

A BILL FOR AN ACT

RELATING TO THE PENAL CODE.

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

SECTION 1. Chapter 28, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§28- Terroristic threatening in the first degree; report. The department of the attorney general shall submit an annual report to the legislature no later than twenty days prior to the convening of each regular session, beginning with the regular session of 2027, on the number of convictions of an offense under section 707-716(1)(g) through (k) by the department or the county prosecutors. The department of the attorney general shall include in its report an equity review and demographic data analysis of the convictions included in the report."

SECTION 2. Section 707-715, Hawaii Revised Statutes, is amended to read as follows:

"§707-715 Terroristic threatening, defined. (1) A person commits the offense of terroristic threatening if the person



1 threatens, by word or conduct, including via any form of written
2 or electronic communication, to cause bodily injury to another
3 person or serious damage or harm to property, including the pets
4 or livestock, of another or to commit a felony:

5 ~~[(1)]~~ (a) With the intent to terrorize, or in reckless
6 disregard of the risk of terrorizing, another person;
7 or

8 ~~[(2)]~~ (b) With intent to cause, or in reckless disregard of
9 the risk of causing evacuation of a building, place of
10 assembly, or facility of public transportation.

11 (2) For the purposes of this section, "electronic
12 communication" shall have the same meaning as in section 711-
13 1111 and shall include posts made on or messages sent through
14 social media, as defined in section 200-3.2."

15 SECTION 3. Section 707-716, Hawaii Revised Statutes, is
16 amended to read as follows:

17 **"§707-716 Terroristic threatening in the first degree.**

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

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



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

3 (c) Against a public servant arising out of the
4 performance of the public servant's official duties.
5 For the purposes of this paragraph, "public servant"
6 includes but is not limited to an educational worker.
7 "Educational worker" has the same meaning as defined
8 in section 707-711;

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

19 (e) With the use of a dangerous instrument or a simulated
20 firearm. For purposes of this section, "simulated
21 firearm" means any object that:



- 1 (i) Substantially resembles a firearm;
- 2 (ii) Can reasonably be perceived to be a firearm; or
- 3 (iii) Is used or brandished as a firearm; ~~[or]~~
- 4 (f) By threatening a person who:
- 5 (i) The defendant has been restrained from, by order
- 6 of any court, including an ex parte order,
- 7 contacting, threatening, or physically abusing
- 8 pursuant to chapter 586; or
- 9 (ii) Is being protected by a police officer ordering
- 10 the defendant to leave the premises of that
- 11 protected person pursuant to section 709-906(4),
- 12 during the effective period of that order~~[+]~~;
- 13 (g) Against public infrastructure, including schools;
- 14 (h) Against a federal, state, or county government agency;
- 15 (i) Against an elderly person who has attained the age of
- 16 sixty-two years;
- 17 (j) Against a child who is under the age of eighteen; or
- 18 (k) Against a disabled person.
- 19 (2) Terroristic threatening in the first degree is a class
- 20 C felony; provided that terroristic threatening in the first
- 21 degree is a class B felony if ~~[committed]~~:



- 1 (a) Committed with a firearm as defined in section 134-1,
2 whether the firearm was loaded or not, and whether
3 operable or not, or a simulated firearm, while in one
4 of the locations or premises listed in section 134-
5 9.1(a) [~~-~~]; or
6 (b) Committed against a location or person as identified
7 in subsection (1)(g) through (k).

8 A U.S. military police officer is not a "public servant" for
9 purposes of this section. 552 F. Supp. 2d 1108 (2008)."

10 SECTION 4. By January 1, 2027, the judiciary shall
11 promulgate rules necessary to carry out the purpose and intent
12 of sections 707-715 and 707-716, Hawaii Revised Statutes.

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

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

18 SECTION 7. This Act shall take effect upon its approval.

19
INTRODUCED BY:



JAN 20 2026



H.B. NO. 1665

Report Title:

Judiciary; Department of the Attorney General; Terroristic Threatening; Electronic Communications; Report

Description:

Expands the definition of "terroristic threatening" to include electronic communications, including posts made on or messages sent through social media. Specifies that terroristic threatening against public infrastructure, including schools; a federal, state, or county government agency; an elderly person who has attained the age of sixty-two years; a child who is under the age of eighteen; or a disabled person is a Class B felony. Requires annual reports to the Legislature.

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

