



## LEGAL PROTECTIONS FOR PUBLIC HEALTH OFFICIALS

### Hawaii Fact Sheet

## Obstructing Government Operations

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. However, we have also included the three states with laws that if broadened, would encompass public health officials, namely, Illinois, North Carolina, and Vermont. 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 two, Louisiana and Oklahoma, include protections for state **and** local officials. Below is more information on Hawaii's relevant law.


### 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 1 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 or physical interference to obstruct, impair, or hinder the performance of a governmental function by a public servant. If convicted, that person faces up to 1 year imprisonment and a fine of up to \$2,000. "Public servant" includes any employee of any branch of government. "Government" includes any branch, subdivision, or agency of the government of this State or any locality within it.

## Template for Notifying Violators

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

**Hawaii Revised Statutes, Title 37, §710-1010** protects public servants from 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 1 year imprisonment and 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].*