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# A BILL FOR AN ACT

RELATING TO EDUCATION.

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

1           SECTION 1. Chapter 711, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:  
4           "§711-       Harassment by cyberbullying. (1) A person  
5 commits the offense of harassment by cyberbullying if, with  
6 intent to harass, annoy, or alarm another person, or in reckless  
7 disregard of the risk thereof, that person engages in a course  
8 of conduct involving pursuit, surveillance, or nonconsensual  
9 contact upon the other person on more than one occasion without  
10 legitimate purpose.  
11           (2) A person convicted under this section may be required  
12 to undergo a counseling program as ordered by the court.  
13           (3) Harassment by cyberbullying is a misdemeanor and the  
14 person shall be sentenced as follows:  
15           (a) For the first offense the person shall serve a minimum  
16 jail sentence of forty-eight hours;  
17           (b) For a second offense that occurs within one year of  
18 the first conviction, the person shall be deemed a



1 "repeat offender" and serve a minimum jail sentence of  
2 thirty days; and

3 (c) For a third or any subsequent offense that occurs  
4 within two years of a second or subsequent conviction,  
5 the offense shall be a class C felony.

6 (4) For purposes of this section:

7 "Cyberbullying" means electronically transmitted acts,  
8 whether by the Internet, cell phone, personal digital assistance  
9 device, or any wireless hand-held device, which a person has  
10 exhibited toward another person that causes mental or physical  
11 harm to the other person and is sufficiently severe, persistent,  
12 or pervasive that it creates an intimidating, threatening, or  
13 abusive environment.

14 "Nonconsensual contact" means any contact that occurs  
15 without the consent of the individual who receives the contact  
16 or in disregard of that individual's express desire that the  
17 contact be avoided or discontinued. Nonconsensual contact  
18 includes direct personal visual or oral contact and contact via  
19 telephone, facsimile, or any form of electronic communication,  
20 as defined in section 711-1111(2), including electronic mail  
21 transmission."

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1 SECTION 2. Section 302A-101, Hawaii Revised Statutes, is  
2 amended by adding three new definitions to be appropriately  
3 inserted and to read as follows:

4 "Bullying" means any written, verbal, graphic, or physical  
5 act or acts that:

- 6 (1) A student or group of students exhibits toward another  
7 student or group of students;  
8 (2) Cause mental or physical harm to the other student or  
9 group of students; and  
10 (3) Are sufficiently severe, persistent, or pervasive to  
11 create an intimidating, threatening, or abusive  
12 educational environment.

13 Bullying includes conduct that is based on a student's actual or  
14 perceived race, color, national origin, sex, gender identity or  
15 expression, sexual orientation, physical or mental disability,  
16 religion, physical appearance and characteristic, or  
17 socio-economic status; or a student's association with a person  
18 or group with one or more of these actual or perceived  
19 characteristics.

20 "Cyberbullying" means an act or acts exhibited by one  
21 student or group of students to another student or group of  
22 students that:



- 1        (1) Are conveyed by electronic transmission via the  
2        Internet, a cell phone, a personal digital assistant  
3        (PDA), or a wireless hand-held device;
- 4        (2) Cause mental or physical harm to the student or group  
5        of students that receives the electronic transmission;  
6        and
- 7        (3) Are sufficiently severe, persistent, or pervasive to  
8        create an intimidating, threatening, or abusive  
9        educational environment.

10        "Harassment" means harassing, bullying, including  
11        cyberbullying, annoying, or alarming a student or group of  
12        students by engaging in conduct that includes:

- 13        (1) Striking, shoving, kicking, or otherwise touching a  
14        student or group of students in an offensive manner or  
15        subjecting that student or group of students to  
16        offensive physical contact;
- 17        (2) Insulting, taunting, or challenging another student or  
18        group of students in a manner likely to provoke a  
19        violent response;
- 20        (3) Making verbal or non-verbal expressions that cause  
21        another student or group of students to feel  
22        uncomfortable, pressured, threatened, or in danger



1 because of reasons that include the student's or  
2 group's actual or perceived race, color, national  
3 origin, sex, gender identity or expression, sexual  
4 orientation, physical or mental disability, religion,  
5 physical appearance and characteristic, and socio-  
6 economic status, or association therewith, that  
7 creates an intimidating, hostile, or offensive  
8 educational environment, or interferes with the  
9 education of a student or group of students, or  
10 otherwise adversely affects the educational  
11 opportunity of a student or group of students;

12 (4) Name calling, making rude gestures, insulting, or  
13 teasing another student or group of students who, as a  
14 result, feels humiliated, intimidated, threatened, or  
15 embarrassed;

16 (5) Making a telephone call without the purpose of  
17 legitimate communication;

18 (6) Making repeated communications anonymously, at  
19 extremely inconvenient hours, or in offensively coarse  
20 language on campus or other department of education  
21 premises, on department of education transportation,



1 or during a department of education-sponsored activity  
2 or event on or off school property;

3 (7) Causing fear as to prevent other students or groups of  
4 students from gaining legitimate access to or use of  
5 school buildings, facilities, services, or grounds  
6 such as restroom facilities; and

7 (8) Physically harming, physically restraining,  
8 threatening, or stalking, or a combination thereof."

9 SECTION 3. (a) The board of education shall monitor the  
10 department of education for compliance with any administrative  
11 rules or statutes governing bullying, cyberbullying, and  
12 harassment.

13 (b) The board of education shall establish reporting  
14 requirements for the department of education to report to the  
15 board of education on the department of education's compliance  
16 with any administrative rules or statutes governing bullying,  
17 cyberbullying, and harassment.

18 (c) For purposes of this section, "bullying",  
19 "cyberbullying", and "harassment" shall have the same meanings  
20 as in section 302A-101, Hawaii Revised Statutes.

21 SECTION 4. If any provision of this Act, or the  
22 application thereof to any person or circumstance is held



1 invalid, the invalidity does not affect other provisions or  
2 applications of the Act, which can be given effect without the  
3 invalid provision or application, and to this end the provisions  
4 of this Act are severable.

5 SECTION 5. This Act does not affect rights and duties that  
6 matured, penalties that were incurred, and proceedings that were  
7 begun before its effective date.

8 SECTION 6. New statutory material is underscored.

9 SECTION 7. This Act shall take effect on July 1, 2030.

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**Report Title:**

Keiki Caucus; Safe Schools Act; Bullying

**Description:**

Defines "bullying", "cyberbullying", and "harassment" in chapter 302A, Hawaii Revised Statutes, relating to the public schools. Establishes the offense of harassment by cyberbullying, with the first and second offenses as misdemeanors, and any third and subsequent offense as a class C felony. Requires the board of education to monitor the department of education's compliance with any rules or statutes covering bullying, cyberbullying, or harassment and to establish reporting requirements for the department of education. Effective July 1, 2030. (SD1)

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

