
A BILL FOR AN ACT

RELATING TO HEALTH CARE WORKERS.

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
18 facility. For the purposes of this paragraph,



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

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



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

11 (h) The person intentionally or knowingly causes bodily
 12 injury to a person who:

13 (i) The defendant has been restrained from, by order
 14 of any court, including an ex parte order,
 15 contacting, threatening, or physically abusing
 16 pursuant to chapter 586; or

17 (ii) Is being protected by a police officer ordering
 18 the defendant to leave the premises of that
 19 protected person pursuant to section 709-906(4),
 20 during the effective period of that order; [e]



- 1 (i) The person intentionally or knowingly causes bodily
2 injury to any firefighter or water safety officer who
3 is engaged in the performance of duty. For the
4 purposes of this paragraph, "firefighter" has the same
5 meaning as in section 710-1012 and "water safety
6 officer" means any public servant employed by the
7 United States, the State, or any county as a lifeguard
8 or person authorized to conduct water rescue or ocean
9 safety functions[-];
- 10 (j) The person intentionally or knowingly causes bodily
11 injury to a person who is engaged in the performance
12 of duty at a health care facility as defined in
13 section 323D-2. For purposes of this paragraph, "a
14 person who is engaged in the performance of duty at a
15 health care facility" shall include health care
16 professionals as defined in section 451D-2, physician
17 assistants, surgical assistants, advanced practice
18 registered nurses, nurse aides, respiratory
19 therapists, laboratory technicians, and radiology
20 technicians;



1 (k) The person intentionally or knowingly causes bodily
2 injury to a person who is engaged in providing home
3 health care services, as defined in section 431:10H-
4 201; or

5 (l) The person intentionally or knowingly causes bodily
6 injury to a person, employed or contracted to work by
7 a mutual benefit society, as defined in section 432:1-
8 104, to provide case management services to an
9 individual in a hospital, health care provider's
10 office, or home, while that person is engaged in the
11 performance of those services."

12 SECTION 2. This Act does not affect rights and duties that
13 matured, penalties that were incurred, and proceedings that were
14 begun before its effective date.

15 SECTION 3. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

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



Report Title:

Health Care Worker; Intentionally or Knowingly Causing Bodily Injury; Felony Assault in the Second Degree

Description:

Makes intentionally or knowingly causing bodily injury to certain health care workers a Class C felony. (HB1906 CD1)

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

