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# A BILL FOR AN ACT

RELATING TO CRIME.

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

1           SECTION 1. Section 711-1106, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "**§711-1106 Harassment.** (1) A person commits the offense  
4 of harassment if, with intent to harass, annoy, or alarm any  
5 other person, that person:

6           (a) Strikes, shoves, kicks, or otherwise touches another  
7 person in an offensive manner or subjects the other  
8 person to offensive physical contact;

9           (b) Insults, taunts, or challenges another person in a  
10 manner likely to provoke an immediate violent response  
11 or that would cause the other person to reasonably  
12 believe that the actor intends to cause bodily injury  
13 to the recipient or another or damage to the property  
14 of the recipient or another;

15           (c) Repeatedly makes telephone calls, facsimile, or  
16 electronic mail transmissions without purpose of  
17 legitimate communication;



1 (d) Repeatedly makes a communication anonymously or at an  
2 extremely inconvenient hour;

3 (e) Repeatedly makes communications, after being advised  
4 by the person to whom the communication is directed  
5 that further communication is unwelcome; [e~~r~~]

6 (f) Makes a communication using offensively coarse  
7 language that would cause the recipient to reasonably  
8 believe that the actor intends to cause bodily injury  
9 to the recipient or another or damage to the property  
10 of the recipient or another[-];

11 (g) Makes a communication that would cause the other  
12 person to reasonably feel emotional or physical  
13 distress; or

14 (h) Makes a communication that would disrupt the orderly  
15 conduct of any institution, such as a school or  
16 business.

17 (2) Harassment is a [petty] misdemeanor.

18 (3) For purposes of this section, unless otherwise  
19 specified, "communication" means conveying signs, signals,  
20 writing, images, sounds, data, or other intelligence by  
21 telephone call, cellular call, facsimile, electronic mail  
22 transmission, computer, pager, or video recorder."



1           SECTION 2. 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 3. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6           SECTION 4. This Act shall take effect on January 1, 2050.



**Report Title:**

Penal Code; Harassment; Cyberbullying

**Description:**

Prohibits a person, with the intent to harass, annoy, or alarm any other person, from making a communication that would: (1) cause the other person to reasonably feel emotional or physical distress; or (2) disrupt the orderly conduct of any institution. Defines communication to include, among other things, by cellular call, electronic mail transmission, or computer. Increases the penalty for harassment to a misdemeanor.  
(SB2436 SD1)

