
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; [~~e~~]

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



- 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 proceeding and the killing is related to
- 11 the 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) Except as provided in section 707-701, a person

15 commits the offense of murder in the second degree if [~~the~~]:

16 (a) The person intentionally or knowingly causes the death

17 of another person[-]; or

18 (b) The person recklessly causes the death of a person

19 who:

20 (i) The defendant has been restrained from, by order

21 of any court, including an ex parte order,

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

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

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

- 11 (a) The person intentionally or knowingly causes
12 substantial bodily injury to another;
- 13 (b) The person recklessly causes serious or substantial
14 bodily injury to another;
- 15 (c) The person intentionally or knowingly causes bodily
16 injury to a correctional worker, as defined in section
17 710-1031(2), who is engaged in the performance of duty
18 or who is within a correctional facility;
- 19 (d) The person intentionally or knowingly causes bodily
20 injury to another with a dangerous instrument;
- 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 charter
6 school; a person who is a volunteer, as defined in
7 section 90-1, in a school program, activity, or
8 function that is established, sanctioned, or approved
9 by the department of education; or a person hired by
10 the department of education on a contractual basis and
11 engaged in carrying out an educational function;

12 (f) The person intentionally or knowingly causes bodily
13 injury to any emergency medical services provider who
14 is engaged in the performance of duty. For the
15 purposes of this paragraph, "emergency medical
16 services provider" means emergency medical services
17 personnel, as defined in section 321-222, and
18 physicians, physician's assistants, nurses, nurse
19 practitioners, certified registered nurse
20 anesthetists, respiratory therapists, laboratory
21 technicians, radiology technicians, and social



1 workers, providing services in the emergency room of a
2 hospital; [~~or~~]

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

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

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

19 (ii) Is being protected by a police officer ordering
20 the defendant to leave the premises of that
21 protected person pursuant to section 709-906(4),
22 during the effective period of 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;

16 (d) Against any emergency medical services provider who is
17 engaged in the performance of duty. For the purposes
18 of this paragraph, "emergency medical services
19 provider" means emergency medical services personnel,
20 as defined in section 321-222, and physicians,
21 physician's assistants, nurses, nurse practitioners,
22 certified registered nurse anesthetists, respiratory



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

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

5 (f) By threatening a person who:

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

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

14 SECTION 6. This Act does not affect rights and duties that
15 matured, penalties that were incurred, and proceedings that were
16 begun before its effective date.

17 SECTION 7. If any provision of this Act, or the
18 application thereof to any person or circumstance is held
19 invalid, the invalidity does not affect other provisions or
20 applications of the Act, which can be given effect without the
21 invalid provision or application, and to this end the provisions
22 of this Act are severable.



1 SECTION 8. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 9. This Act shall take effect on July 1, 2011.
4



Report Title:

Penal Code; Domestic Violence Victim Protection

Description:

Amends certain criminal offenses to include conduct committed against domestic violence victims covered by protective orders or restraining orders. (SD2)

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

