats of targeted violence or
6 other hazards, or both.

7 (d) State and county government agencies shall use the
8 system to report all threats of targeted violence, including the
9 following incidents or attempted incidents regardless of whether
10 there is an immediately identifiable direct nexus with targeted
11 violence:

- 12 (1) Damage to secure areas of the agency premises;
- 13 (2) Theft of government property used to access or secure
14 the agency premises or services;
- 15 (3) Fraudulent use of identification to obtain access to
16 the agency premises or services;
- 17 (4) Unauthorized entry onto the agency premises;
- 18 (5) Theft of controlled substances, hazardous materials,
19 or precursor materials on the agency premises;
- 20 (6) Unauthorized access to state information systems;



- 1 (7) Weapons found on the agency premises that are
2 prohibited by statute, county ordinance, or agency
3 rule or policy;
- 4 (8) Express or implied threats to individually identified
5 persons who are currently present or routinely present
6 on the agency premises, or employed by the agency;
- 7 (9) Express or implied threats to damage the agency
8 property in a way that would jeopardize public or
9 staff safety or would interfere with agency operations
10 or both; and
- 11 (10) Express or implied threats to commit violence that
12 targets a class of persons belonging to a particular
13 race, nationality, ethnicity, religion, sex, sexual
14 orientation, gender identity or expression, or
15 disability, regardless of whether the violence would
16 otherwise constitute a hate crime.
- 17 (e) If any provision of this part, or the application
18 thereof to any person or circumstances, is held invalid, the
19 remainder of this section, or the application of the provision
20 to other persons or circumstances, shall not be affected
21 thereby.



1 **§128A- Privacy.** The office of homeland security shall
2 adopt rules that set forth standards for disclosure of
3 personally identifiable information in the system, whether to
4 another state agency, any law enforcement agency, or any other
5 recipient, and shall disseminate such information pursuant to
6 the adopted rules.

7 **§128A- Use and dissemination of data and information.**

8 (a) Access to the data and information collected and stored in
9 the system shall be limited to the office of homeland security.

10 (b) When the threat or hazard reported to the system
11 directly involves a state agency or is a threat against a
12 private individual in their capacity as an employee of that
13 state agency, the office of homeland security may so notify the
14 state agency.

15 (c) When the threat or hazard reported may constitute a
16 violation of criminal law, the office of homeland security may
17 so notify federal, state, and county law enforcement agencies.

18 (d) The office of homeland security shall analyze data
19 from the system to help inform an annual statewide threat
20 assessment on general threats to the safety and welfare of the
21 State. At least one version of the annual threat assessment



1 shall be released to the public. The annual threat assessment
2 shall not include personally identifiable information.

3 (e) The office of homeland security may analyze data from
4 the system to help inform additional threat assessments
5 requested by the office of the governor, legislature, judiciary,
6 or a state agency that has reported information to the system.

7 **§128A- Rules.** The office of homeland security shall
8 adopt rules pursuant to chapter 91 to implement this part."

9 SECTION 3. The office of homeland security may establish
10 two full-time equivalent analyst positions that shall be exempt
11 from chapter 76, Hawaii Revised Statutes.

12 SECTION 4. There is appropriated out of the general
13 revenues of the State of Hawaii the sum of \$ or so
14 much thereof as may be necessary for fiscal year 2023-2024 and
15 the same sum or so much thereof as may be necessary for fiscal
16 year 2024-2025 to carry out the purposes of this Act, including
17 the hiring and sustainment of necessary staff.

18 The sums appropriated shall be expended by the department
19 of defense for the purposes of this Act.

20 SECTION 5. This Act shall take effect on June 30, 3000.



H.B. NO. 1038 H.D. 1

Report Title:

Targeted Violence; Office of Homeland Security; Targeted Violence Prevention Program; Appropriation

Description:

Establishes a targeted violence prevention program within the state office of homeland security. Mandates reporting by state and county government agencies regarding specific enumerated activity. Establishes the all-threats or all-hazards statewide reporting system. Creates two new analyst positions. Appropriates funds for the program. Effective 6/30/3000. (HD1)

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