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

16 As a result, many threats and harassing communications are
17 instead charged under the basic harassment statute, which is a
18 petty misdemeanor and requires only proof of intent to harass,
19 annoy, or alarm. The related offense of harassment by stalking
20 applies if there is a pattern of conduct, and may be elevated to
21 a class C felony for repeat offenders. However, these existing



1 penalties may not provide a sufficient deterrent to harmful or
2 disruptive behavior targeting public servants performing their
3 official duties, particularly when the conduct undermines the
4 integrity of government proceedings or the safety of public
5 officials.

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

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

15 "§711- Harassment of a public servant. (1) A person
16 commits the offense of harassment of a public servant if that
17 person commits the offense of harassment as provided in section
18 711-1106 against a public servant in connection with that public
19 servant's performance of a governmental function.

20 (2) As used in this section, "public servant" has the same
21 meaning as in section 710-1000.



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

2 SECTION 3. This Act does not affect rights and duties that
3 matured, penalties that were incurred, and proceedings that were
4 begun before its effective date.

5 SECTION 4. New statutory material is underscored.

6 SECTION 5. This Act shall take effect on July 1, 3000.



Report Title:

Judiciary Package; Public Servants; Harassment

Description:

Elevates the offense of harassment as a misdemeanor when committed against certain public servants in connection with their performance of a governmental function. Effective 7/1/3000. (HD1)

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