
A BILL FOR AN ACT

RELATING TO ASSAULTS AGAINST MEDICAL SERVICES PROVIDERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

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

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

5 (a) The person intentionally or knowingly causes
6 substantial bodily injury to another;

7 (b) The person recklessly causes serious or substantial
8 bodily injury to another;

9 (c) The person intentionally or knowingly causes bodily
10 injury to a correctional worker, as defined in section
11 710-1031(2), who is engaged in the performance of duty
12 or who is within a correctional facility;

13 (d) The person intentionally or knowingly causes bodily
14 injury to another with a dangerous instrument;

15 (e) The person intentionally or knowingly causes bodily
16 injury to an educational worker who is engaged in the
17 performance of duty or who is within an educational
18 facility. For the purposes of this paragraph,



1 "educational worker" means any administrator,
2 specialist, counselor, teacher, or employee of the
3 department of education or an employee of a charter
4 school; a person who is a volunteer, as defined in
5 section 90-1, in a school program, activity, or
6 function that is established, sanctioned, or approved
7 by the department of education; or a person hired by
8 the department of education on a contractual basis and
9 engaged in carrying out an educational function;

10 (f) The person intentionally or knowingly causes bodily
11 injury to any [emergency] medical services provider
12 who is engaged in the performance of duty. For the
13 purposes of this paragraph, [~~emergency medical~~
14 ~~services provider~~] "medical services provider" means
15 emergency medical services personnel, as defined in
16 section 321-222, and physicians, physician's
17 assistants, nurses, nurse practitioners, certified
18 registered nurse anesthetists, respiratory therapists,
19 laboratory technicians, radiology technicians, and
20 social workers, providing services in the emergency
21 room of a hospital[+], medical clinic, or federally
22 qualified health center;



- 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;
- 11 (h) The person intentionally or knowingly causes bodily
12 injury to 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; or
- 21 [†](i) [†] The person intentionally or knowingly causes bodily
22 injury to any firefighter or water safety officer who



1 is engaged in the performance of duty. For the
 2 purposes of this paragraph, "firefighter" has the same
 3 meaning as in section 710-1012 and "water safety
 4 officer" means any public servant employed by the
 5 United States, the State, or any county as a lifeguard
 6 or person authorized to conduct water rescue or ocean
 7 safety functions."

8 SECTION 2. This Act does not affect rights and duties that
 9 matured, penalties that were incurred, and proceedings that were
 10 begun before its effective date.

11 SECTION 3. Statutory material to be repealed is bracketed
 12 and stricken. New statutory material is underscored.

13 SECTION 4. This Act shall take effect upon its approval.
 14

INTRODUCED BY: ~~ANDREW C. ...~~
Hyndman
J. ...
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JAN 17 2012



Report Title:

Assault; Medical Services Providers

Description:

Expands the offense of assault in the second degree to include harm to any medical service providers engaged in the performance of duty.

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