
A BILL FOR AN ACT

RELATING TO THE PENAL CODE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 707-711, Hawaii Revised Statutes, is
2 amended by amending subsection (1) to read as follows:

3 "(1) A person commits the offense of assault in the second
4 degree if:

5 (a) The person intentionally or knowingly causes
6 substantial bodily injury to another;

7 (b) The person recklessly causes serious or substantial
8 bodily injury to another;

9 (c) The person intentionally or knowingly causes bodily
10 injury to a correctional worker, as defined in section
11 710-1031(2), who is engaged in the performance of duty
12 or who is within a correctional facility;

13 (d) The person intentionally or knowingly causes bodily
14 injury to another with a dangerous instrument;

15 (e) The person intentionally or knowingly causes bodily
16 injury to an educational worker who is engaged in the
17 performance of duty or who is within an educational
18 facility. For the purposes of this paragraph,



1 "educational worker" means: any administrator,
 2 specialist, counselor, teacher, or employee of the
 3 department of education or an employee of a charter
 4 school; a person who is a volunteer, as defined in
 5 section 90-1, in a school program, activity, or
 6 function that is established, sanctioned, or approved
 7 by the department of education; or a person hired by
 8 the department of education on a contractual basis and
 9 engaged in carrying out an educational function; [~~or~~]

10 (f) The person intentionally or knowingly causes bodily
 11 injury to any emergency medical services personnel who
 12 is engaged in the performance of duty. For the
 13 purposes of this paragraph, "emergency medical
 14 services personnel" shall have the same meaning as in
 15 section 321-222[~~-~~]; or

16 (g) The person intentionally or knowingly causes bodily
 17 injury to:

18 (i) A person who the defendant has been restrained,
 19 by order of any court, including an ex parte
 20 order, from contacting, threatening, or
 21 physically abusing pursuant to chapter 586; or



1 (ii) A person who is being protected by a police
2 officer ordering the defendant to leave the
3 premises of that protected person pursuant to
4 section 709-906(4), during the effective period
5 of that order."

6 SECTION 2. Section 707-716, Hawaii Revised Statutes, is
7 amended by amending subsection (1) to read as follows:

8 "(1) A person commits the offense of terroristic
9 threatening in the first degree if the person commits
10 terroristic threatening:

11 (a) By threatening another person on more than one
12 occasion for the same or a similar purpose;

13 (b) By threats made in a common scheme against different
14 persons;

15 (c) Against a public servant arising out of the
16 performance of the public servant's official duties.
17 For the purposes of this paragraph, "public servant"
18 includes but is not limited to an educational worker.
19 "Educational worker" has the same meaning as defined
20 in section 707-711;

21 (d) Against any emergency medical services personnel who
22 is engaged in the performance of duty. For purposes



1 of this paragraph, "emergency medical services
2 personnel" shall have the same meaning as in section
3 321-222; [~~or~~]

4 (e) With the use of a dangerous instrument~~[-]~~; or

5 (f) By threatening:

6 (i) A person who the defendant has been restrained,
7 by order of any court, including an ex parte
8 order, from contacting, threatening, or
9 physically abusing pursuant to chapter 586; or

10 (ii) A person who is being protected by a police
11 officer ordering the defendant to leave the
12 premises of that protected person pursuant to
13 section 709-906(4), during the effective period
14 of that order."

15 SECTION 3. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 4. This Act shall take effect upon its approval.



Report Title:

Domestic Violence Protection

Description:

Amends the offenses of assault in the second degree and terroristic threatening in the first degree to include conduct committed against victims who the courts and police are attempting to keep safe with protective orders. (SB1343 HD1)

