

HB 2023

**RELATING TO
THE ASSAULT
OF A UTILITY
WORKER**

A BILL FOR AN ACT

RELATING TO THE ASSAULT OF A UTILITY WORKER.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. With increased frequency, utility workers
2 across the nation are the victims of assault and aggression. In
3 particular, the personal safety of field representatives who
4 read and repair meters, line crew workers who respond to power
5 outages, and billing representatives who accept payments or
6 disconnect and reconnect meters are threatened. Nationwide, it
7 has been reported that utility workers have been shot, stabbed,
8 and, in some cases, killed while performing their official job
9 duties.

10 As part of their normal job duties, utility workers are
11 often put in situations where customers are irate for reasons
12 beyond the workers' control, such as power outages and service
13 disconnects, resulting in a potential for confrontation between
14 the worker and customer. In addition, as utility workers are
15 often working on or with systems that are inherently dangerous,
16 any distraction has the potential to lead to serious injury or
17 death.



1 It is currently a felony to cause injury to peace officers,
2 police officers, firefighters, or emergency medical workers with
3 the intent to prevent them from performing their duties. The
4 purpose of this Act is to establish the offense of assault
5 against a utility worker as a class C felony.

6 SECTION 2. Chapter 707, Hawaii Revised Statutes, is
7 amended by adding a new section to be appropriately designated
8 and to read as follows:

9 "§707- Assault against a utility worker. (1) A person
10 commits the offense of assault against a utility worker, if the
11 person:

12 (a) Intentionally, knowingly, or recklessly causes serious
13 or substantial bodily injury to a utility worker who
14 is engaged in the lawful performance of the utility
15 worker's duties; or

16 (b) Intentionally, knowingly, or recklessly causes bodily
17 injury with a dangerous instrument to a utility worker
18 who is engaged in the lawful performance of the
19 utility worker's duties.

20 (2) For purposes of this section, "utility worker" means
21 an employee of a government or private entity that provides



1 utility services to the general public, including electricity,
2 water, wastewater, natural or synthetic gas, telephone, cable
3 communications, or road maintenance services.

4 (3) Assault against a utility worker is a class C felony."

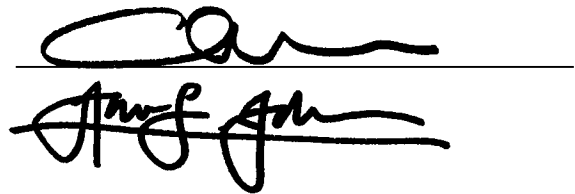
5 SECTION 3. This Act does not affect rights and duties that
6 matured, penalties that were incurred, and proceedings that were
7 begun before its effective date.

8 SECTION 4. New statutory material is underscored.

9 SECTION 5. This Act shall take effect upon its approval.

10

INTRODUCED BY:



JAN 19 2018



H.B. NO. 2023

Report Title:

Assault of Utility Worker; Felony

Description:

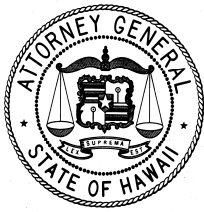
Establishes a class C felony for an assault against a utility worker that causes serious or substantial bodily injury or an assault against a utility worker with a dangerous instrument that causes bodily injury.

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



HB 2023

TESTIMONY



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-NINTH LEGISLATURE, 2018**

ON THE FOLLOWING MEASURE:

H.B. NO. 2023, RELATING TO ASSAULT ON A UTILITY WORKER.

BEFORE THE:

HOUSE COMMITTEE ON LABOR AND PUBLIC EMPLOYMENT

DATE: Tuesday, February 13, 2018 **TIME:** 9:15 a.m.

LOCATION: State Capitol, Room 309

TESTIFIER(S): Russell A. Suzuki, Acting Attorney General, or
Lance Goto, Deputy Attorney General.

