
A BILL FOR AN ACT

RELATING TO THE PENAL CODE.

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

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

4 **"§28- Terroristic threatening in the first degree;**
5 **report.** The department of the attorney general shall submit an
6 annual report to the legislature no later than twenty days prior
7 to the convening of each regular session, beginning with the
8 regular session of 2027, on the number of convictions of an
9 offense under section 707-716(1)(g) through (i) by the
10 department or the county prosecutors. The department of the
11 attorney general shall include in its report an equity review
12 and demographic data analysis of the convictions included in the
13 report."

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

16 **"§707-715 Terroristic threatening, defined.** (1) A person
17 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 an elderly person who has attained the age of
- 14 sixty-two years;
- 15 (h) Against a child who is under the age of eighteen
- 16 years; or
- 17 (i) Against a disabled person.
- 18 (2) Terroristic threatening in the first degree is a class
- 19 C felony; provided that terroristic threatening in the first
- 20 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 person as identified in subsection
7 (1)(g) through (i).

8 (3) The requisite state of mind for subsection (1)(g) or
9 (1)(h) of this offense shall not be applicable to the fact that
10 the person who was threatened was sixty-two years of age or
11 older or was under the age of eighteen years. A person shall be
12 strictly liable with respect to the attendant circumstance that
13 the person who was threatened was sixty-two years of age or
14 older, or under the age of eighteen years.

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

17 SECTION 4. Section 710-1010, Hawaii Revised Statutes, is
18 amended to read as follows:

19 **§710-1010 Obstructing government operations.** (1) A
20 person commits the offense of obstructing government operations
21 if, by using or threatening to use violence, force, or physical



1 interference or obstacle, the person intentionally obstructs,
2 impairs, or hinders:

3 (a) The performance of a governmental function by a public
4 servant acting under color of the public servant's
5 official authority;

6 (b) The enforcement of the penal law or the preservation
7 of the peace by a law enforcement officer acting under
8 color of the law enforcement officer's official
9 authority; or

10 (c) The operation of a radio, telephone, television, or
11 other telecommunication system owned or operated by
12 the State or one of its political subdivisions.

13 (2) This section does not apply to:

14 (a) The obstruction, impairment, or hindrance of the
15 making of an arrest;

16 (b) The obstruction, impairment, or hindrance of any
17 governmental function, as provided by law, in
18 connection with a labor dispute with the government;
19 or

20 (c) A person who is making a video or audio recording or
21 taking a photograph of a law enforcement officer while



1 the officer is in the performance of the officer's
2 duties in a public place or under circumstances in
3 which the officer has no reasonable expectation of
4 privacy; provided that the officer may take reasonable
5 action to maintain safety and control, secure crime
6 scenes and accident sites, protect the integrity and
7 confidentiality of investigations, and protect the
8 public safety and order.

9 (3) Obstruction of government operations is a misdemeanor.

10 (4) Notwithstanding any law to the contrary, any offense
11 under subsection (1)(a) or (1)(d) shall be a class B felony."

12 SECTION 5. Section 710-1010, Hawaii Revised Statutes, is
13 amended by amending subsection (1) to read as follows:

14 **§710-1010 Obstructing government operations.** (1) A
15 person commits the offense of obstructing government operations
16 if, by using or threatening to use violence, force, or physical
17 interference or obstacle, the person intentionally obstructs,
18 impairs, or hinders:

19 (a) The performance of a governmental function by a public
20 servant acting under color of the public servant's
21 official authority;



1 (b) The enforcement of the penal law or the preservation
2 of the peace by a law enforcement officer acting under
3 color of the law enforcement officer's official
4 authority; [~~or~~]

5 (c) The operation of a radio, telephone, television, or
6 other telecommunication system owned or operated by
7 the State or one of its political subdivisions~~[or]~~; or

8 (d) The performance of a governmental function by an
9 educational worker, as defined in 707-711(e), acting
10 under the color of the educational worker's official
11 authority."

12 SECTION 6. This Act does not affect rights and duties that
13 matured, penalties that were incurred, and proceedings that were
14 begun before its effective date.

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

17 SECTION 8. This Act shall take effect on July 1, 3000.



Report Title:

AG; Terroristic Threatening; Reports; Electronic Communications;
Protected Classes; Obstructing Government Operations;
Educational Workers

Description:

Requires the Department of the Attorney General to submit annual reports to the Legislature pertaining to the offense of terroristic threatening in the first degree. Expands the definition of "terroristic threatening" to include any form of written or electronic communication. Includes additional protected classes that designate the offense of terroristic threatening in the first degree as a class B felony. Amends the offense of obstructing government operations to include obstructing the performance of a governmental function by an educational worker acting in an official capacity. Effective 7/1/3000. (HD1)

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