
A BILL FOR AN ACT

RELATING TO OFFENSES AGAINST PUBLIC SERVANTS.

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

1 SECTION 1. The legislature finds that public servants have
2 a unique and vital role in serving and protecting the well-being
3 of the people of Hawaii by providing essential government
4 services and administering programs central to the functioning
5 of the state.

6 However, public servants, by virtue of their official
7 duties, are exposed to large segments of the public and make
8 decisions or take other actions that affect many populations.
9 This presents unique and heightened safety risks that are not
10 typically encountered in other professions. National and local
11 reports demonstrate a significant and troubling rise in threats,
12 harassment, and violence directed toward public servants, often
13 as a result of decisions made in the performance of their
14 official governmental functions. The escalation of threats and
15 other harassment of public servants undermines both the safety
16 of public servants and the public's trust in the institutions
17 that serve them, resulting in increased resignations of public



1 servants, impaired service delivery, and broader negative
2 impacts on communities across Hawaii and the nation.

3 The legislature further finds that stronger statutory
4 protections are necessary to address harassment and threats that
5 interfere with the performance of official public duties.

6 Although the Hawaii Revised Statutes provides several statutes
7 that could apply to threats and harassment against public
8 servants - including terroristic threatening under section
9 707-715, obstruction of justice under section 710-1072.5, and
10 obstructing government operations under section 710-1010 - these
11 offenses have proven difficult for law enforcement to use
12 effectively in cases involving inappropriate communications,
13 threats, or harassment directed at public servants. Law
14 enforcement often downgrades charges or declines to pursue cases
15 under these statutes due to the high evidentiary burden or
16 because the statutory elements do not clearly fit the conduct at
17 issue.

18 As a result, many threats and harassing communications are
19 instead charged under the basic harassment statute under section
20 711-1106, Hawaii Revised Statutes, which is a petty misdemeanor
21 and requires only proof of intent to harass, annoy, or alarm.



1 The related offense of harassment by stalking under section
2 711-1106.5, Hawaii Revised Statutes, applies if there is a
3 pattern of conduct, and may be elevated to a class C felony for
4 repeat offenders. However, these existing penalties may not
5 provide a sufficient deterrent to harmful or disruptive behavior
6 targeting public servants performing their official duties,
7 particularly when the conduct undermines the integrity of
8 government proceedings or the safety of public officials.

9 Accordingly, the purpose of this Act is to provide stronger
10 protections to safeguard public servants and the effective
11 functioning of government, by elevating the offense of
12 harassment to a misdemeanor when committed against a public
13 servant in connection with that public servant's performance of
14 a governmental function.

15 SECTION 2. Chapter 711, Hawaii Revised Statutes, is
16 amended by adding a new section to part I to be appropriately
17 designated and to read as follows:

18 "§711- Harassment of a public servant. (1) A person
19 commits the offense of harassment of a public servant if that
20 person commits the offense of harassment as provided in section



1 711-1106 against a public servant in connection with that public
2 servant's performance of a governmental function.

3 (2) As used in this section, "public servant" means:

4 (a) The governor;

5 (b) The lieutenant governor;

6 (c) The administrative director appointed pursuant to
7 section 26-3;

8 (d) Any head of a department established under section
9 26-4;

10 (e) Any member of the legislature;

11 (f) Any active, formerly active, or retired:

12 (i) Justice of the Hawaii supreme court;

13 (ii) Judge of the Hawaii intermediate appellate court;

14 (iii) Judge of a Hawaii circuit court or circuit family
15 court;

16 (iv) Judge of a Hawaii district court or district
17 family court; or

18 (v) Per diem judge of a Hawaii district court or
19 district family court;

20 (g) Any active, formerly active, or retired:

21 (i) Justice of the United States Supreme Court;



1 (ii) Judge of the United States Court of Appeals;

2 (iii) Judge or magistrate judge of the United States
3 District Court; or

4 (iv) Judge of the United States Bankruptcy Court,
5 who resides in the State, formerly resided in the
6 State while serving as a federal judge, or owns real
7 property in the State;

8 (h) The administrative director of the courts;

9 (i) The deputy administrative director of the courts;

10 (j) Any probation officer of the state judiciary; or

11 (k) Any employee or volunteer of the office of elections.

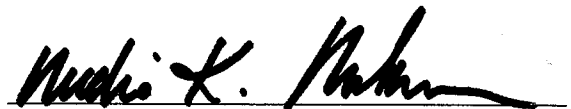
12 (3) Harassment of a public servant is a misdemeanor."

13 SECTION 3. 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 4. New statutory material is underscored.

17 SECTION 5. This Act shall take effect upon its approval.

18
INTRODUCED BY:



By Request

JAN 23 2026



Report Title:

Judiciary Package; Public Servants; Harassment

Description:

Elevates the offense of harassment to a misdemeanor when committed against certain public servants in connection with their performance of a governmental function.

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