



GOV. MSG. NO. 1166

EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

May 26, 2011

The Honorable Shan Tsutsui, President
and Members of the Senate
Twenty-Sixth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Calvin Say, Speaker
and Members of the House
Twenty-Sixth State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Tsutsui, Speaker Say and Members of the Legislature:

This is to inform you that on May 26, 2011, the following bill was signed into law:

HB1003 HD2 SD2 CD1

RELATING TO THE PENAL CODE
ACT 063 (11)

A handwritten signature in black ink that reads "Neil Abercrombie". The signature is written in a cursive style and is positioned above the printed name.

NEIL ABERCROMBIE
Governor, State of Hawaii

on MAY 26 2011

ACT 063

HOUSE OF REPRESENTATIVES
TWENTY-SIXTH LEGISLATURE, 2011
STATE OF HAWAII

H.B. NO. 1003
H.D. 2
S.D. 2
C.D. 1

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 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 707-711, Hawaii Revised Statutes, is
 13 amended by amending subsection (1) to read as follows:

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

- 16 (a) The person intentionally or knowingly causes
- 17 substantial bodily injury to another;
- 18 (b) The person recklessly causes serious or substantial
- 19 bodily injury to another;
- 20 (c) The person intentionally or knowingly causes bodily
- 21 injury to a correctional worker, as defined in section



- 1 710-1031(2), who is engaged in the performance of duty
2 or who is within a correctional facility;
- 3 (d) The person intentionally or knowingly causes bodily
4 injury to another with a dangerous instrument;
- 5 (e) The person intentionally or knowingly causes bodily
6 injury to an educational worker who is engaged in the
7 performance of duty or who is within an educational
8 facility. For the purposes of this paragraph,
9 "educational worker" means[+] any administrator,
10 specialist, counselor, teacher, or employee of the
11 department of education or an employee of a charter
12 school; a person who is a volunteer, as defined in
13 section 90-1, in a school program, activity, or
14 function that is established, sanctioned, or approved
15 by the department of education; or a person hired by
16 the department of education on a contractual basis and
17 engaged in carrying out an educational function;
- 18 (f) The person intentionally or knowingly causes bodily
19 injury to any emergency medical services provider who
20 is engaged in the performance of duty. For the
21 purposes of this paragraph, "emergency medical
22 services provider" means emergency medical services



1 personnel, as defined in section 321-222, and
2 physicians, physician's assistants, nurses, nurse
3 practitioners, certified registered nurse
4 anesthetists, respiratory therapists, laboratory
5 technicians, radiology technicians, and social
6 workers, providing services in the emergency room of a
7 hospital; [~~e~~]

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

18 (h) The person intentionally or knowingly causes bodily
19 injury to a person 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 707-716, Hawaii Revised Statutes, is
8 amended by amending subsection (1) to read as follows:

9 "(1) A person commits the offense of terroristic
10 threatening in the first degree if the person commits
11 terroristic threatening:

- 12 (a) By threatening another person on more than one
- 13 occasion for the same or a similar purpose;
- 14 (b) By threats made in a common scheme against different
- 15 persons;
- 16 (c) Against a public servant arising out of the
- 17 performance of the public servant's official duties.
- 18 For the purposes of this paragraph, "public servant"
- 19 includes but is not limited to an educational worker.
- 20 "Educational worker" has the same meaning as defined
- 21 in section 707-711;



- 1 (d) Against any emergency medical services provider who is
2 engaged in the performance of duty. For the purposes
3 of this paragraph, "emergency medical services
4 provider" means emergency medical services personnel,
5 as defined in section 321-222, and physicians,
6 physician's assistants, nurses, nurse practitioners,
7 certified registered nurse anesthetists, respiratory
8 therapists, laboratory technicians, radiology
9 technicians, and social workers, providing services in
10 the emergency room of a hospital; [~~or~~]
- 11 (e) With the use of a dangerous instrument[-]; or
- 12 (f) By threatening a person who:
- 13 (i) The defendant has been restrained from, by order
14 of any court, including an ex parte order,
15 contacting, threatening, or physically abusing
16 pursuant to chapter 586; or
- 17 (ii) Is being protected by a police officer ordering
18 the defendant to leave the premises of that
19 protected person pursuant to section 709-906(4),
20 during the effective period of that order."



1 SECTION 5. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

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

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

12 SECTION 8. This Act shall take effect on July 1, 2011.

APPROVED this 26 day of MAY, 2011

Neil Abernethy
GOVERNOR OF THE STATE OF HAWAII

