

ACT 164

H.B. NO. 2241-74

A Bill for an Act Relating to Unreasonable Noise.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 711-1101, Hawaii Revised Statutes is amended to read as follows:

ACT 164

“Sec. 711-1101 Disorderly conduct. (1) A person commits the offense of disorderly conduct if, with intent to cause physical inconvenience or alarm by a member or members of the public, or recklessly creating a risk thereof, he:

- (a) engages in fighting or threatening, or in violent or tumultuous behavior; or
- (b) makes unreasonable noise; or
- (c) makes any offensively coarse utterance, gesture, or display, or addresses abusive language to any person present, which is likely to provoke a violent response; or
- (d) creates a hazardous or physically offensive condition by any act which is not performed under any authorized license or permit.

(2) Noise is unreasonable, within the meaning of subsection (1) (b), if considering the nature and purpose of the person’s conduct and the circumstances known to him, including the nature of the location and the time of the day or night, his conduct involves a gross deviation from the standard of conduct that a law-abiding citizen would follow in the same situation.

(3) Disorderly conduct is a petty misdemeanor if it is the defendant’s intention to cause substantial harm or serious inconvenience, or if he persists in disorderly conduct after reasonable warning or request to desist. Otherwise disorderly conduct is a violation.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.*

SECTION 3. This Act shall take effect upon its approval.

(Approved June 6, 1974.)

*Edited accordingly.