STAND. COM. REP. NO. 1526 -14

Honolulu, Hawaii

April 4

, 2014

E: S.B

S.B. No. 2032

S.D. 2 H.D. 2

Honorable Joseph M. Souki Speaker, House of Representatives Twenty-Seventh State Legislature Regular Session of 2014 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2032, S.D. 2, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO VIOLENCE AGAINST HEALTH CARE PERSONNEL,"

begs leave to report as follows:

The purpose of this measure is to expand the scope of the offense of assault in the second degree to protect additional types of medical service providers who in the performance of duty sustain injury from intentional or knowing assault.

Currently, the offense of assault in the second degree comprises intentionally or knowingly causing bodily injury to emergency services personnel and certain medical service providers and professionals in the performance of duty, providing services in a hospital emergency room. This measure extends the scope of the offense to also include causing such bodily injury to advanced practice registered nurses and unlicensed medical professionals or other medical staff who are involved in the direct care of patients in the provision of services in a hospital, medical clinic, or federally qualified health center.

The Queen's Health Systems; Hawaii Pacific Health; Hawaii State Center for Nursing; Prime Care Services Hawaii; Kaiser Permanente Hawaii; National Association of Social Workers, Hawaii Chapter; Philippine Nurses Association Hawaii; United Public

SB2032 HD2 HSCR JUD HMS 2014-3122



Workers, AFSCME, Local 646, AFL-CIO; Healthcare Association of Hawaii; Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; Kahi Mohala Behavioral Health; and several concerned individuals testified in support of this measure. The Office of the Public Defender testified in opposition to this measure.

Your Committee acknowledges that there are concerns with this measure, including whether it will effectively deter patients and other individuals from physically attacking medical service providers. Further, the measure distinguishes among healthcare employees by seeking to enhance the penalty for assaulting certain hospital, medical clinic, and federally qualified health center employees but excluding other healthcare staff. It also does not cover healthcare employees who work in patients' homes where they may be at an even greater risk for assault. Your Committee respectfully requests that these matters be addressed as the measure progresses through the legislative process.

Accordingly, your Committee has amended this measure by making it effective on July 1, 2100, to promote further discussion.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2032, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2032, S.D. 2, H.D. 2.

Respectfully submitted on behalf of the members of the Committee on Judiciary,

KARL RHOADS, Chair

## State of Hawaii use of Representatives The 1 wenty-seventh Legislature

## Record of Votes of the Committee on Judiciary

Bill/Resolution No.: Commit	Committee Referral:		Date:	
SB 2032, 502, 40 HL	T, JUD		04/01/14	1
☐ The committee is reconsidering its previous decision on the measure.				
The recommendation is to:  Pass, unamended (as is)  Pass, with amendments (HD)  Hold  Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. RHOADS, Karl (C)				
2. HAR, Sharon E. (VC)				
3. BELATTI, Della Au			-	
4. BROWER, Tom				
5. CREAGAN, Richard				
6. ITO, Ken				
7. KAWAKAMI, Derek S.K.			,	
8. LEE, Chris				
9. NAKASHIMA, Mark M.				
10. TSUJI, Clift				
11. WOOLEY, Jessica				==:
12. MCDERMOTT, Bob				
13. THIELEN, Cynthia			• • • • • • • • • • • • • • • • • • • •	
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TOTAL (13)	9			4
The recommendation is:  Adopted  If joint referral, did not support recommendation.  committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) - Committee Duplicate (Yellow) - Chief Clerk's Office Duplicate (Pink) - HMSO				