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# 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; [~~o~~]
- 17           (e) A person while the defendant was imprisoned[~~o~~];



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

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; or

9        (h) A person known by the defendant to be a witness in a  
10       family court case and the killing is related to the  
11       person's status as a witness."

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

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

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

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

21       (i) A person from whom the defendant has been  
22       restrained, by order of any court, including an



1                   ex parte order, from contacting, threatening, or  
 2                   physically abusing pursuant to chapter 586; or  
 3           (ii) A person who is being protected by a police  
 4                   officer ordering the defendant to leave the  
 5                   premises of that protected person pursuant to  
 6                   section 709-906(4), during the effective period  
 7                   of that order."

8           SECTION 4. Section 707-711, Hawaii Revised Statutes, is  
 9 amended by amending subsection (1) to read as follows:

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

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



- 1 (e) The person intentionally or knowingly causes bodily  
2 injury to an educational worker who is engaged in the  
3 performance of duty or who is within an educational  
4 facility. For the purposes of this paragraph,  
5 "educational worker" means: any administrator,  
6 specialist, counselor, teacher, or employee of the  
7 department of education or an employee of a charter  
8 school; a person who is a volunteer, as defined in  
9 section 90-1, in a school program, activity, or  
10 function that is established, sanctioned, or approved  
11 by the department of education; or a person hired by  
12 the department of education on a contractual basis and  
13 engaged in carrying out an educational function;
- 14 (f) The person intentionally or knowingly causes bodily  
15 injury to any emergency medical services provider who  
16 is engaged in the performance of duty. For the  
17 purposes of this paragraph, "emergency medical  
18 services provider" means emergency medical services  
19 personnel, as defined in section 321-222, and  
20 physicians, physician's assistants, nurses, nurse  
21 practitioners, certified registered nurse  
22 anesthetists, respiratory therapists, laboratory



1 technicians, radiology technicians, and social  
2 workers, providing services in the emergency room of a  
3 hospital; [~~e~~]

4 (g) The person intentionally or knowingly causes bodily  
5 injury to a person employed at a state-operated or  
6 -contracted mental health facility. For the purposes  
7 of this paragraph, "a person employed at a state-  
8 operated or -contracted mental health facility"  
9 includes health care professionals as defined in  
10 section 451D-2, administrators, orderlies, security  
11 personnel, volunteers, and any other person who is  
12 engaged in the performance of a duty at a state-  
13 operated or -contracted mental health facility[-]; or

14 (h) The person intentionally, knowingly, or recklessly  
15 causes bodily injury to:

16 (i) A person from whom the defendant has been  
17 restrained, by order of any court, including an  
18 ex parte 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 5. Section 707-716, Hawaii Revised Statutes, is  
4 amended by amending subsection (1) to read as follows:

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

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

10           (b) By threats made in a common scheme against different  
11 persons;

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

18           (d) Against any emergency medical services provider who is  
19 engaged in the performance of duty. For the purposes  
20 of this paragraph, "emergency medical services  
21 provider" means emergency medical services personnel,  
22 as defined in section 321-222, and physicians,



1 physician's assistants, nurses, nurse practitioners,  
2 certified registered nurse anesthetists, respiratory  
3 therapists, laboratory technicians, radiology  
4 technicians, and social workers, providing services in  
5 the emergency room of a hospital; [~~or~~]

6 (e) With the use of a dangerous instrument[~~-~~]; or

7 (f) By threatening:

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

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

17 SECTION 6. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.

19 SECTION 7. This Act shall take effect on July 1, 2011.



**Report Title:**

Penal Code; Domestic Violence Victim Protection

**Description:**

To provide greater protections to victims of domestic violence who the court is already attempting to keep safe through protective orders. Effective July 1, 2011. (HB1003 HD2)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

