THE SENATE TWENTY-FOURTH LEGISLATURE, 2008 STATE OF HAWAII

S.B. NO. ²⁴³⁶ S.D. 1

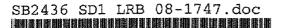
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A BILL FOR AN ACT

RELATING TO CRIME.

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

1	SECT	ION 1. Section 711-1106, Hawaii Revised Statutes, is	
2	amended to read as follows:		
3	"§71	1-1106 Harassment. (1) A person commits the offense	
4	of harass	ment if, with intent to harass, annoy, or alarm any	
5	other per	son, 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;	



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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; [or]
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	<u>(g)</u>	Makes a communication that would cause the other
12		person to reasonably feel emotional or physical
13		<u>distress; or</u>
14	<u>(h)</u>	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	transmiss	ion, computer, pager, or video recorder."



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SECTION 2. This Act does not affect rights and duties that
matured, penalties that were incurred, and proceedings that were
begun, before its effective date.

4 SECTION 3. Statutory material to be repealed is bracketed5 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

SB2436 SD1 LRB 08-1747.doc

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)