

JAN 21 2011

A BILL FOR AN ACT

RELATING TO THE PENAL CODE.

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

1 SECTION 1. Section 707-700, Hawaii Revised Statutes, is
2 amended by adding a new definition to be appropriately inserted
3 and to read as follows:

4 "Simulated firearm" means any object that:

5 (1) Substantially resembles a firearm;

6 (2) Can reasonably be perceived to be a firearm; or

7 (3) Is used or brandished as a firearm."

8 SECTION 2. Section 707-716, Hawaii Revised Statutes, is
9 amended by amending subsection (1) to read as follows:

10 "(1) A person commits the offense of terroristic
11 threatening in the first degree if the person commits
12 terroristic threatening:

13 (a) By threatening another person on more than one
14 occasion for the same or a similar purpose;

15 (b) By threats made in a common scheme against different
16 persons;

17 (c) Against a public servant arising out of the
18 performance of the public servant's official duties.



1 For the purposes of this paragraph, "public servant"
2 includes but is not limited to an educational worker.
3 "Educational worker" has the same meaning as defined
4 in section 707-711;

5 (d) Against any emergency medical services provider who is
6 engaged in the performance of duty. For purposes of
7 this paragraph, "emergency medical services provider"
8 means emergency medical services personnel, as defined
9 in section 321-222, and physicians, physician's
10 assistants, nurses, nurse practitioners, certified
11 registered nurse anesthetists, respiratory therapists,
12 laboratory technicians, radiology technicians, and
13 social workers, providing services in the emergency
14 room of a hospital; or

15 (e) With the use of a dangerous instrument[~~-~~] or a
16 simulated firearm."

17 SECTION 3. Section 708-800, Hawaii Revised Statutes, is
18 amended by adding a new definition to be appropriately inserted
19 and to read as follows:

20 "Simulated firearm" means any object that:

21 (1) Substantially resembles a firearm;

22 (2) Can reasonably be perceived to be a firearm; or



1 (3) Is used or brandished as a firearm."

2 SECTION 4. Section 708-840, Hawaii Revised Statutes, is
3 amended by amending subsection (1) to read as follows:

4 "(1) A person commits the offense of robbery in the first
5 degree if, in the course of committing theft or non-consensual
6 taking of a motor vehicle:

7 (a) The person attempts to kill another or intentionally
8 or knowingly inflicts or attempts to inflict serious
9 bodily injury upon another;

10 (b) The person is armed with a dangerous instrument or a
11 simulated firearm and:

12 (i) The person uses force against the person of
13 anyone present with intent to overcome that
14 person's physical resistance or physical power of
15 resistance; or

16 (ii) The person threatens the imminent use of force
17 against the person of anyone present with intent
18 to compel acquiescence to the taking of or
19 escaping with the property;

20 (c) The person uses force against the person of anyone
21 present with the intent to overcome that person's
22 physical resistance or physical power of resistance



1 during the time of a civil defense emergency
2 proclaimed by the governor pursuant to chapter 128,
3 within the area covered by the civil defense emergency
4 or during the period of disaster relief under chapter
5 127; or

6 (d) The person threatens the imminent use of force against
7 the person of anyone present with intent to compel
8 acquiescence to the taking of or escaping with the
9 property during the time of a civil defense emergency
10 proclaimed by the governor pursuant to chapter 128,
11 within the area covered by the civil defense emergency
12 or during the period of disaster relief under chapter
13 127."

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

17 SECTION 6. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.



Report Title:

HSAC Package; Penal Code; Replica or Simulated Firearms; Penalty

Description:

Provides that the use of a replica firearm in a robbery or terroristic threatening raises the offense to robbery in the first degree or terroristic threatening in the first degree, respectively. Defines the term simulated firearm.

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

