

Honolulu, Hawaii

FEB 29 2008

RE: S.B. No. 2396  
S.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fourth State Legislature  
Regular Session of 2008  
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred  
S.B. No. 2396, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO MENTAL HEALTH,"

begs leave to report as follows:

The purpose of this measure is to protect the health and  
safety of mental health professionals employed by the Hawaii State  
Hospital.

Specifically, this measure:

- (1) Expands the offense of assault in the second degree to include intentionally or knowingly causing bodily injury to a person employed at a state-operated or -contracted mental health facility; and
- (2) Defines "a person employed at a state-operated or -contracted mental health facility" to include health care professionals as defined in section 451D-2, Hawaii Revised Statutes, administrators, orderlies, security personnel, volunteers, and any other person who is engaged in the performance of a duty at or who is within a state-operated or -contracted mental health facility.

The Department of Health and the Hawaii Government Employees Association submitted testimony in support of this measure.



According to the Bureau of Labor Statistics, health care workers are sixteen times more likely than other workers to experience violence and have significantly higher rates of nonfatal assaults while at work. Nurses are often the primary targets of nonfatal assaults, with psychiatric nurses experiencing the highest rate of assault. Violence against nurses can range from verbal abuse and threats to physical assault and even homicide.

Under the law, a perpetrator who intentionally and knowingly assaults a correctional or educational worker who is engaged in the performance of the worker's duty or within a correctional or educational facility could face a possible class C felony charge. However, the same assault upon a person employed at a mental health facility would generally be a misdemeanor. Your Committee finds that this measure will align legal treatment of victims who are employed at a state-operated or state-contracted mental health facility with correctional, educational, and emergency medical personnel.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2396, S.D. 1, and recommends that it pass Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary and  
Labor,

  
BRIAN T. TANIGUCHI, Chair



The Senate  
 Twenty-Fourth Legislature  
 State of Hawaii

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

Bill / Resolution No.:* <b>SB 2396 SDI</b>	Committee Referral: <b>HTH, JDL</b>	Date: <b>2/25/08</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
<b>Members</b>	<b>Aye</b>	<b>Aye (WR)</b>	<b>Nay</b>	<b>Excused</b>
TANIGUCHI, BRIAN T. (C)	/			
HEE, Clayton (VC)				/
GABBARD, Mike	/			
KOKUBUN, Russell S.	/			
NISHIHARA, Clarence K.				/
SLOM, Sam	/			
<b>TOTAL</b>	<b>4</b>			<b>2</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive; font-size: 1.2em;">Russell S. Kohl</div>				
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\*Only one measure per Record of Votes