

JAN 18 2013

A BILL FOR AN ACT

RELATING TO SIMULATED FIREARMS.

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

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

"Simulated firearm" means any object that:

(1) Substantially resembles a firearm;

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

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

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

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

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

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

(c) Against a public servant arising out of the 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;

15 (e) With the use of a dangerous instrument[+] or a
16 simulated firearm; or

17 (f) By threatening a person who:

18 (i) The defendant has been restrained from, by order
19 of any court, including an ex parte order,
20 contacting, threatening, or physically abusing
21 pursuant to chapter 586; or



(ii) Is being protected by a police officer ordering the defendant to leave the premises of that protected person pursuant to section 709-906(4), during the effective period of that order."

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

"Simulated firearm" means any object that:

(1) Substantially resembles a firearm;

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

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

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

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

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

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



1 (i) The person uses force against the person of
2 anyone present with intent to overcome that
3 person's physical resistance or physical power of
4 resistance; or

5 (ii) The person threatens the imminent use of force
6 against the person of anyone present with intent
7 to compel acquiescence to the taking of or
8 escaping with the property;

9 (c) The person uses force against the person of anyone
10 present with the intent to overcome that person's
11 physical resistance or physical power of resistance
12 during the time of a civil defense emergency
13 proclaimed by the governor pursuant to chapter 128,
14 within the area covered by the civil defense emergency
15 or during the period of disaster relief under chapter
16 127; or

17 (d) The person threatens the imminent use of force against
18 the person of anyone present with intent to compel
19 acquiescence to the taking of or escaping with the
20 property during the time of a civil defense emergency
21 proclaimed by the governor pursuant to chapter 128,
22 within the area covered by the civil defense emergency



1 or during the period of disaster relief under chapter
2 127."

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

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

8 SECTION 7. This Act shall take effect upon its approval.
9

INTRODUCED BY: ~~AND~~ S.C. Kinkadee



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Report Title:

Simulated Firearms; Terroristic Threatening; Robbery

Description:

Amends the offenses of terroristic threatening in the first degree and robbery in the first degree to include the use of a simulated firearm.

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