
A BILL FOR AN ACT

RELATING TO THE PENAL CODE.

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

1 SECTION 1. This Act shall be known as the "Protect Victims
2 of Domestic Violence Act."

3 SECTION 2. Section 707-701, Hawaii Revised Statutes, is
4 amended by amending subsection (1) to read as follows:

5 "(1) A person commits the offense of murder in the first
6 degree if the person intentionally or knowingly causes the death
7 of:

- 8 (a) More than one person in the same or separate incident;
9 (b) A law enforcement officer, judge, or prosecutor
10 arising out of the performance of official duties;
11 (c) A person known by the defendant to be a witness in a
12 criminal prosecution and the killing is related to the
13 person's status as a witness;
14 (d) A person by a hired killer, in which event both the
15 person hired and the person responsible for hiring the
16 killer shall be punished under this section; [~~or~~]
17 (e) A person while the defendant was imprisoned[-];



1 (f) A person whom the defendant has been restrained, by
 2 order of any court, including an ex parte order, from
 3 contacting, threatening, or physically abusing
 4 pursuant to chapter 586; or

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

9 SECTION 3. Section 707-701.5, Hawaii Revised Statutes, is
 10 amended by amending subsection (1) to read as follows:

11 "(1) A person commits the offense of murder in the second
 12 degree if:

13 (a) Except as provided in section 707-701, [a person
 14 commits the offense of murder in the second degree if]
 15 the person intentionally or knowingly causes the death
 16 of another person[-]; or

17 (b) The person recklessly causes the death of:

18 (i) A person whom 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 4. Section 707-711, Hawaii Revised Statutes, is
7 amended by amending subsection (1) to read as follows:

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

- 10 (a) The person intentionally or knowingly causes
11 substantial bodily injury to another;
- 12 (b) The person recklessly causes serious or substantial
13 bodily injury to another;
- 14 (c) The person intentionally or knowingly causes bodily
15 injury to a correctional worker, as defined in section
16 710-1031(2), who is engaged in the performance of duty
17 or who is within a correctional facility;
- 18 (d) The person intentionally or knowingly causes bodily
19 injury to another with a dangerous instrument;
- 20 (e) The person intentionally or knowingly causes bodily
21 injury to an educational worker who is engaged in the
22 performance of duty or who is within an educational



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

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

17 (g) The person intentionally or knowingly causes bodily
18 injury to a person employed at a state-operated or
19 -contracted mental health facility. For the purposes
20 of this paragraph, "a person employed at a state-
21 operated or -contracted mental health facility"
22 includes health care professionals as defined in



1 section 451D-2, administrators, orderlies, security
2 personnel, volunteers, and any other person who is
3 engaged in the performance of a duty at a state-
4 operated or -contracted mental health facility[-]; or

5 (h) The person intentionally, knowingly, or recklessly
6 causes bodily injury to:

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

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

16 SECTION 5. Section 707-716 Hawaii Revised Statutes, is
17 amended by amending subsection (1) to read as follows:

18 "(1) A person commits the offense of terroristic
19 threatening in the first degree if the person commits
20 terroristic threatening:

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



- 1 (b) By threats made in a common scheme against different
- 2 persons;
- 3 (c) Against a public servant arising out of the
- 4 performance of the public servant's official duties.
- 5 For the purposes of this paragraph, "public servant"
- 6 includes but is not limited to an educational worker.
- 7 "Educational worker" has the same meaning as defined
- 8 in section 707-711;
- 9 (d) Against any emergency medical services personnel who
- 10 is engaged in the performance of duty. For purposes
- 11 of this paragraph, "emergency medical services
- 12 personnel" shall have the same meaning as in section
- 13 321-222; [~~or~~]
- 14 (e) With the use of a dangerous instrument [~~-~~]; or
- 15 (f) By threatening:
- 16 (i) A person whom the defendant has been restrained,
- 17 by order of any court, including an ex parte
- 18 order, from contacting, threatening, or
- 19 physically abusing pursuant to chapter 586; or
- 20 (ii) A person who is being protected by a police
- 21 officer ordering the defendant to leave the
- 22 premises of that protected person pursuant to



1 section 709-906(4), during the effective period
2 of that order."

3 SECTION 6. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 7. This Act shall take effect on January 1, 2050.



Report Title:

Domestic Violence Protection

Description:

Amends the offenses of murder in the first degree, murder in the second degree, assault in the second degree, and terroristic threatening in the first degree to include conduct committed against victims whom the courts and police are attempting to keep safe with protective orders. (HB229 HD1)

