
A BILL FOR AN ACT

RELATING TO CYBERBULLYING.

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

1 SECTION 1. The legislature finds that across the country,
2 states are grappling with escalating instances of cyberbullying
3 and their often tragic results. Currently, twenty-five states
4 have passed laws against cyberbullying, and most states direct
5 local school districts on how to deal with cyberbullying -
6 ranging from training personnel to disciplining students.

7 The department of education and board of education have
8 both rules and policies governing cyberbullying. Legislation
9 was passed in 2011 to require the monitoring and enforcement of
10 these policies, however concerns were raised that this
11 legislation would not provide protection during non-school hours
12 or to non-department of education students and the general
13 public.

14 The legislature further finds that currently, the
15 department refers cyberbullying issues to the police. The
16 police, however, are hampered in their response because there is
17 no clear penalty for cyberbullying.



1 The purpose of this Act is to provide greater protection
2 for victims of cyberbullying by establishing an offense of
3 harassment by cyberbullying as a class C felony.

4 SECTION 2. Chapter 711, Hawaii Revised Statutes, is
5 amended by adding a new section to be appropriately designated
6 and to read as follows:

7 "§711- Harassment by cyberbullying. (1) A person
8 commits the offense of harassment by cyberbullying if with the
9 intent to harass, annoy, or alarm another person, or in reckless
10 disregard of the risk thereof, that person:

11 (a) (i) Posts a message or statement in a public media
12 forum about any other person;

13 (ii) Knows that the message or statement is false or
14 intentionally misleading; and

15 (iii) Authors a message or statement that a reasonable
16 person would believe to be damaging to the
17 character or reputation of the other person; or

18 (b) (i) Transmits a message or statement by means of
19 electronic communication to other persons about
20 another person;

21 (ii) Knows that the message or statement is false or
22 intentionally misleading; and



1 (iii) Authors a message or statement that a reasonable
2 person would believe to be damaging to the
3 character or reputation of the other person.

4 (2) As used in this section:

5 "Electronic communication" means any transfer of signs,
6 signals, writing, images, sounds, data, or intelligence of any
7 nature transmitted in whole or part by a wire, radio,
8 electromagnetic, photoelectronic, or photo-optical system.

9 "Public media forum" means the Internet or any other medium
10 designed or intended to be used to convey information to other
11 individuals, regardless of whether a membership or password is
12 required to view the information, and includes but is not
13 limited to social media networks and blogs.

14 (3) Harassment by cyberbullying is a class C felony."

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

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

19 (a) Intentionally uses a computer to obtain control over
20 the property of the victim to commit theft in the
21 first or second degree; or



1 (b) Knowingly uses a computer to identify, select,
2 solicit, persuade, coerce, entice, induce, or procure
3 the victim or intended victim of the following
4 offenses:

5 (i) Section 707-726, relating to custodial
6 interference in the first degree;

7 (ii) Section 707-727, relating to custodial
8 interference in the second degree;

9 (iii) Section 707-731, relating to sexual assault in
10 the second degree;

11 (iv) Section 707-732, relating to sexual assault in
12 the third degree;

13 (v) Section 707-733, relating to sexual assault in
14 the fourth degree;

15 (vi) Section 707-751, relating to promoting child
16 abuse in the second degree; [or]

17 (vii) Section 711- , relating to harassment by
18 cyberbullying; or

19 [~~(vii)~~] (viii) Section 712-1215; relating to promoting
20 pornography for minors."

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



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

4 SECTION 6. 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, which 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 7. This Act does not affect rights and duties that
11 matured, penalties that were incurred, and proceedings that were
12 begun before its effective date.

13 SECTION 8. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 9. This Act shall take effect upon its approval.



Report Title:

Harassment by Cyberbullying; Establishment; Penalty

Description:

Establishes an offense of harassment by cyberbullying as a class C felony. (SD1)

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

