



STATE OF HAWAII  
DEPARTMENT OF EDUCATION  
KA 'OIHANA HO'ONA'AUAO  
P.O. BOX 2360  
HONOLULU, HAWAII 96804

**Date:** 02/10/2026

**Time:** 09:30 AM

**Location:** 329 VIA VIDEOCONFERENCE

**Committee:** HSH

**Department:** Education

**Person Testifying:** Keith T. Hayashi, Superintendent of Education

**Title of Bill:** HB1665, RELATING TO THE PENAL CODE.

**Purpose of Bill:** Expands the definition of "terroristic threatening" to include electronic communications, including posts made on or messages sent through social media. Specifies that terroristic threatening against public infrastructure, including schools; a federal, state, or county government agency; an elderly person who has attained the age of sixty-two years; a child who is under the age of eighteen; or a disabled person is a Class B felony. Requires annual reports to the Legislature.

**Department's Position:**

The Hawaii State Department of Education (Department) supports HB 1665.

The Department's overall goal is to maintain a safe and secure learning environment for all students and staff. The Department believes HB 1665 strengthens protections for educational workers and public school infrastructure against threats. The bill explicitly classifies threats against public schools as terroristic threatening in the first degree, upgrades penalties, and modernizes the definition to include social media and electronic threats.

HB 1665 specifically adds public infrastructure, including schools, to the first-degree terroristic threatening statute, to elevate the legal consequence for targeting educational environments, as well as broaden the the definition of terroristic threatening to include electronic communication and social media posts, addressing a modern form of threats (e.g., cyber-bullying, school shooting threats). Additionally, this bill classifies such threats as a Class B felony when committed against public infrastructure, which includes schools, allowing for stronger legal penalties. Stronger penalties provide a greater deterrent.

The Department requests that the committee consider including that terroristic threatening in the first degree against an educational worker be considered a Class B felony.

Overall, HB 1665 provides stronger, more modern tools to deter and prosecute threats directed at students, staff, and school facilities.

The Department defers to the Office of the Attorney General in regards to the reporting requirements of the bill.

Thank you for the opportunity to provide testimony.



*The Judiciary, State of Hawai'i*  
*Ka 'Oihana Ho'okolokolo, Moku'āina 'o Hawai'i*

**Testimony to the Thirty-Third Legislature, 2026 Regular Session**

**House Committee on Human Services & Homelessness**

Representative Lisa Marten, Chair  
Representative Ikaika Olds, Vice Chair

Tuesday, February 10, 2026 at 9:30 am  
State Capitol, Conference Room 329

By

Jennifer Awong  
Staff Attorney, Circuit Court of the First Circuit

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**Bill No. and Title:** House Bill No. 1665, Relating to the Penal Code.

**Purpose:** Expands the definition of "terroristic threatening" to include electronic communications, including posts made on or messages sent through social media. Specifies that terroristic threatening against public infrastructure, including schools; a federal, state, or county government agency; an elderly person who has attained the age of sixty-two years; a child who is under the age of eighteen; or a disabled person is a Class B felony. Requires annual reports to the Legislature.

**Judiciary's Position:**

This bill expands the scope of the offense of terroristic threatening in the first degree to include further prohibited conduct. The Judiciary takes **no position** on the creation or revision (or elimination) of statutory offenses contained in the Penal Code (Hawai'i Revised Statutes ("H.R.S.") Title 37). The Judiciary does offer the following comments regarding this proposed legislation.

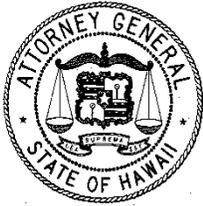
In Section 4, on page 5, lines 10-12, the bill requires the Judiciary to "promulgate rules necessary to carry out the purpose and intent of sections 707-715 and 707-716, Hawai'i Revised Statutes." H.R.S. § 707-715 is the statute containing the definition of "terroristic threatening" and H.R.S. § 707-716 is the statute that delineates the offense of terroristic threatening in the first degree. Respectfully, the Judiciary does not promulgate rules to carry out the purposes or intent of offenses charged by the State. A defendant is charged with an offense and, should the matter



House Bill No. 1665, Relating to the Penal Code.  
House Committee on Human Services & Homelessness  
Tuesday, February 10, 2026 at 9:30 am  
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go to trial before a jury, the Judiciary instructs the jury as required by law regarding the proof necessary for a conviction of that offense. Therefore, the Judiciary respectfully requests that Section 4 be removed from the proposed legislation.

