

## Stop Street Harassment

### Hawaii

A variety of forms of street harassment are illegal in Hawai'i, including verbal harassment, up-skirt photos, indecent exposure, following, and groping. Here are the laws and reporting procedures you need to know.

#### Verbal Harassment

Hawai'i has three laws that prohibit some form of verbal street harassment.

##### ***Disorderly Conduct***

##### [Title 37 §711-1101](#)

Hawai'i has a broad law against "disorderly conduct" that prohibits the following actions when done with the intent to cause physical inconvenience or alarm:

- Fighting, threatening, or engaging in violent or tumultuous behavior.
- Making unreasonable noise.
- Creating a hazardous or physically offensive condition by an act performed without a license or permit.
- Subject another person to offensively coarse behavior or abusive language which is likely to provoke a violent response.

If a street harasser uses obscene, offensive, or lewd language, or loudly shouts at you, you can report him/her.

Note: The "likely to provoke a violent response" part makes it a "[fighting words](#)" law. Since street harassment rarely results in the harassed person fighting back, these laws usually have not been used to address street harassment. But you can still try using it if a street harasser uses abusive language or coarse behavior – such as an obscene gesture. If enough people make a case for why it should be used, then it might be applied more often.

Penalty: Disorderly conduct is a violation, punishable by a fine of up to \$1,000.

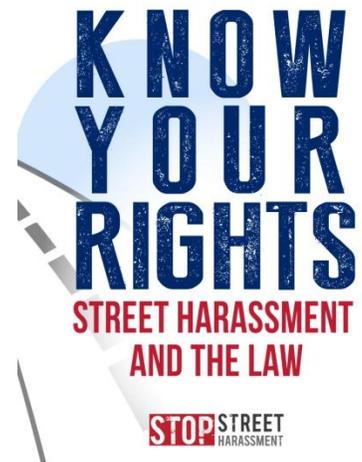
##### ***Harassment***

##### [Title 37 §711-1106](#)

In Hawai'i, it is illegal for anyone, with the intent to harass, annoy, or alarm you, to:

- Repeatedly communicate with you after you have told him or her to stop.
- Insult, taunt, or challenge you, or use offensive language toward you in way that makes you reasonably believe the harasser will cause you bodily harm.
- Strike, shove, kick, or otherwise touch you in an offensive way or subject you to offensive physical contact.

You can report street harassers who threaten you, use inappropriate language, physically touch you, or repeatedly ask for your name/number or to go out with you after you have told the person to stop.



## Stop Street Harassment

Penalty: Harassment is a petty misdemeanor, punishable by a fine of up to \$1,000 and/or up to 30 days in jail.

### ***Prostitution***

#### [Title 37 §712-1200](#)

Paying, agreeing to pay or offering to pay a fee for sexual conduct is illegal in Hawai'i. If a street harasser solicits sexual activity from you, you can report him/her.

You can also make the case that harassers who yell, "How much?!" or offer you money, or anything else, for sex, even in jest, are soliciting prostitution.

Stop Street Harassment doesn't oppose consensual sex work, but we do think it's inappropriate for a street harasser to make assumptions about your sexual availability and make you feel uncomfortable.

Penalty: Prostitution is a petty misdemeanor, punishable by a fine of between \$500 and \$1,000 and/or up to 30 days in jail.

## Unlawful Filming/Photographing

### ***Violation of Privacy in the Second Degree***

#### [Title 37 § 711-1111](#)

In Hawai'i, the following is illegal:

1. Photograph or film a person without his/her consent if that person is partially or fully undressed or engaged in sexual activity in a private place.

If a harasser films or photographs you someplace like public restrooms, dressing rooms, locker rooms, and hotel rooms, you can report him/her.

2. Photograph or film the intimate areas of a person's body underneath his/her clothing while the person is in a public place.

If a street harasser takes an up-skirt or down-blouse photo of you, or otherwise observes or photographs you in an inappropriate way, you can report him/her.

Penalty: Violation of privacy in the second degree is a petty misdemeanor, punishable by a fine of between \$500 and \$1,000 and/or up to 30 days in jail.

## Indecent Exposure

### ***Indecent Exposure***

#### [Title 37 §707-734](#)

It is illegal for someone to expose his or her genitals to another person "under circumstances in which the actor's conduct is likely to cause affront."

