

STAND. COM. REP. NO.

2609

Honolulu, Hawaii

MAR 02 2018

RE: S.B. No. 2491
S.D. 2

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

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2491, S.D. 1, 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 increase protections for health care workers by increasing the criminal penalties for assaulting a health care worker who is engaged in the performance of duties.

Your Committee received testimony in support of this measure from the Department of Health; Hawaii Health Systems Corporation; Hawaii Medical Association; Kaiser Permanente Hawai'i; Healthcare Association of Hawaii; The Queen's Health Systems; United Public Workers, AFSCME, Local 646, AFL-CIO; Hawaii Medical Service Association; Hawaii Primary Care Association; Legacy of Life Hawaii; American Organization of Nurse Executives; Hawaii Nurses Association, OPEIU, Local 50; One Kalakaua Senior Living; Pali Momi Medical Center; Hawaii Government Employees Association, AFSCME, Local 152, AFL-CIO; Hawaii Pacific Health; Hilo Medical Center; and six individuals. Your Committee received testimony in opposition to this measure from the Office of the Public Defender. Your Committee received comments on this measure from the Department of the Attorney General.



Your Committee finds that assault and violence against health care workers is a significant and increasing issue in Hawaii. Incidents of violence against health care workers are also frequently underreported, or only reported in the most severe cases. Expanding the increased penalties currently provided for assault or violence against certain categories of health care workers will increase protection for vital and vulnerable health care service providers.

Your Committee has amended this measure by:

- (1) Simplifying the legislative findings;
- (2) Removing language that included intentionally or knowingly causing bodily injury to a person employed or contracted to work by a mutual benefit society within the offense of assault in the second degree;
- (3) Inserting an effective date of July 1, 2035, to encourage further discussion; and
- (4) 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 Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2491, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2491, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,


BRIAN T. TANIGUCHI, Chair



The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:*	Committee Referral:	Date:
SB2491, SD1	CPH, JDC	2/27/2018

The Committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
RHOADS, Karl (VC)		✓		
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
THIELEN, Laura H.		✓		
TOTAL	3	2	0	0

Recommendation:
 Adopted
 Not Adopted

Chair's or Designee's Signature: *Karl Rhoads*

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*Only one measure per Record of Votes