



Legal Protections for Public Health Officials: Threats and Interfering with Government Operations

Hawaii Fact Sheet

50-State Survey Summary

Nationwide, state and local public health officials working to protect the public from COVID-19 are on the receiving end of threatening and harassing conduct for simply fulfilling their duty to protect the public health. In response, the Network conducted research to examine whether the states and Washington, D.C. have criminal statutes punishing individuals who impede public health officials' duties with such behavior. Our research is presented in this [chart](#). Many states have adopted statutes to protect public officials generally; included here are those with broad enough language to include public health officials. States with laws that cover other public officials, but not public health officials, were not included in this chart. While 35 states and Washington, D.C., have such a statute, the remaining 15 states either do not have a statute protecting government officials in these circumstances or do not have one protecting public health officials. Of the 35 states and Washington, D.C., all but 2, Louisiana and Oklahoma, include protections for state **and** local officials.

Below is more information on Hawaii's relevant law.

Obstructing Government Operations

Hawaii Revised Statutes, Title 37, §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.

(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.

Relevant Definitions

Hawaii Revised Statutes, Title 37, §710-1000

"Government" includes any branch, subdivision, or agency of the government of this State or any locality within it.

"Governmental function" includes any activity which a public servant is legally authorized to undertake on behalf of the government.

"Public servant" means any officer or employee of any branch of government, whether elected, appointed, or otherwise employed, and any person participating as advisor, consultant, or otherwise, in performing a governmental function, but the term does not include jurors or witnesses.

Penalties

Hawaii Revised Statutes, Title 37, §706-663 and §706-640

Up to one year imprisonment and/or up to \$2,000 fine

Summary

A person is guilty of obstructing government operations when they use or threaten to use violence or force, physical interference to obstruct, impair, or hinder the performance of a government function by a public servant. If convicted, that person faces up to one year imprisonment and/or a fine of up to \$1,000.

Template Response to Violators

Below is a sample template for notifying perpetrators regarding their conduct relative to the code.

Hawaii Revised Statutes, Title 37, §710-1010 protects public servants and the obstruction of government operations. [insert here a description of the conduct with a date—for example: On August 28, 2020, you sent an email to the Hawaii Secretary of Health, threatening his life if he enforced a mask mandate.] *This may constitute a violation of §710-1010. If convicted, you face up to one year imprisonment and/or a fine of up to \$2,000.*

- If the conduct is extreme, add: *We have notified the [insert proper law enforcement agency] of this conduct.*
- If the conduct does not rise to the level of reporting, add: *Should you continue with this conduct, we may report the matter to [insert law enforcement agency].*