
A BILL FOR AN ACT

RELATING TO LAW ENFORCEMENT.

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

1 SECTION 1. Section 710-1010, Hawaii Revised Statutes, is
2 amended by amending subsection (2) to read as follows:

3 "(2) This section does not apply to:

4 (a) The obstruction, impairment, or hindrance of the
5 making of an arrest; ~~[e]~~

6 (b) The obstruction, impairment, or hindrance of any
7 governmental function, as provided by law, in
8 connection with a labor dispute with the
9 government ~~[r]~~; or

10 (c) A person who is making a video or audio recording or
11 taking a photograph of a law enforcement officer while
12 the officer is in the performance of the officer's
13 duties in a public place or under circumstances in
14 which the officer has no reasonable expectation of
15 privacy; provided that the officer may take reasonable
16 action to maintain safety and control, secure crime
17 scenes and accident sites, protect the integrity and



1 confidentiality of investigations, and protect the
2 public safety and order."

3 SECTION 2. Section 711-1111, Hawaii Revised Statutes, is
4 amended by amending subsection (1) to read as follows:

5 "(1) A person commits the offense of violation of privacy
6 in the second degree if, except in the execution of a public
7 duty or as authorized by law, the person intentionally:

8 (a) Trespasses on property for the purpose of subjecting
9 anyone to eavesdropping or other surveillance in a
10 private place;

11 (b) Peers or peeps into a window or other opening of a
12 dwelling or other structure adapted for sojourn or
13 overnight accommodations for the purpose of spying on
14 the occupant thereof or invading the privacy of
15 another person with a lewd or unlawful purpose, under
16 circumstances in which a reasonable person in the
17 dwelling or other structure would not expect to be
18 observed;

19 (c) Trespasses on property for the sexual gratification of
20 the actor;



- 1 (d) Installs or uses, or both, in any private place,
2 without consent of the person or persons entitled to
3 privacy therein, any means or device for observing,
4 recording, amplifying, or broadcasting sounds or
5 events in that place other than another person in a
6 stage of undress or sexual activity; provided that
7 this paragraph shall not prohibit a person from making
8 a video or audio recording or taking a photograph of a
9 law enforcement officer while the officer is in the
10 performance of the officer's duties in a public place
11 or under circumstances in which the officer has no
12 reasonable expectation of privacy and the person is
13 not interfering with the officer's ability to maintain
14 safety and control, secure crime scenes and accident
15 sites, protect the integrity and confidentiality of
16 investigations, and protect the public safety and
17 order;
- 18 (e) Installs or uses outside a private place any device
19 for hearing, recording, amplifying, or broadcasting
20 sounds originating in that place which would not
21 ordinarily be audible or comprehensible outside,



1 without the consent of the person or persons entitled
2 to privacy therein;

3 (f) Covertly records or broadcasts an image of another
4 person's intimate area underneath clothing, by use of
5 any device, and that image is taken while that person
6 is in a public place and without that person's
7 consent;

8 (g) Intercepts, without the consent of the sender or
9 receiver, a message or photographic image by
10 telephone, telegraph, letter, electronic transmission,
11 or other means of communicating privately; but this
12 paragraph does not apply to:

13 (i) Overhearing of messages through a regularly
14 installed instrument on a telephone party line or
15 an extension; or

16 (ii) Interception by the telephone company, electronic
17 mail account provider, or telephone or electronic
18 mail subscriber incident to enforcement of
19 regulations limiting use of the facilities or
20 incident to other operation and use;



1 (h) Divulges, without the consent of the sender or the
2 receiver, the existence or contents of any message or
3 photographic image by telephone, telegraph, letter,
4 electronic transmission, or other means of
5 communicating privately, if the accused knows that the
6 message or photographic image was unlawfully
7 intercepted or if the accused learned of the message
8 or photographic image in the course of employment with
9 an agency engaged in transmitting it; or

10 (i) Knowingly possesses materials created under
11 circumstances prohibited in section 711-1110.9."

12 SECTION 3. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 4. This Act shall take effect on July 1, 2016.



Report Title:

Law Enforcement; Obstruction of Government Operations; Violation of Privacy in the Second Degree; Video Recording; Audio Recording; Photograph

Description:

Establishes exceptions to the offense of obstructing government operations and the offense of violation of privacy in the second degree for a person making a video or audio recording or photograph of a law enforcement officer while the officer is in the performance of duties in a public place or under circumstances in which the officer has no reasonable expectation of privacy; provided that the officer may take reasonable action to maintain safety and control, secure crime scenes and accident sites, protect the integrity and confidentiality of investigations, and protect the public safety and order. (CD1)

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

