

SENATE FLOOR AMENDMENT

FLOOR AMENDMENT NO. _____

9

Date _____

APR 09 2013

TO: H.B. No. 1187, S.D. 1

SECTION 1. House Bill No. 1187, S.D. 1, is amended by amending Section 4 to read as follows:

"SECTION 4. Section 587A-4, Hawaii Revised Statutes, is amended by amending the definition of "harm" to read as follows:

"Harm" means damage or injury to a child's physical or psychological health or welfare, where:

- (1) The child exhibits evidence of injury, including, but not limited to:
 - (A) Substantial or multiple skin bruising;
 - (B) Substantial external or internal bleeding;
 - (C) Burn or burns;
 - (D) Malnutrition;
 - (E) Failure to thrive;
 - (F) Soft tissue swelling;
 - (G) Extreme pain;
 - (H) Extreme mental distress;
 - (I) Gross degradation;
 - (J) Poisoning;
 - (K) Fracture of any bone;
 - (L) Subdural hematoma; or
 - (M) Death;

and the injury is not justifiably explained, or the history given concerning the condition or death is not consistent with the degree or type of the condition or death, or there is evidence that the condition or death may not be the result of an accident;

- (2) The child has been the victim of sexual contact or conduct, including sexual assault; sodomy; molestation; sexual fondling; incest; prostitution; obscene or pornographic photographing, filming, or depiction; or other similar forms of sexual exploitation[-], including but not limited to acts that constitute an offense pursuant to section 712-1202;
- (3) The child's psychological well-being has been injured as evidenced by a substantial impairment in the child's ability to function;
- (4) The child is not provided in a timely manner with adequate food; clothing; shelter; supervision; or psychological, physical, or medical care; [e]



- (5) The child is provided with dangerous, harmful, or detrimental drugs as defined in section 712-1240, except when a child's family administers drugs to the child as directed or prescribed by a practitioner as defined in section 712-1240 [-]; or
- (6) The child has been the victim of labor trafficking under chapter 707."

SECTION 2. House Bill No. 1187, S.D. 1, is amended by adding a new Section 5 to part III to read as follows:

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

SECTION 3. House Bill No. 1187, S.D. 1, is amended by renumbering Section 5 as Section 6.

SECTION 4. House Bill No. 1187, S.D. 1, is amended by renumbering Section 6 as Section 7.

Offered by: *Annamie Chun Clarke* Carried

Failed to Carry

Withdrawn

