

JAN 23 2009

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, pursuant to section
6 709-906(4), by a police officer ordering the defendant
7 to leave the premises of that protected person during
8 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 [~~1~~] (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, pursuant to
2 section 709-906(4), by a police officer ordering
3 the defendant to leave the premises of that
4 protected person during the effective period of
5 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 person;
- 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 person with a dangerous instrument;
20 [~~or~~]
- 21 (e) The person intentionally or knowingly causes bodily
22 injury to an educational worker who is engaged in the



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

12 (f) The person intentionally, knowingly, or recklessly
13 causes bodily injury to:

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

18 (ii) A person who is being protected, pursuant to
19 section 709-906(4), by a police officer ordering
20 the defendant to leave the premises of that
21 protected person during the effective period of
22 that order."



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

3 "(1) A person commits the offense of terroristic
4 threatening in the first degree if the person commits
5 terroristic threatening:

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

8 (b) By threats made in a common scheme against different
9 persons;

10 (c) Against a public servant arising out of the
11 performance of the public servant's official duties.
12 For the purposes of this paragraph, "public servant"
13 includes but is not limited to an educational worker.
14 "Educational worker" has the same meaning as defined
15 in section 707-711; [~~or~~]

16 (d) With the use of a dangerous instrument [~~or~~]; or

17 (e) By threatening:

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

6 SECTION 6. 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 7. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 8. This Act shall take effect upon its approval.

12

INTRODUCED BY: 

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 who the courts and police are attempting to keep safe with protective orders.

