
A BILL FOR AN ACT

RELATING TO PETITIONS TO TEMPORARILY RESTRAIN AND ENJOIN
HARASSMENT OF AN EMPLOYEE.

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

1 SECTION 1. State law currently allows a person to obtain a
2 temporary restraining order and injunction against harassment.
3 The legislature finds that there is a need to extend these
4 protections to allow employers to protect employees against
5 employment-related harassment.

6 In recent times, employees in the public and private
7 sectors across the country have experienced an alarming increase
8 in harassment, acts of violence, or threats to engage in acts of
9 violence.

10 In the public sector, numerous studies and reports confirm
11 this trend. For example, a 2021 study titled "On the Frontlines
12 of Today's Cities: Trauma, Challenges and Solutions" by the
13 National League of Cities found that eighty-one per cent of
14 local public officials surveyed said they had experienced
15 harassment, threats, or violence in recent years. In addition
16 to having their safety and well-being threatened, the report



1 found that harassment and violent behavior interrupted local
2 officials' ability to do their jobs and led to the loss of
3 institutional knowledge due to resignations.

4 In 2024, the National League of Cities conducted a survey
5 as an update to the earlier 2021 report, polling mayors, city
6 council members, and city managers about their personal
7 experiences of harassment as part of their work. Seventy-three
8 per cent of surveyed mayors, city council members, and city
9 managers reported personally experiencing harassment as part of
10 their work. Of those who experienced harassment, eighty-nine
11 per cent experienced harassment on social media and eighty-four
12 per cent experienced harassment during public city meetings.
13 Twenty-three per cent of respondents reported harassment of
14 their family or loved ones.

15 Other public servants, including state legislators and
16 judges, have experienced increasing threats or attacks. In a
17 series of national surveys completed in October 2023, the
18 Brennan Center for Justice, based on data sets representing more
19 than one thousand seven hundred officials from all fifty states,
20 found that more than forty per cent of state legislators
21 experienced threats or attacks within the past three years, and



1 eighty-nine per cent of state legislators experienced insults or
2 harassment, including stalking.

3 The legislature also finds that data gathered by the
4 federal and state courts illustrates that the trend of threats
5 and inappropriate communications against public officials is
6 increasing. United States Marshals Service data from 2025 shows
7 one hundred sixty-two federal judges were threatened in March
8 and early April 2025. At the state level, the number of threats
9 and other inappropriate communications to Hawaii judges has
10 increased tenfold since 2012.

11 Allowing an employer to seek an order of protection in
12 favor of employees to enjoin employment-related harassment has
13 been a feature of California law for some time.

14 In the 1990s, California enacted a law to allow an employer
15 to obtain a protective order on behalf of an employee. The law
16 is presently codified in section 527.8 of the California Code of
17 Civil Procedure. In the decades since this law was enacted,
18 employers in California, including government entities, have
19 obtained restraining orders to prohibit a person from harassing
20 their employees.



1 A few examples from California applying this law illustrate
2 the type of threats made against employees and how the law has
3 been utilized to restrain the threatening conduct.

4 First, the Administrative Office of the Courts of the State
5 of California successfully petitioned the court for a protective
6 order when a party in a family court matter, on the day he
7 learned a decision was unfavorable to him, made repeated threats
8 to kill the judicial official who had rendered the decision.

9 Admin. Office of Courts v. Valdez, No. A127094, 2010 WL 5264573,
10 at *1 (Cal. Ct. App. Dec. 27, 2010).

11 Second, the County of Los Angeles obtained restraining
12 orders on behalf of five employees, all women, to protect them
13 from a member of the public who stalked and threatened to commit
14 sexual violence against them. Cnty. of Los Angeles v. Herman,
15 No. B333177, 2024 WL 4997864, at *1 (Cal. Ct. App. Dec. 4,
16 2024).

17 In a third example, the Board of Trustees of California
18 State University obtained restraining orders on behalf of three
19 employees to protect them from a terminated employee who had
20 purchased firearms and ammunition and who had made threats to
21 kill them or other violent statements. Bd. of Trustees of



1 California State Univ. v. D.S., No. C100001, 2025 WL 2449509, at
2 *6 (Cal. Ct. App. Aug. 26, 2025).

3 The legislature further finds that a temporary restraining
4 order or injunction provides additional protection to the
5 harassed employee. For example, under section 134-7(f), Hawaii
6 Revised Statutes, a person under a restraining order is required
7 to relinquish possession and control of any firearm and
8 ammunition owned by that person to the police department. This
9 surrendering of a lawfully registered firearm and ammunition by
10 a restrained person is a policy that the legislature finds
11 should be expanded.

12 Accordingly, the purpose of this Act is to expand
13 protections against employment-related harassment by allowing
14 public employers to secure a temporary restraining order and
15 permanent injunction on behalf of a harassed employee.

