

ACT 192

H.B. NO. 2295

A Bill for an Act Relating to Cyberbullying.

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

SECTION 1. Section 708-893, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

“(1) A person commits the offense of use of a computer in the commission of a separate crime if the person:

- (a) Intentionally uses a computer to obtain control over the property of the victim to commit theft in the first or second degree; or
- (b) Knowingly uses a computer to identify, select, solicit, persuade, coerce, entice, induce, [øf] procure, pursue, surveil, contact, harass, annoy, or alarm the victim or intended victim of the following offenses:
 - (i) Section 707-726, relating to custodial interference in the first degree;
 - (ii) Section 707-727, relating to custodial interference in the second degree;
 - (iii) Section 707-731, relating to sexual assault in the second degree;
 - (iv) Section 707-732, relating to sexual assault in the third degree;

- (v) Section 707-733, relating to sexual assault in the fourth degree;
- (vi) Section 707-751, relating to promoting child abuse in the second degree; ~~[or]~~
- (vii) Section 711-1106, relating to harassment;
- (viii) Section 711-1106.5, relating to harassment by stalking; or
- ~~[(viii)]~~ (ix) Section 712-1215, relating to promoting pornography for minors.”

SECTION 2. The provisions of this Act shall be liberally construed to give effect to the purposes thereof.

SECTION 3. Nothing in this Act is intended to interfere with the First Amendment rights of free speech and expression of any person affected.

SECTION 4. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 5. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

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 Statutory material to be repealed is bracketed and stricken.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

SECTION 7. This Act shall take effect upon its approval.
 (Approved June 28, 2012.)