Thank you for the opportunity to provide testimony on House Bill No. 1665.



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
KA 'OIHANA O KA LOIO KUHINA  
THIRTY-THIRD LEGISLATURE, 2026**

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 1665, RELATING TO THE PENAL CODE.

**BEFORE THE:**

HOUSE COMMITTEE ON HUMAN SERVICES & HOMELESSNESS

**DATE:** Tuesday, February 10, 2026      **TIME:** 9:30 a.m.

**LOCATION:** State Capitol, Room 329

**TESTIFIER(S):** Anne E. Lopez, Attorney General, or  
Mark S. Tom, Deputy Attorney General

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Chair Marten and Members of the Committee:

The Department of the Attorney General (Department) provides the following comments on this bill.

The purposes of this bill are to (1) strengthen the offense of Terroristic Threatening in the First Degree (TT1), by including threats against additional locations and persons as being prohibited by TT1, (2) include additional protected classes that would have a penalty designated as a class B felony and (3) require the Department of the Attorney General to submit annual reports to the Legislature that would include "an equity review and demographic data analysis of the [TT1] convictions."

The Department appreciates the intent to provide broader enforcement for this offense. However, the statutory definition of "terroristic threatening", which includes "by word or conduct", already incorporates instances of threats by way of written or electronic communication. See Section 707-715, Hawaii Revised Statutes (HRS); State v. Meyers, 72 Haw. 591, 825 P.2d 1062 (1992) (threats made by phone from California via a third party to a victim in Hawai'i satisfied cause for the offense); State v. Klinge, 92 Hawai'i 577, 994 P.2d 509 (2000) (items that resembled explosive devices were recognized as threats to terrorize). Therefore, the Department suggests deleting section 2 of the bill (page 1, line 14, through page 2, line 14).

The Department also suggests deleting paragraphs (g) and (h) from the amendments to section 707-716 on page 4, line 13-14. Section 710-1010, HRS,

Obstructing Government Operations, already affords a broad range of protections for governmental functions. To avoid redundancy and inconsistency in the criminal code, we suggest amending section 710-1010, HRS, rather than adding new paragraphs to section 707-715, HRS, for new protected classes. We suggest the following amendments:

- §710-1010 Obstructing government operations.** (1) A person commits the offense of obstructing government operations if, by using or threatening to use violence, force, or physical interference or obstacle, the person intentionally obstructs, impairs, or hinders:
- (a) The performance of a governmental function by a public servant acting under color of the public servant's official authority;
  - (b) The enforcement of the penal law or the preservation of the peace by a law enforcement officer acting under color of the law enforcement officer's official authority; ~~or~~
  - (c) The operation of a radio, telephone, television, or other telecommunication system owned or operated by the State or one of its political subdivisions~~[-]; or~~
  - (d) The performance of a governmental function by an educational worker, as defined in 707-711(e), acting under color of the educational worker's official authority.
- (2) This section does not apply to:
- (a) The obstruction, impairment, or hindrance of the making of an arrest;
  - (b) The obstruction, impairment, or hindrance of any governmental function, as provided by law, in connection with a labor dispute with the government; or
  - (c) A person who is making a video or audio recording or taking a photograph of a law enforcement officer while the officer is in the performance of the officer's duties in a public place or under circumstances in which the officer has no reasonable expectation of privacy; provided that the officer may take reasonable action to maintain safety and control, secure crime scenes and accident sites, protect the integrity and confidentiality of investigations, and protect the public safety and order.
- (3) Obstruction of government operations is a misdemeanor.
- (4) Notwithstanding any law to the contrary, any offense under subsection (1)(a) or (d) shall be a class B felony.

