

JAN 25 2017

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# A BILL FOR AN ACT

RELATING TO ASSAULT.

**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, knowingly, or recklessly  
6 causes substantial bodily injury to another;

7           (b) The person recklessly causes serious bodily injury to  
8 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 who  
13 is engaged in the performance of duty. For the  
14 purposes of this paragraph, "emergency medical  
15 services provider" means emergency medical services  
16 personnel, as defined in section 321-222, and  
17 physicians, physician's assistants, nurses, nurse  
18 practitioners, certified registered nurse  
19 anesthetists, respiratory therapists, laboratory  
20 technicians, radiology technicians, and social



1 workers, providing services in the emergency room of a  
2 hospital;

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



1                   protected person pursuant to section 709-906(4),

2                   during the effective period of that order; [e]

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

12          (j)   The person intentionally or knowingly causes bodily  
13          injury to a person employed as a health care or human  
14          services professional. For the purposes of this  
15          paragraph, "health care or human services  
16          professional" includes:

17          (i)   Any licensed health care professional as defined  
18          in section 451D-2, their employee, agent, or  
19          volunteer; and

20          (ii)   Any employee, agent, or volunteer of a program,  
21          institution, place, building, or public or



1                   private agency, whether for profit or not, used,  
2                   operated, or designed to provide medical  
3                   diagnosis, treatment, nursing, social services,  
4                   or rehabilitative or preventive care to any  
5                   person."

6           SECTION 2. This Act does not affect rights and duties that  
7 matured, penalties that were incurred, and proceedings that were  
8 begun before its effective date.

9           SECTION 3. Statutory material to be repealed is bracketed  
10 and stricken. New statutory material is underscored.

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

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INTRODUCED BY:           *Stacy*          



# S.B. NO. 1119

**Report Title:**

Assault; Second Degree; Health Care or Human Services  
Professional

**Description:**

Establishes that an offense is assault in the second degree if a person intentionally or knowingly causes bodily injury to a health care or human services professional. Defines health care or human services professional.

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

