

JAN 18 2013

---

---

# A BILL FOR AN ACT

RELATING TO 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: John M.

Per P.D.

Matt K.

Erzanne Cruz Caldas

Clarence K. Kishibe



**Report Title:**

Medical Service Providers; Assault

**Description:**

Provides that an assault of a medical services provider who is engaged in the performance of duty be categorized as a criminal assault in the second degree.

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

