



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 provider who  
13 is engaged in the performance of duty. For the  
14 purposes of this paragraph, "emergency medical  
15 services provider" means emergency medical services  
16 personnel, as defined in section 321-222, and  
17 physicians, physician's assistants, nurses, nurse  
18 practitioners, certified registered nurse  
19 anesthetists, respiratory therapists, laboratory  
20 technicians, radiology technicians, and social  
21 workers, providing services in the emergency room of a  
22 hospital; [ex]



- 1 (g) The person intentionally or knowingly causes bodily  
2 injury to a person employed at a state-operated or  
3 -contracted mental health facility. For the purposes  
4 of this paragraph, "a person employed at a state-  
5 operated or -contracted mental health facility"  
6 includes health care professionals as defined in  
7 section 451D-2, administrators, orderlies, security  
8 personnel, volunteers, and any other person who is  
9 engaged in the performance of a duty at a state-  
10 operated or -contracted mental health facility[-]; or
- 11 (h) The person intentionally or knowingly causes bodily  
12 injury to any firefighter or water safety officer who  
13 is engaged in the performance of duty. For the  
14 purposes of this paragraph, "firefighter" has the same  
15 meaning as in section 710-1012 and "water safety  
16 officer" means any public servant employed by the  
17 United States, the State, or any county as a lifeguard  
18 or person authorized to conduct water rescue or ocean  
19 safety functions."

20 PART II



1 SECTION 2. Chapter 708, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4 "§708- Unauthorized entry in a dwelling in the first  
5 degree. (1) A person commits the offense of unauthorized entry  
6 in a dwelling in the first degree if the person intentionally or  
7 knowingly enters unlawfully into a dwelling and another person  
8 was, at the time of the entry, lawfully present in the dwelling  
9 who:

10 (a) Was sixty-two years of age or older;

11 (b) Was an incapacitated person; or

12 (c) Had a developmental disability.

13 (2) For the purposes of this section:

14 "Developmental disability" shall have the same meaning as  
15 in section 333E-2.

16 "Incapacitated person" shall have the same meaning as in  
17 section 560:5-102.

18 (3) Unauthorized entry in a dwelling in the first degree  
19 is a class B felony.

20 (4) It shall be an affirmative defense that reduces this  
21 offense to a misdemeanor that, at the time of the unlawful  
22 entry:



- 1        (a) There was a social gathering of invited guests at the  
2                    dwelling the defendant entered;
- 3        (b) The defendant intended to join the social gathering as  
4                    an invited guest; and
- 5        (c) The defendant had no intent to commit any unlawful act  
6                    other than the entry."

7            SECTION 3. Section 708-812.6, Hawaii Revised Statutes, is  
8 amended to read as follows:

9            "[~~§~~708-812.6[~~§~~] Unauthorized entry in a dwelling[-] in  
10 the second degree. (1) A person commits the offense of  
11 unauthorized entry in a dwelling in the second degree if the  
12 person intentionally or knowingly enters unlawfully into a  
13 dwelling [~~with reckless disregard of the risk that another~~  
14 ~~person was lawfully present in the dwelling,~~] and another person  
15 was lawfully present in the dwelling.

16            (2) Unauthorized entry in a dwelling in the second degree  
17 is a class C felony.

18            (3) It [~~is~~] shall be an affirmative defense that reduces  
19 this offense to a misdemeanor that, at the time of the unlawful  
20 entry:

21            (a) There was a social gathering of invited guests at the  
22                    dwelling the defendant entered;



1 (b) The defendant intended to join the social gathering;  
2 and

3 (c) The defendant had no intent to commit any unlawful act  
4 other than the entry."

5 PART III

6 SECTION 4. 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 5. If any provision of this Act, or the  
10 application thereof to any person or circumstance is held  
11 invalid, the invalidity does not affect other provisions or  
12 applications of the Act, which can be given effect without the  
13 invalid provision or application, and to this end the provisions  
14 of this Act are severable.

15 SECTION 6. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.

17 SECTION 7. This Act shall take effect upon its approval.



**Report Title:**

HSAC Package; Penal Code; Firefighters; Water Safety Officers

**Description:**

Adds the assault of firefighters and water safety officers to the offense of assault in the second degree. Creates a class B felony for unauthorized entry in a dwelling based on occupant's age and incapacity. (CD1)

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

