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## A BILL FOR AN ACT

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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[7] 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[7] 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.

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