

---

---

# 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           "**§707-711 Assault in the second degree.** (1) A person  
4 commits the offense of assault in the second 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;

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 a person employed at a state-operated or -  
18 contracted mental health facility. For the purposes  
19 of this paragraph, "a person employed at a state-  
20 operated or -contracted mental health facility"  
21 includes health care professionals as defined in  
22 section 451D-2, administrators, orderlies, security



1 personnel, volunteers, and any other person who is  
2 engaged in the performance of a duty at a state-  
3 operated or -contracted mental health facility.

4 (h) The person intentionally or knowingly causes bodily  
5 injury to:

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

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

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

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

20 (a) By threatening another person on more than one  
21 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) An individual who the person has been, by order  
17 of any court, including an ex parte order,  
18 restrained from contacting, threatening, or  
19 physically abusing pursuant to chapter 586; or
- 20 (ii) An individual who is being protected by a police  
21 officer who has ordered the person to leave the  
22 premises of that protected individual pursuant to



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

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 Statutory material to be repealed is bracketed  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

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

6

INTRODUCED BY:

*John M. Pignone*  
*Paul*

JAN 26 2009



**Report Title:**

Domestic Violence; Penalties; Penal Code

**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.

