
A BILL FOR AN ACT

RELATING TO VIOLENCE AGAINST HEALTH CARE PERSONNEL.

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, or unlicensed medical professionals
21 and other medical staff involved in the direct care of
22 patients, providing services in [the emergency room



1 ~~of~~] a hospital[+], medical clinic, or federally
2 qualified health center;

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

13 (h) The person intentionally or knowingly causes bodily
14 injury to a person who:

15 (i) The defendant has been restrained from, by order
16 of any court, including an ex parte order,
17 contacting, threatening, or physically abusing
18 pursuant to chapter 586; or

19 (ii) Is being protected by a police officer ordering
20 the defendant to leave the premises of that
21 protected person pursuant to section 709-906(4),
22 during the effective period of that order; or



1 [+] (i) [+] The person intentionally or knowingly causes bodily
2 injury to any firefighter or water safety officer who
3 is engaged in the performance of duty. For the
4 purposes of this paragraph, "firefighter" has the same
5 meaning as in section 710-1012 and "water safety
6 officer" means any public servant employed by the
7 United States, the State, or any county as a lifeguard
8 or person authorized to conduct water rescue or ocean
9 safety functions."

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

13 SECTION 3. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 4. This Act shall take effect upon its approval.



Report Title:

Assault in the Second Degree; Medical Services Providers

Description:

Adds intentionally or knowingly causing bodily injury to medical services providers to assault in the second degree offense. Expands the medical services providers to which the offense would apply. (SD1)

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