16 SECTION 2. Section 604-10.5, Hawaii Revised Statutes, is
17 amended to read as follows:

18 **"§604-10.5 Power to enjoin and temporarily restrain**
19 **harassment.** (a) For the purposes of this section:



1 "Course of conduct" means a pattern of conduct composed of
2 a series of acts over any period of time evidencing a continuity
3 of purpose.

4 "Harassment" means:

5 (1) Physical harm, bodily injury, assault, or the threat
6 of imminent physical harm, bodily injury, or assault;
7 or
8 (2) An intentional or knowing course of conduct directed
9 at an individual that seriously alarms or disturbs
10 consistently or continually bothers the individual and
11 serves no legitimate purpose; provided that such
12 course of conduct would cause a reasonable person to
13 suffer emotional distress.

14 "Public employer" means:

15 (1) The State or any of its political subdivisions;
16 (2) A federal agency;
17 (3) The United States courts; or
18 (4) A public or quasi-public corporation, or any public
19 agency thereof or therein,
20 and any agent thereof.

21 "Public servant" means:



- 1 (1) The governor;
- 2 (2) The lieutenant governor;
- 3 (3) The administrative director appointed pursuant to
4 section 26-3;
- 5 (4) Any head of a department established under
6 section 26-4;
- 7 (5) Any member of the legislature;
- 8 (6) Any active, formerly active, or retired:
 - 9 (A) Justice of the Hawaii supreme court;
 - 10 (B) Judge of the Hawaii intermediate appellate court;
 - 11 (C) Judge of a Hawaii circuit court or circuit family
12 court;
 - 13 (D) Judge of a Hawaii district court or district
14 family court; or
 - 15 (E) Per diem judge of a Hawaii district court or
16 district family court;
- 17 (7) Any active, formerly active, or retired:
 - 18 (A) Justice of the United States Supreme Court;
 - 19 (B) Judge of the United States Court of Appeals;
 - 20 (C) Judge or magistrate judge of the United States
21 District Court; or



1 (D) Judge of the United States Bankruptcy Court,
2 who resides in the State, formerly resided in the
3 State while serving as a federal judge, or owns real
4 property in the State;

5 (8) The administrative director of the courts;
6 (9) The deputy administrative director of the courts;
7 (10) Any employee or volunteer of the office of elections;
8 or
9 (11) Any person designated for good cause by the governor,
10 president of the senate, speaker of the house of
11 representatives, administrative director of the
12 courts, chief judge of the United States District
13 Court for the District of Hawaii, or chairperson of
14 the office of Hawaiian affairs in the designator's
15 respective body.

16 (b) The district courts shall have the power to enjoin,
17 prohibit, or temporarily restrain harassment.

18 (c) Any person who has been subjected to harassment, or
19 any public employer of a public servant who has been subjected
20 to harassment related to their employment as a public servant,
21 may petition the district court for a temporary restraining

1 order and an injunction from further harassment in the district
2 in which:

3 (1) The petitioner resides or is temporarily located;

4 (2) The respondent resides; or

5 (3) The harassment occurred.

6 (d) A petition for relief from harassment shall be in
7 writing and shall allege that a past act or acts of harassment
8 may have occurred or that threats of harassment make it probable
9 that acts of harassment may be imminent; and shall be
10 accompanied by an affidavit made under oath or statement made
11 under penalty of perjury stating the specific facts and
12 circumstances for which relief is sought.

13 (e) Upon petition to a district court under this section,
14 the court may allow a petition, complaint, motion, or other
15 document to be filed identifying the petitioner as "jane doe" or
16 "john doe"; provided that the court finds that the "jane doe" or
17 "john doe" filing is reasonably necessary to protect the privacy
18 of the petitioner and will not unduly prejudice the prosecution
19 or the defense of the action.



1 In considering a petition requesting a "jane doe" or "john
2 doe" filing, the court shall weigh the petitioner's interest in
3 privacy against the public interest in disclosure.

4 The court, only after finding clear and convincing evidence
5 that would make public inspection inconsistent with the purpose
6 of this section, may seal from the public all documents or
7 portions of documents, including all subsequently filed
8 documents, that would identify the petitioner or contain
9 sufficient information from which the petitioner's identity
10 could be discerned or inferred. Access to identifying
11 information may be permitted to law enforcement or other
12 authorized authority, in the course of conducting official
13 business, to effectuate service, enforcement, or prosecution, or
14 as ordered by the courts.

15 (f) Upon petition to a district court under this section,
16 the court may temporarily restrain the person or persons named
17 in the petition from harassing the petitioner or the public
18 servant on whose behalf the petition is filed upon a
19 determination that there is probable cause to believe that a
20 past act or acts of harassment have occurred or that a threat or
21 threats of harassment may be imminent. The court may issue an



1 ex parte temporary restraining order either in writing or
2 orally; provided that oral orders shall be reduced to writing by
3 the close of the next court day following oral issuance.

