

Honolulu, Hawaii
FEB 18 , 2026

RE: H.B. No. 1665
H.D. 1

Honorable Nadine K. Nakamura
Speaker, House of Representatives
Thirty-Third State Legislature
Regular Session of 2026
State of Hawaii

Madame:

Your Committee on Human Services & Homelessness, to which was referred H.B. No. 1665 entitled:

"A BILL FOR AN ACT RELATING TO THE PENAL CODE,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Require the Department of the Attorney General to submit annual reports to the Legislature pertaining to the offense of terroristic threatening in the first degree;
- (2) Expand the definition of "terroristic threatening" to include any form of written or electronic communication;
- (3) Include additional protected classes that designate the offense of terroristic threatening in the first degree as a class B felony; and
- (4) Require the Judiciary to adopt rules related to the purpose and intent of terroristic threatening in the first degree.

Your Committee received testimony in support of this measure from the Department of Education; Hawai'i Government Employees Association, AFSCME Local 152, AFL-CIO; and Hawai'i State Teachers



Association. Your Committee received testimony in opposition to this measure from the Office of the Public Defender. Your Committee received comments on this measure from the Judiciary and Department of the Attorney General.

Your Committee finds that online threats made against schools and school employees have risen at an alarming rate. Educators have also seen extensive campus and classroom disruptions related to social media. This measure attempts to address this issue by expanding various elements of the offense of terroristic threatening in the first degree.

However, your Committee notes several points in the testimony by the Department of the Attorney General (Attorney General) and Office of the Public Defender (Public Defender), which warrant further discussion as this measure moves through the legislative process. The Attorney General suggested adding a definition for "disabled person" to encompass the specific protected class of individuals the Legislature intends to include. The Attorney General also noted that the offense of terroristic threatening in the first degree involving a child under the age of eighteen may have unintended consequences that involve family interactions the amended offense may not intend to criminalize. Finally, to ensure compliance with the data collection requirements under this measure, the Attorney General requested clarification regarding what is intended by this measure's requirement for "an equity review and demographic data analysis of the convictions".

Your Committee also notes the testimony from the Public Defender that this measure does not distinguish when an accused person is within the same protected age class as the victim. Accordingly, this measure may subject a minor accused of threatening another minor or a senior accused of threatening another senior to the same enhanced felony penalties as an adult offender targeting these protected classes.

Your Committee has amended this measure by:

- (1) Deleting public infrastructure and government agencies from the list of protected classes that designate terroristic threatening in the first degree as a class B felony;



- (2) Assigning strict liability for the state of mind required when a defendant commits the offense of terroristic threatening in the first degree against a victim over sixty-two years of age or under the age of eighteen;
- (3) Amending the offense of obstructing government operations to include obstructing the performance of a governmental function by an educational worker acting in an official capacity;
- (4) Deleting language that required the Judiciary to promulgate rules;
- (5) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Human Services & Homelessness that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1665, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1665, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

Respectfully submitted on
behalf of the members of the
Committee on Human Services &
Homelessness,



LISA MARTEN, Chair