Chair Johanson and Members of the Committee:

The Department of the Attorney General ("the Department") appreciates the intent of this bill and submits comments.

The purpose of this bill is to create the new class C felony offense of assault against a utility worker.

But this new offense appears to be unnecessary, as it is already covered by existing law.

The proposed offense prohibits a person from intentionally, knowingly, or recklessly causing serious or substantial bodily injury to a utility worker. But assault in the first degree, in violation of section 707-710, Hawaii Revised Statutes (HRS), a class B felony offense, already prohibits a person from intentionally or knowingly causing serious bodily injury to another. Assault in the second degree, in violation of section 707-711, HRS, a class C felony offense, already prohibits a person from recklessly causing serious bodily injury to another. And assault in the second degree also prohibits a person from intentionally, knowingly, or recklessly causing substantial bodily injury to another person.

The proposed offense also prohibits a person from intentionally, knowingly, or recklessly causing bodily injury with a dangerous instrument to a utility worker. But assault in the second degree already prohibits a person from intentionally or knowingly

causing bodily injury to another with a dangerous instrument. And assault in the third degree, in violation of section 707-712, HRS, a misdemeanor offense, already prohibits a person from recklessly or negligently causing bodily injury to another with a dangerous instrument.

The Department appreciates the opportunity to provide comments.

IBEW1260

‘A‘OHE HANA NUI KE ALU ‘IA

February 13, 2018

The Twenty-Ninth Legislature
Hawaii State House of Representatives
Committee on Labor

HB2023 - RELATING TO THE ASSUALT OF A UTILITY WORKER

Chair Johanson, Vice Chair Holt and Members of the Committee,

The International Brotherhood of Electrical Workers Local Union 1260, AFL-CIO (IBEW1260), represents more than 3500 members working in the utility, outside construction, cable, telecom and maintenance industries throughout the State of Hawaii and respectfully offers the following testimony in **STRONG SUPPORT** of House Bill 2023 (HB2023).

Our members, employed by the Hawaiian Electric Companies (HECO, MECO, HELCO) and Kauai Island Utility Cooperative (KIUC) are often put in situations, as part of their jobs, that could and sometimes do lead to confrontation between an employee and customer. This includes line workers working to restore/repair power lines, meter readers in the field ensuring customers are properly charged for electrical service, field service representatives and trouble-crews performing service connects/disconnects, customer billing representatives who accept payments and others working directly with or around customers.

Passage of HB2023 helps to ensure these workers who often work in dangerous conditions, on dangerous systems, can perform their duties without the outside distraction of potential violence, ultimately allowing the best possible service to all customers of Hawaii's utility companies.

Mahalo for the opportunity to provide testimony on this issue.

Respectfully,



Michael M. Brittain
Asst. Business Manager
IBEW1260 / AFL-CIO

**TESTIMONY BEFORE THE HOUSE
COMMITTEE ON LABOR AND PUBLIC EMPLOYMENT**

**H.B. 2023
Relating to the Assault of a Utility Worker**

Tuesday, February 13, 2018
9:15 a.m.
State Capitol, Conference Room 309

Clayton G. Kau
Director of Security
Hawaiian Electric Company, Inc.

Chair Johanson, Vice Chair Holt and Members of the Committee:

My name is Clayton Kau and I represent Hawaiian Electric Company and its subsidiary utilities Maui Electric Company and Hawaii Electric Light Company, collectively “Hawaiian Electric.”

Hawaiian Electric supports H.B. 2023. We suggest that the threshold for determining the felonious assault of a utility worker while in the lawful performance of his or her duties be “bodily injury.”

A utility worker should never be the victim of an assault whether it results in serious or substantial bodily injury or bodily injury. A utility worker provides a critical service to the general public. He or she should be afforded the same protection as a correctional worker, educational worker, emergency medical services personnel and a person employed at a state-operated or –contracted mental health facility.

Thank you for this opportunity to testify.

HB 2023

**LATE
TESTIMONY**