If a harasser flashes or exposes her or himself to you in a public place, such as a park, on public transportation, or in a store, you can report him/her.

## Stop Street Harassment

Penalty: Indecent exposure is a petty misdemeanor, punishable by a fine of between \$500 and \$1,000 and/or up to 30 days in jail.

### ***Sexual Assault in the Fourth Degree***

#### [Title 37 §707-733](#)

Hawai'i's sexual assault law addresses severe instances of indecent exposure that happen "under circumstances in which the actor's conduct is likely to alarm [you] or put [you] in fear of bodily injury."

If a harasser not only knowingly exposes him or herself, but also approaches you or takes some other action that makes you fear an assault, you can report that person.

Penalty: Sexual assault in the fourth degree is a misdemeanor, punishable by a fine of up to \$2,000 and/or up to a year in jail.

## **Following**

If you think someone is following you, you can call 911 right away, the first time it happens. You do not have to wait for that person to commit a crime.

### ***Harassment by Stalking***

#### [Title 37 §711-1106.5](#)

Hawai'i's stalking law prohibits people from following, surveilling, or contacting another person without consent on more than one occasion and with the intent to harass, annoy, or alarm that person.

If you experience street harassment from the same person on more than one occasion and you feel annoyed or alarmed, you can report that person.

Penalty: Harassment by stalking is a misdemeanor, punishable by a fine of up to \$1,000 and/or 30 days in jail.

## **Groping**

### ***Harassment***

#### [Title 37 §711-1106](#)

It is illegal to touch someone in an offensive way or to subject that person to "offensive physical contact."

If a street harasser gropes you, grabs you, or rubs up against you, you can report him or her for harassment in Hawai'i.

Penalty: Harassment is a petty misdemeanor, punishable by a fine of up to \$1,000 and/or 30 days in jail.

## Stop Street Harassment

### ***Sexual Assault in the Fourth Degree***

#### [Title 37 §707-733](#)

It is illegal for someone to touch another person in a sexual way “by compulsion,” or by force.

If a harasser grabs you forcefully or does something to make it difficult for you to reject his or her advances or move away– like grabbing your hand and putting it on his or her crotch or trapping you in a small space, like a bus seat – you can report him/her.

Penalty: Sexual assault in the fourth degree is a misdemeanor, punishable by a fine of up to \$2,000 and/or up to a year in jail.

### **Reporting Crimes to the Police**

- Call 911 for help if:
  - The crime is in progress
  - You or someone else is physically hurt or have been threatened with physical violence
  - You can provide information about who may have committed a crime.
- Call the local police office’s non-emergency number to submit a report afterward. For example, in Honolulu this number is (404) 614-6544 and in Pearl City it’s (808) 723-8800. In Hilo, it is 935-3311, and in Maui it is (808) 244-6400. Be prepared to provide them with:
  - When it happened (date and time).
  - Where it happened (street location, store location, bus line or bus stop, park name, etc).
  - Who is reporting (your name and contact information).
  - A description of what happened.
  - The name and contact information of witnesses, if you spoke to any.
  - It can be helpful to include the law the crime falls under, such Harassment, [Hawaii Law Haw. Rev. Stat. §711-1106](#). If you’re not sure which law you should use to report an incident of street harassment, just tell the police what happened and s/he or the district attorney’s office can determine the appropriate charges.
  - A description of the harasser/s.
- Many police departments also have online reporting forms by which you can submit the same information listed in #2.
- Some police departments also allow you to anonymously send a tip about a non-emergency incident, for example if you see a group of people routinely harassing passersby at the same location. Visit your local police department website for information.
  - In Honolulu, you can do this by filing out an online [tip form](#), or by calling \*CRIME or 808-955-8300.
  - In East Hawaii, you can do this by calling 808-961-8300,.
  - In West Hawaii, the number is 808-329-8181.

## Stop Street Harassment

- Once you've reported a crime, if you've provided your contact information, within a few days, you will receive a call with a police report case number and may have to answer follow-up questions. Save a copy of the police report for your records.

If someone tries to tell you that street harassment "isn't a big deal," or isn't illegal, don't buy it. You always have the right to be free from sexual harassment and assault in public.