
A BILL FOR AN ACT

RELATING TO CYBERBULLYING.

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 conduct
8 involving pursuit, surveillance, digital nuisance, or
9 nonconsensual contact upon the other person without legitimate
10 purpose by means of electronic communication.

11 (2) A person convicted under this section may be required
12 to undergo a counseling program as ordered by the court.

13 (3) As used in this section:

14 "Digital nuisance" means electronic communication that
15 causes mental or physical harm and is sufficiently severe,
16 persistent, or pervasive that it creates an intimidating,
17 threatening, or abusive environment.



1 "Electronic communication" shall have the same meaning as
2 provided in section 711-1111.

3 "Nonconsensual contact" shall have the same meaning as
4 provided in 711-1106.5.

5 (4) Harassment by cyberbullying is a petty misdemeanor."

6 SECTION 2. Section 708-890, Hawaii Revised Statutes, is
7 amended by adding a new definition to be appropriately inserted
8 and to read as follows:

9 "Digital nuisance" shall have the same meaning as provided
10 in section 711-_____."

11 SECTION 3. Section 708-893, Hawaii Revised Statutes, is
12 amended by amending subsection (1) to read as follows:

13 "(1) A person commits the offense of use of a computer in
14 the commission of a separate crime if the person:

15 (a) Intentionally uses a computer to obtain control over
16 the property of the victim to commit theft in the
17 first or second degree; or

18 (b) Knowingly uses a computer to identify, select,
19 solicit, persuade, coerce, entice, induce, [~~or~~]
20 procure, pursue, survey, contact, or cause a digital
21 nuisance for the victim or intended victim of the
22 following offenses:



- 1 (i) Section 707-726, relating to custodial
2 interference in the first degree;
- 3 (ii) Section 707-727, relating to custodial
4 interference in the second degree;
- 5 (iii) Section 707-731, relating to sexual assault in
6 the second degree;
- 7 (iv) Section 707-732, relating to sexual assault in
8 the third degree;
- 9 (v) Section 707-733, relating to sexual assault in
10 the fourth degree;
- 11 (vi) Section 707-751, relating to promoting child
12 abuse in the second degree; [øæ]
- 13 (vii) Section 712-1215, relating to promoting
14 pornography for minors[-]; or
- 15 (viii) Section 711- , relating to harassment by
16 cyberbullying."

17 SECTION 4. The provisions of this Act shall be liberally
18 construed to give effect to the purposes thereof.

19 SECTION 5. Nothing in this Act is intended to interfere
20 with the First Amendment rights of free speech and expression of
21 any person affected.



1 SECTION 6. 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 7. If any provision of this Act, or the
5 application thereof to any person or circumstance, is held
6 invalid, the invalidity does not affect other provisions or
7 applications of the Act that can be given effect without the
8 invalid provision or application, and to this end the provisions
9 of this Act are severable.

10 SECTION 8. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 9. This Act shall take effect on January 7, 2059.



Report Title:

Cyberbullying; Penal Code

Description:

Establishes the offense of harassment by cyberbullying. Defines "digital nuisance". Amends the offense of use of a computer in the commission of a separate crime to include harassment by cyberbullying. Effective January 7, 2059. (HB2295 HD1)

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