

JAN 18 2013

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# A BILL FOR AN ACT

RELATING TO THE PENAL CODE.

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

1 SECTION 1. Section 707-700, Hawaii Revised Statutes, is  
2 amended by adding two new definitions to be appropriately  
3 inserted and to read as follows:

4 "Firefighter" has the same meaning as in section 710-1012.

5 "Water safety officer" means any public servant employed by  
6 the United States, the State, or any county as a lifeguard or  
7 person authorized to conduct water rescue or ocean safety  
8 functions."

9 SECTION 2. Section 707-712.5, Hawaii Revised Statutes, is  
10 amended to read as follows:

11 "§707-712.5 Assault against a law enforcement officer,  
12 firefighter, or water safety officer in the first degree. (1)

13 A person commits the offense of assault against a law  
14 enforcement officer, firefighter, or water safety officer in the  
15 first degree if the person:

16 (a) Intentionally or knowingly causes bodily injury to a  
17 law enforcement officer, firefighter, or water safety  
18 officer who is engaged in the performance of duty; or



1 (b) Recklessly or negligently causes, with a dangerous  
2 instrument, bodily injury to a law enforcement  
3 officer, firefighter, or water safety officer who is  
4 engaged in the performance of duty.

5 (2) Assault of a law enforcement officer, firefighter, or  
6 water safety officer in the first degree is a class C felony.

7 The court [~~shall~~], at a minimum, shall sentence the person who  
8 has been convicted of this offense to:

9 (a) An indeterminate term of imprisonment of five years,  
10 pursuant to section 706-660; or

11 (b) Five years probation, with conditions to include a  
12 term of imprisonment of not less than thirty days  
13 without possibility of suspension of sentence."

14 SECTION 3. Section 707-712.6, Hawaii Revised Statutes, is  
15 amended to read as follows:

16 "[+]§707-712.6[+] **Assault against a law enforcement**  
17 **officer, firefighter, or water safety officer in the second**  
18 **degree.** (1) A person commits the offense of assault against a  
19 law enforcement officer, firefighter, or water safety officer in  
20 the second degree if the person recklessly causes bodily injury  
21 to a law enforcement officer, firefighter, or water safety  
22 officer who is engaged in the performance of duty.



1           (2) Assault of a law enforcement officer, firefighter, or  
2 water safety officer in the second degree is a misdemeanor. The  
3 court shall sentence the person who has been convicted of this  
4 offense to a definite term of imprisonment, pursuant to section  
5 706-663, of not less than thirty days without possibility of  
6 probation or suspension of sentence."

7           SECTION 4. This Act does not affect rights and duties that  
8 matured, penalties that were incurred, and proceedings that were  
9 begun before its effective date.

10          SECTION 5. Statutory material to be repealed is bracketed  
11 and stricken. New statutory material is underscored.

12          SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY: 



# S.B. NO. 892

**Report Title:**

Penal Code; Assault; Firefighters; Water Safety Officers

**Description:**

Expands the offenses of assault against a law enforcement officer in the first and second degree to include assaults against firefighters and water safety officers.

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

