

STAND. COM. REP. NO.

3095

Honolulu, Hawaii

MAR 23 2018

RE: H.B. No. 1906
H.D. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committee on Commerce, Consumer Protection, and Health,
to which was referred H.B. No. 1906, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO HEALTH CARE WORKERS,"

begs leave to report as follows:

The purpose and intent of this measure is to make
intentionally or knowingly causing bodily injury to certain health
care workers a class C felony.

Your Committee received testimony in support of this measure
from the Department of Health, Board of Nursing, Hawaii Nurses
Association OPEIU Local 50, Hawaii Primary Care Association,
Hawaii Medical Association, Hawaii Health Systems Corporation,
Kaiser Permanente, Hilo Medical Center, Hawaii Medical Service
Association, The Queen's Health Systems, Legacy of Life Hawaii,
Healthcare Association of Hawaii, Hawaii Government Employees
Association, Hawaii Public Health, and one individual.

Your Committee finds that health care workers may be less
likely to report assaults under existing law, in part because the
offense of assault in the third degree is classified as a
misdemeanor and therefore is capable of being expunged from the
offender's record and subject to a time served sentence. Your
Committee finds that this measure will extend protections for
health care workers, encourage prosecution of individuals who



assault health care workers, and assist in the retention of needed health care workers by elevating the offense of assault of a health care worker who is engaged in the performance of duty to a felony. In so doing, this measure will provide an equal level of protection for health care workers as for employees of state-operated or state-contracted mental health facilities.

Your Committee has amended this measure by:

- (1) Inserting a purpose section to clarify its intent;
- (2) Expanding the definition of "person who is engaged in the performance of duty at a health care facility" to include administrators, students, volunteers, and any other workers supporting the functions of the health care facility;
- (3) Removing references to persons employed or contracted by a mutual benefit society;
- (4) Inserting an effective date of July 1, 2035, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1906, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1906, H.D. 2, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Commerce, Consumer
Protection, and Health,



ROSALYN H. BAKER, Chair