4 (g) A temporary restraining order that is granted under
5 this section shall remain in effect at the discretion of the
6 court for a period not to exceed ninety days from the date the
7 order is granted, including, in the case where a temporary
8 restraining order restrains any party from harassing a minor,
9 for a period extending to a date after the minor has reached
10 eighteen years of age. A hearing on the petition to enjoin
11 harassment shall be held within fifteen days after the temporary
12 restraining order is granted. If service of the temporary
13 restraining order has not been effected before the date of the
14 hearing on the petition to enjoin, the court may set a new date
15 for the hearing; provided that the new date shall not exceed
16 ninety days from the date the temporary restraining order was
17 granted.

18 The parties named in the petition may file or give oral
19 responses explaining, excusing, justifying, or denying the
20 alleged act or acts of harassment. The court shall receive all



1 evidence that is relevant at the hearing and may make
2 independent inquiry.

3 If the court finds by clear and convincing evidence that
4 harassment as defined in paragraph (1) of that definition
5 exists, it may enjoin for no more than three years further
6 harassment of the petitioner[~~r~~] or the public servant on whose
7 behalf the petition is filed, or that harassment as defined in
8 paragraph (2) of that definition exists, it shall enjoin for no
9 more than three years further harassment of the petitioner[~~r~~] or
10 the public servant on whose behalf the petition is filed,
11 including, in the case where any party is enjoined from
12 harassing a minor, for a period extending to a date after the
13 minor has reached eighteen years of age; provided that this
14 subsection shall not prohibit the court from issuing other
15 injunctions against the named parties even if the time to which
16 the injunction applies exceeds a total of three years.

17 Any order issued under this section shall be served upon
18 the respondent. For the purposes of this section, "served"
19 means actual personal service, service by certified mail, or
20 proof that the respondent was present at the hearing at which
21 the court orally issued the injunction.



1 Where service of a restraining order or injunction has been
2 made or where the respondent is deemed to have received notice
3 of a restraining order or injunction order, any knowing or
4 intentional violation of the restraining order or injunction
5 order shall subject the respondent to the provisions in
6 subsection (i).

7 Any order issued shall be transmitted to the chief of
8 police of the county in which the order is issued by way of
9 regular mail, facsimile transmission, or other similar means of
10 transmission.

11 (h) The court may grant the prevailing party in an action
12 brought under this section costs and fees, including attorney's
13 fees.

14 (i) A knowing or intentional violation of a restraining
15 order or injunction issued pursuant to this section is a
16 misdemeanor. The court shall sentence a violator to appropriate
17 counseling and shall sentence a person convicted under this
18 section as follows:

19 (1) For a violation of an injunction or restraining order
20 that occurs after a conviction for a violation of the
21 same injunction or restraining order, the person shall



1 be sentenced to a mandatory minimum jail sentence of
2 not less than forty-eight hours; and
3 (2) For any subsequent violation that occurs after a
4 second conviction for violation of the same injunction
5 or restraining order, the person shall be sentenced to
6 a mandatory minimum jail sentence of not less than
7 thirty days.

8 The court may suspend any jail sentence, except for the
9 mandatory sentences under paragraphs (1) and (2), upon
10 appropriate conditions, such as that the defendant remain
11 alcohol- and drug-free, conviction-free, or complete
12 court-ordered assessments or counseling. The court may suspend
13 the mandatory sentences under paragraphs (1) and (2) where the
14 violation of the injunction or restraining order does not
15 involve violence or the threat of violence. Nothing in this
16 section shall be construed as limiting the discretion of the
17 judge to impose additional sanctions authorized in sentencing
18 for a misdemeanor offense.

19 (j) Nothing in this section shall be construed to prohibit
20 constitutionally protected activity.



1 (k) A petition under this section filed by a public
2 employer of a public servant shall identify the "Petitioner" as
3 the respective branch of government or department; provided that
4 the state judiciary shall be identified as the "Administrative
5 Director of the Courts".

6 (1) The authorization for a public employer to petition
7 for relief under this section on behalf of a public servant is
8 discretionary. Nothing in this section shall be construed to:

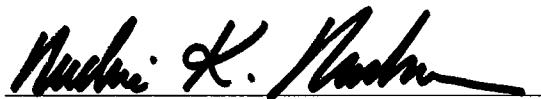
9 (1) Create a duty for a public employer to petition for
10 relief on behalf of a public servant; or
11 (2) Authorize a private right of action against a public
12 employer that declines to petition for relief under
13 this section."

14 SECTION 3. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 4. This Act shall take effect upon its approval.

17

INTRODUCED BY:


By Request
JAN 23 2026



H.B. NO. 2091

Report Title:

Judiciary Package; Public Employers; Public Servants; Harassment; Temporary Restraining Orders; Injunctions

Description:

Authorizes public employers to petition for temporary restraining orders and injunctions against employment-related harassment of certain public employees.

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

