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# 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 both the safety of public servants  
17 and the public's trust in the institutions that serve them,



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

19 The legislature additionally finds that as a result, many  
20 threats and harassing communications are instead charged under  
21 the basic harassment statute under section 711-1106, Hawaii



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

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

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

19 "**§711-1106 Harassment.** (1) A person commits the offense  
20 of harassment if, with intent to harass, annoy, or alarm any  
21 other person, that person:



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



1 believe that the actor intends to cause bodily injury  
2 to the recipient or another or damage to the property  
3 of the recipient or another.

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

6 (3) Harassment is a misdemeanor if committed against a  
7 public servant because of or while the public servant is  
8 performing official duties.

9 (4) For the purposes of this section, "public servant"  
10 means:

11 (a) The governor;

12 (b) The lieutenant governor;

13 (c) The administrative director appointed pursuant to  
14 section 26-3;

15 (d) Any head of a department established under section  
16 26-4;

17 (e) Any member of the legislature;

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

19 (i) Justice of the Hawaii supreme court;

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



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



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

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

6 SECTION 5. This Act shall take effect on March 22, 2075.



S.B. NO. 2568  
S.D. 1

**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 3/22/2075. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

