
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



1 facility. For the purposes of this paragraph,
2 "educational worker" means any administrator,
3 specialist, counselor, teacher, [~~or~~] employee of the
4 department of education, or an employee of a charter
5 school; a person who is a volunteer, as defined in
6 section 90-1, in a school program, activity, or
7 function that is established, sanctioned, or approved
8 by the department of education; or a person hired by
9 the department of education on a contractual basis and
10 engaged in carrying out an educational function;

11 (f) The person intentionally or knowingly causes bodily
12 injury to any [~~emergency~~] medical services provider
13 who is engaged in the performance of duty. For the
14 purposes of this paragraph, [~~"emergency medical
15 services provider"~~] "medical services provider" means
16 emergency medical services personnel, as defined in
17 section 321-222, and physicians, physician's
18 assistants, nurses, [~~nurse practitioners, certified
19 registered nurse anesthetists,~~] advanced practice
20 registered nurses, respiratory therapists, laboratory
21 technicians, radiology technicians, [~~and~~] social



1 workers, and unlicensed medical professionals or other
2 medical staff involved in the direct care of patients,
3 providing services in [~~the emergency room of~~] a
4 hospital[+], medical clinic, or federally qualified
5 health center; provided that this paragraph shall not
6 apply to patients in such settings;

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

17 (h) The person intentionally or knowingly causes bodily
18 injury to a person who:

19 (i) The defendant has been restrained from, by order
20 of any court, including an ex parte order,



1 contacting, threatening, or physically abusing
2 pursuant to chapter 586; or

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

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

16 SECTION 2. This Act does not affect rights and duties that
17 matured, penalties that were incurred, and proceedings that were
18 begun before its effective date.

19 SECTION 3. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

21 SECTION 4. This Act shall take effect on July 1, 2050.



Report Title:

Assault in the Second Degree; Medical Services Provider

Description:

Amends the offense of assault in the second degree as it applies to medical professionals by expanding the types of medical services providers protected under this offense and the areas in which the offense may occur. Clarifies that assault in the second degree does not apply to patients receiving medical services. (HB584 HD1)

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