

JAN 18 2008

A BILL FOR AN ACT

RELATING TO THE USE OF FORCE.

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

1 SECTION 1. Section 703-309, Hawaii Revised Statutes, is
2 amended by amending subsection (1) to read as follows:

3 "(1) The actor is the parent or guardian or other person
4 similarly responsible for the general care and
5 supervision of a minor, or a person acting at the
6 request of the parent, guardian, or other responsible
7 person, and:

8 (a) The force is employed with due regard for the age
9 and size of the minor and is reasonably related
10 to the purpose of safeguarding or promoting the
11 welfare of the minor, including the prevention or
12 punishment of the minor's misconduct; and

13 (b) The force used is not designed to cause or known
14 to create a risk of causing substantial bodily
15 injury, disfigurement, extreme pain or mental
16 distress, or neurological damage[-]; provided
17 that it shall be a conclusive presumption that



1 the use of a fist is designed to cause or known
 2 to create a risk of causing substantial bodily
 3 injury."

4 SECTION 2. Statutory material to be repealed is bracketed
 5 and stricken. New statutory material is underscored.

6 SECTION 3. This Act does not affect rights and duties that
 7 matured, penalties that were incurred, and proceedings that were
 8 begun, before its effective date.

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

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Report Title:

Use of Force; Discipline of Children

Description:

Establishes a conclusive presumption that the use of a fist is designed to cause or known to create a risk of causing substantial bodily injury to negate any justifiable use thereof.