The Department also suggests adding a subsection (3) to section 707-716, HRS, which would assign strict liability for the state of mind required when a defendant commits the offense of TT1 against a victim who is sixty-two years or older or a child who is under the age of eighteen. The state of mind obligation for this offense would require at a minimum that the defendant was reckless in the defendant's knowledge of

the age of the victim or that the defendant disregarded a substantial or unjustifiable risk that the victim was sixty-two years or older or under the age of eighteen. See Section 702-206(3), HRS. Many individuals look significantly younger or older than their actual age; however, the victim's vulnerability in this regard remains proper. The Department suggests the following amendments:

(3) The requisite state of mind for subsection (1)(i) or (1)(j) of this offense shall not be applicable to the fact that the person who was threatened was sixty-two years of age or older or was under the age of eighteen. A person shall be strictly liable with respect to the attendant circumstance that the person who was threatened was sixty-two years of age or older or under the age of eighteen.

The Department notes that "disabled person" in section 797-716(k) is not currently defined in chapter 707. We suggest providing a definition to encompass the specific protected individuals the Legislature intends to provide added protections for as it relates to "disabled person."

Additionally, the Department points out to the Committee that the addition of section 797-716(j), which involves the offense of TT1 involving a child who is under the age of eighteen, may have the unintended consequences of encompassing situations involving family interactions that this amendment may not be aimed at criminalizing.

The Department is also concerned with the addition of the new section in chapter 28, HRS, in section 1, at page 1, lines 4-13, requiring the Department to provide annual reporting on the number of convictions of an offense under section 707-716(1)(g) through (k) and reporting on equity review and demographic data analysis of the convictions included in the report. To ensure compliance with the data collection requirement, the Department requests this Committee clarify what is intended by "an equity review and demographic data analysis of the convictions."

Finally, clarification is needed to determine what rules the Committee would require the judiciary to promulgate pursuant to section 4, on page 5, lines 10-12, to carry out the purpose and intent of the revision to section 707-716.

Thank you for this opportunity to provide comments on the bill.

JON N. IKENAGA  
PUBLIC DEFENDER

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February 8, 2026

**HB 1665: RELATING TO THE PENAL CODE**

**Chair Marten, Vice-Chair Olds, and Members of the Committee on Human Services and Homelessness:**

The Office of the Public Defender (OPD) **opposes HB 1665** which expands the definition of Terroristic Threatening to include electronic communications, including posts or messages on social media, and adds criteria where Terroristic Threatening in the First Degree is elevated from a class C to a class B felony.

**Expansion to Electronic Communications and Social Media.**

This measure amends Hawaii Revised Statute (HRS) § 707-715 to expressly include “any form of written or electronic communication,” including posts made on or messages sent through social media. While credible threats of violence must always be taken seriously, this expansion dramatically broadens criminal exposure for speech that is often impulsive, hyperbolic, or made without intent to terrorize. Online communications frequently lack the contextual cues present in face-to-face interactions. Tone, audience, immediacy, and intent are often unclear, and statements may be shared, reposted, or taken out of context. Without clear statutory guardrails, the bill risks elevating non-credible, emotionally charged, or poorly worded online statements into serious felony charges.

**Overbroad and Vague Use of “Public Infrastructure.”**

The bill further elevates terroristic threatening to a class B felony when committed “against public infrastructure, including schools,” yet provides no definition of “public infrastructure” in HRS §707-716(1)(g), other than the inclusion of “schools.” This term is inherently broad and could reasonably be interpreted to encompass a wide array of public spaces, facilities, or systems encountered in everyday life.

Criminal statutes must provide clear notice of what conduct is prohibited and set enforceable boundaries for application. As drafted, the undefined and expansive nature of “public infrastructure” invites confusion and arbitrary enforcement.<sup>1</sup>

**Age-Based Enhancements Without Regard to Defendant’s Status.**

This measure also elevates Terroristic Threatening to a class B felony when committed against an elderly person aged sixty-two or older or against a child under the age of eighteen. While the OPD understands the intent to protect vulnerable populations, the bill makes no distinction when the accused person is also within the same protected age class.

As written, a minor accused of threatening another minor, or a senior accused of threatening another senior, is subject to the same enhanced felony penalties as an adult offender targeting a vulnerable individual. The statute does not account for relative culpability, maturity, or power dynamics which are the considerations that typically justify enhanced penalties. This lack of differentiation risks imposing disproportionately severe consequences in cases the Legislature may not have intended to capture.

