

---

---

# A BILL FOR AN ACT

RELATING TO DISORDERLY CONDUCT.

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

1           SECTION 1. The legislature finds that the conveyance of  
2 messages containing threats of violence, mass violence, or  
3 destruction of property, using various media including the  
4 Internet, is a growing concern. These messages are often  
5 intended as pranks, or are intended to disrupt services such as  
6 the operations of educational facilities, and result in the  
7 unnecessary expenditure of significant resources by law  
8 enforcement agencies. Due to earlier court rulings, the Hawaii  
9 Revised Statutes do not criminalize the making of false or  
10 misleading threats.

11           Accordingly, the purpose of this Act is to:

12           (1) Amend the offense of disorderly conduct to include  
13           engaging in conduct with the intent to convey certain  
14           false or misleading information; and

15           (2) Allow minors convicted of a first-time offense of  
16           conveying false or misleading information to apply to  
17           the court for expungement.



1 SECTION 2. Section 711-1101, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 **"§711-1101 Disorderly conduct.** (1) A person commits the  
4 offense of disorderly conduct if, with intent to cause physical  
5 inconvenience or alarm by a member or members of the public, or  
6 recklessly creating a risk thereof, the person:

7 (a) Engages in fighting or threatening, or in violent or  
8 tumultuous behavior;

9 (b) Makes unreasonable noise;

10 (c) Subjects another person to offensively coarse behavior  
11 or abusive language [~~which~~] that is likely to provoke  
12 a violent response;

13 (d) Creates a hazardous or physically offensive condition  
14 by any act [~~which~~] that is not performed under any  
15 authorized license or permit; [~~or~~]

16 (e) Impedes or obstructs, for the purpose of begging or  
17 soliciting alms, any person in any public place or in  
18 any place open to the public[~~-~~]; or

19 (f) Engages in any conduct with the intent to convey false  
20 or misleading information under circumstances in which  
21 the information:



1           (i) May reasonably be believed; and  
2           (ii) Indicates that an activity has taken, is taking,  
3           or will take place that could result in death,  
4           bodily injury, or property damage, through the  
5           use of a firearm or by widely dangerous means.

6           (2) Noise is unreasonable, within the meaning of  
7 subsection (1) (b), if considering the nature and purpose of the  
8 person's conduct and the circumstances known to the person,  
9 including the nature of the location and the time of the day or  
10 night, the person's conduct involves a gross deviation from the  
11 standard of conduct that a law-abiding citizen would follow in  
12 the same situation; or the failure to heed the admonition of a  
13 police officer that the noise is unreasonable and should be  
14 stopped or reduced.

15           The renter, resident, or owner-occupant of the premises who  
16 knowingly or negligently consents to unreasonable noise on the  
17 premises shall be guilty of a noise violation.

18           (3) Disorderly conduct is a petty misdemeanor if it is the  
19 defendant's intention to cause substantial harm or serious  
20 inconvenience, or if the defendant persists in disorderly



1 conduct after reasonable warning or request to desist.

2 Otherwise disorderly conduct is a violation.

3 (4) Notwithstanding any other law to the contrary, a  
4 person who was under the age of eighteen at the time of the  
5 offense and has been convicted of a first-time offense under  
6 subsection (1) (f) may apply to the court for an expungement  
7 order upon attaining the age of eighteen or three years after  
8 the conviction, whichever is later; provided that the person has  
9 fulfilled the terms of the sentence imposed by the court and has  
10 had no subsequent convictions under subsection (1) (f)."

11 SECTION 3. This Act does not affect rights and duties that  
12 matured, penalties that were incurred, and proceedings that were  
13 begun before its effective date.

14 SECTION 4. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

16 SECTION 5. This Act shall take effect upon its approval.



**Report Title:**

Honolulu Police Department Package; Disorderly Conduct; False or Misleading Information; Expungement; Minors

**Description:**

Amends the offense of disorderly conduct to include engaging in conduct with the intent to convey certain false or misleading information. Allows minors to apply for the expungement of a first-time offense. (HD1)

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

