
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 the State by providing essential government
4 services and administering programs central to the functioning
5 of the State.

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



1 increased resignations of public servants, impaired service
2 delivery, and broader negative impacts on communities across the
3 State and the nation.

4 The legislature also finds that stronger statutory
5 protections are necessary to address harassment and threats that
6 interfere with the performance of official public duties.
7 Although existing laws provide several statutes that could apply
8 to threats and harassment against public servants, including
9 terroristic threatening, obstruction of justice, and obstructing
10 government operations, these offenses have proven difficult for
11 law enforcement to use effectively in cases involving
12 inappropriate communications, threats, or harassment directed at
13 public servants. Law enforcement often downgrades charges or
14 declines to pursue cases under these statutes due to the high
15 evidentiary burden or because the statutory elements do not
16 clearly fit the conduct at issue.

17 The legislature additionally finds that as a result, many
18 threats and harassing communications are instead charged under
19 the basic harassment statute, which is a petty misdemeanor and
20 requires only proof of intent to harass, annoy, or alarm. The
21 related offense of harassment by stalking applies if there is a



1 pattern of conduct, and may be elevated to a class C felony for
2 repeat offenders. However, these existing penalties may not
3 provide a sufficient deterrent to harmful or disruptive behavior
4 targeting public servants performing their official duties,
5 particularly when the conduct undermines the integrity of
6 government proceedings or the safety of public officials.

7 Accordingly, the purpose of this Act is to provide stronger
8 protections to safeguard public servants and the effective
9 functioning of government, by elevating the offense of
10 harassment to a misdemeanor when committed against a public
11 servant because of or during their performance of official
12 duties.

13 SECTION 2. Section 711-1106, Hawaii Revised Statutes, is
14 amended to read as follows:

15 **"§711-1106 Harassment.** (1) A person commits the offense
16 of harassment if, with intent to harass, annoy, or alarm any
17 other person, that person:

18 (a) Strikes, shoves, kicks, or otherwise touches another
19 person in an offensive manner or subjects the other
20 person to offensive physical contact;



- 1 (b) Insults, taunts, or challenges another person in a
2 manner likely to provoke an immediate violent response
3 or that would cause the other person to reasonably
4 believe that the actor intends to cause bodily injury
5 to the recipient or another or damage to the property
6 of the recipient or another;
- 7 (c) Repeatedly makes telephone calls, facsimile
8 transmissions, or any form of electronic communication
9 as defined in section 711-1111(2), including
10 electronic mail transmissions, without purpose of
11 legitimate communication;
- 12 (d) Repeatedly makes a communication anonymously or at an
13 extremely inconvenient hour;
- 14 (e) Repeatedly makes communications, after being advised
15 by the person to whom the communication is directed
16 that further communication is unwelcome; or
- 17 (f) Makes a communication using offensively coarse
18 language that would cause the recipient to reasonably
19 believe that the actor intends to cause bodily injury
20 to the recipient or another or damage to the property
21 of the recipient or another.



1 (2) Harassment is a petty misdemeanor[-], except as
2 provided in subsection (3).

3 (3) Harassment is a misdemeanor if committed against a
4 public servant because of their status as a public servant or
5 while the public servant is performing official duties.

6 (4) For the purposes of this section, "public servant"
7 means:

8 (a) The governor;

9 (b) The lieutenant governor;

10 (c) The administrative director appointed pursuant to
11 section 26-3;

12 (d) Any head of a department established under section
13 26-4;

14 (e) Any member of the legislature;

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

16 (i) Justice of the Hawaii supreme court;

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

18 (iii) Judge of a Hawaii circuit court or circuit family
19 court;

20 (iv) Judge of a Hawaii district court or district
21 family court; or



- 1 (v) Per diem judge of a Hawaii district court or
- 2 district family court;
- 3 (g) Any active, formerly active, or retired:
- 4 (i) Justice of the United States Supreme Court;
- 5 (ii) Judge of the United States Court of Appeals;
- 6 (iii) Judge or magistrate judge of the United States
- 7 District Court; or
- 8 (iv) Judge of the United States Bankruptcy Court,
- 9 who resides in the State, formerly resided in the
- 10 State while serving as a federal judge, or owns real
- 11 property in the State;
- 12 (h) The administrative director of the courts;
- 13 (i) The deputy administrative director of the courts;
- 14 (j) Any probation officer of the state judiciary;
- 15 (k) Any volunteer of the office of elections; or
- 16 (l) Any employee of the federal government, the State, or
- 17 any county."

18 SECTION 3. This Act does not affect rights and duties that

19 matured, penalties that were incurred, and proceedings that were

20 begun before its effective date.



1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

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



Report Title:

Judiciary Package; Public Servants; Harassment

Description:

Elevates the offense of harassment to a misdemeanor when committed against a public servant because of or during their performance of official duties. Effective 7/1/3000. (HD1)

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