For these reasons, the OPD opposes HB 1665.

Thank you for the opportunity to comment on this measure.

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<sup>1</sup> The HRS defines “infrastructure” in other contexts with significantly greater specificity. For example, **infrastructure** is defined as “water, drainage, sewer, waste disposal, waste treatment systems, roads, and street lighting that connect to the infrastructure of the county.” *HRS § 46-15.25*. **Broadband infrastructure** is defined as “the medium used to provide broadband service, including fiber optic cable, copper cable, coaxial cable, and wireless media, such as satellite and wireless networks.” *HRS § 356D-11.5*. **Green infrastructure costs** is defined as “costs incurred or to be incurred by the electric utility customers to pay for clean energy technology, demand response technology, and energy use reduction and demand-side management infrastructure...” *HRS § 196-61*. By contrast, this measure uses the term “public infrastructure” without definition, in a manner that does not appear to align with the types of infrastructure traditionally addressed elsewhere in statute.



**HAWAII GOVERNMENT EMPLOYEES ASSOCIATION**  
AFSCME Local 152, AFL-CIO

**RANDY PERREIRA**, Executive Director • Tel: 808.543.0011 • Fax: 808.528.0922

The Thirty-Third Legislature, State of Hawaii  
House of Representatives  
Committee on Human Services & Homelessness

Testimony by  
Hawaii Government Employees Association

February 10, 2026

H.B. 1665 — RELATING TO THE PENAL CODE

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO supports the intent of H.B. 1665, which expands the definition of “terroristic threatening” to include electronic communications, including posts made on or messages sent through social media and specifies that terroristic threatening against public infrastructure, including schools; a federal, state, or county government agency, an elderly person who has attained the age of sixty-two years, a child who is under the age of eighteen; or a disabled person is a Class B felony.

Every year, we receive numerous reports from members working in our public schools who have experienced threatening incidents during the course of their employment. These incidents occur across a wide range of settings—inside classrooms and other school facilities, at meetings, over the phone, via fax, email, and increasingly through social media posts and direct messages.

Online threats against schools and school employees are rising at an alarming rate. Even when intended as jokes or hoaxes, such threats create real fear, disrupt the learning environment, and can trigger schoolwide responses such as lockdowns or evacuations. These acts often target individual students or educational workers, and in many cases, entire campuses. Because of the potential risk to life and safety, every threat—no matter how it is delivered—must be taken seriously.

Our educational workers dedicate themselves to creating safe, supportive learning environments for students. They should never have to carry the burden of feeling unsafe while doing their jobs. For these reasons, we strongly support efforts that increase protections for all educational workers and help ensure that schools remain secure places to learn and work.

Thank you for the opportunity to testify in support of H.B. 1665.

Respectfully submitted,

Randy Perreira  
Executive Director



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**Osa Tui, Jr.**  
President

**Logan Okita**  
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Executive Director

**TESTIMONY TO THE HAWAI'I HOUSE COMMITTEE ON COMMITTEE ON HUMAN SERVICES &  
HOMELESSNESS**

Item: **HB 1665 - RELATING TO THE PENAL CODE.**

Position: **Supports**

Hearing: **2/10/2026, Conference Room 329, 9:30am**

Submitter: **Osa Tui, Jr. – President, Hawai'i State Teachers Association**

Dear Chair Marten, and Vice Chair Ikaika Olds and Members of the Committee,

The Hawai'i State Teachers Association **supports HB 1665** - to expand the definition of "terroristic threatening" to include electronic communications, including posts made on or messages sent through social media.

Our educators have seen extensive campus and classroom disruptions related to social media. When anonymous threats are made online directed to a school, or community, we know that this can directly affect attendance rates on campus. While authorities will try to keep the community informed, in the face of such threats, many families elect to keep students home, even when the threats are unsubstantiated.

We also know that school resources are taxed when staff members have to take time to document, and investigate these online threats. This is time taken away from focusing on daily campus activities and directly impact student learning.

For years, we've been working to address the teacher shortage crisis. According to a July 2024 article in Education Week, "57% of teachers now report that they are considering quitting or transferring specifically due to concerns about school climate and safety." This includes safety concerns about online threats.

For these reasons and more, HSTA supports HB 1665. Mahalo.