

Honolulu, Hawaii
April 4, 2014

RE: 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

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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



