

ACT 292

S.B. NO. 3354

A Bill for an Act Relating to Harassment.

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

SECTION 1. The legislature finds that the current description of the offense of harassment in the penal code is underinclusive and the penalties for harassment are not a sufficient deterrent in all cases. The purpose of this Act is to strengthen the laws against harassment by proscribing stalking of another person, unauthorized telecommunication transmissions and other types of unwanted or unwelcomed communications.

SECTION 2. Chapter 711, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§711- Harassment by stalking. (1) A person commits the offense of harassment by stalking if, with intent to harass, annoy, or alarm another person, or in reckless disregard of the risk thereof, that person pursues or conducts surveillance upon the other person:

- (a) Without legitimate purpose; and
- (b) Under circumstances which would cause the other person to reasonably believe that the actor intends to cause bodily injury to the other person or another, or damage to the property of the other person or another.

(2) Harassment by stalking is a misdemeanor if the person harasses another person by stalking on more than one occasion for the same or a similar purpose. Otherwise, harassment by stalking is a petty misdemeanor.

(3) A person convicted under this section may be required to undergo a counseling program as ordered by the court.”

SECTION 3. Section 711-1100, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

““Facsimile” means a document produced by a receiver of signals transmitted over telecommunication lines, after translating the signals, to produce a duplicate of an original document.”

SECTION 4. Section 711-1106, Hawaii Revised Statutes, is amended to read as follows:

“§711-1106 Harassment. (1) A person commits the offense of harassment if, with intent to harass, annoy, or alarm another person, [he:] that person:

- (a) Strikes, shoves, kicks, or otherwise touches [a] another person in an offensive manner or subjects [him] the other person to offensive physical contact; [or]
- (b) Insults, taunts, or challenges another person in a manner likely to provoke [a] an immediate violent response[;] or which would cause the other person to reasonably believe that the actor intends to cause bodily injury to the recipient or another, or damage to the property of the recipient or another;
- (c) Makes a telephone call or a facsimile transmission without purpose of legitimate communication[;] which would cause the recipient to reasonably believe that the actor intends to cause bodily injury to the recipient or another, or damage to the property of the recipient or another; or
- (d) Makes [repeated communications] a communication anonymously, or at an extremely inconvenient [hours,] hour, or in offensively coarse language which would cause the recipient to reasonably believe that the actor intends to cause bodily injury to the recipient or another, or damage to the property of the recipient or another.
- (e) Makes repeated communications, after being advised by the person to whom the communication is directed that further communication is unwelcome.

(2) Harassment is a petty misdemeanor.”

SECTION 5. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 6. Statutory material to be repealed is bracketed. New statutory material is underscored.¹

SECTION 7. This Act shall take effect upon its approval.

(Approved June 29, 1992.)

Note

1. Edited pursuant to HRS §23G-16.5.