



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-NINTH LEGISLATURE, 2017**

ON THE FOLLOWING MEASURE:

H.B. NO. 796, H.D. 1, RELATING TO THE ASSAULT OF A UTILITY WORKER.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY AND LABOR

DATE: Friday, March 31, 2017

TIME: 9:30 a.m.

LOCATION: State Capitol, Room 016

TESTIFIER(S): Douglas S. Chin, Attorney General, or
Lance M. Goto, Deputy Attorney General

Chair Keith-Agaran and Members of the Committee:

The Department of the Attorney General (the "Department") submits comments.

The purpose of this bill is to establish class C felony offenses 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.

While the Department appreciates the intent of this bill, this bill creates class C felony offenses that are already covered by the existing offenses of Assault in the First Degree, a class B felony offense, and Assault in the Second Degree, a class C felony offense. The proposed offenses are intended to only protect utility workers engaged in the performance of their duties, but the existing offenses have no such limitation, and therefore require proof of fewer facts.

On page 2 of the bill, from lines 9-19, the proposed offenses are set out as follows:

- (1) A person commits the offense of assault against a utility worker, if the person:
 - (a) Intentionally, knowingly, or recklessly causes serious or substantial bodily injury to a utility worker who is engaged in the lawful performance of the utility worker's duties; or
 - (b) Intentionally, knowingly, or recklessly causes bodily injury with a dangerous instrument to a utility worker who is engaged in the lawful performance of the utility worker's duties.

The following provisions show how the proposed offenses are already covered under existing law.

Section 707-710, Hawaii Revised Statutes (HRS), provides:

A person commits the offense of assault in the first degree if the person intentionally or knowingly causes serious bodily injury to another person.

Section 707-711(1)(b), HRS, provides:

A person commits the offense of assault in the second degree if the person recklessly causes serious bodily injury to another.

Section 707-711(1)(a), HRS, provides:

A person commits the offense of assault in the second degree if the person intentionally, knowingly, or recklessly causes substantial bodily injury to another.

Section 707-711(1)(d), HRS, provides:

A person commits the offense of assault in the second degree if the person intentionally or knowingly causes bodily injury to another with a dangerous instrument.

Thank you for the opportunity to testify.

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: *Submitted testimony for HB796 on Mar 31, 2017 09:30AM*
Date: Wednesday, March 29, 2017 8:32:52 AM

HB796

Submitted on: 3/29/2017

Testimony for JDL on Mar 31, 2017 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Darcia Forester	Office of the Public Defender	Oppose	Yes

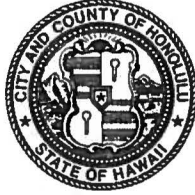
Comments:

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POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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KIRK CALDWELL
MAYOR

LEO L. M. KEALOHA
CHIEF

CARY OKIMOTO
JERRY INOUE
DEPUTY CHIEFS

OUR REFERENCE ST-NTK

March 31, 2017

The Honorable Gilbert S. C. Keith-Agaran, Chair
and Members
Committee on Judiciary and Labor
State Senate
Hawaii State Capitol
415 South Beretania Street, Room 016
Honolulu, Hawaii 96813

Dear Chair Keith-Agaran and Members:

SUBJECT: House Bill No. 796, H.D. 1, Relating to the Assault of a Utility Worker

I am Stason Tanaka, Captain of the Criminal Investigation Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports House Bill No. 796, H.D. 1, Relating to the Assault of a Utility Worker.

This bill appropriately provides an additional mechanism to protect utility workers against assaults while performing their official job duties. These workers perform tasks that are vital to the daily operations of Hawaii's infrastructure and institutions. Signing these measures into law will help better protect these employees from harm.

This bill appropriately increases the offense to a class C felony for any person who intentionally, knowingly, or recklessly violates the chapter.

The HPD urges you to support House Bill No. 796, H.D. 1, Relating to the Assault of a Utility Worker.

Thank you for the opportunity to testify.

APPROVED:

Sincerely,

Handwritten signature of Cary Okimoto in black ink.

Cary Okimoto
Acting Chief of Police

Handwritten signature of Stason Tanaka in black ink.

Stason Tanaka, Captain
Criminal Investigation Division

IBEW1260

‘A‘OHE HANA NUI KE ALU ‘IA

March 31, 2017

The Twenty-Ninth Legislature, State of Hawaii
Hawaii State Senate
Committee on Judiciary and Labor

HB796 - RELATING TO THE ASSAULT OF A UTILITY WORKER

Chair Keith-Agaran, Vice Chair Rhoads 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 796 (HB796).

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 HB796 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,



Amy Ejercito
Sr. Asst. Business Manager
IBEW1260 / AFL-CIO



International Brotherhood of Electrical Workers

Telephone Local Union 1357

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Troy J. Benevides
Business Manager-Financial Secretary

Darren Sakai
President

March 27, 2017

TO: **COMMITTEE ON JUDICIARY AND LABOR**
For Hearing on Friday, March 31, 2017, at 9:30 a.m., Conference Room 016

RE: **TESTIMONY IN STRONG SUPPORT OF HB 796 HD1**

Honorable Chair Gilbert S.C. Keith-Agaran, Vice Chair Karl Rhoads, and Committee Members,

The International Brotherhood of Electrical Workers Local Union 1357 represents about 700 members at Hawaiian Telcom throughout the State of Hawaii. Our members are critical to the success and operation of Hawaii's telecommunications within the islands including military and civilian infrastructure.

We strongly support HB 796. Our members frequently work in dangerous environments that can quickly turn hostile and downright violent. Often times, the public is unaware of the risks our members face, and can be insensitive to the situations they are put in on a daily basis. When emotions run high, and there is a threat of possible bodily harm, the safety and well-being of our members becomes a significant concern.

By passing HB 796, you will not only help to protect our members, but you will also ensure that the jobs they are hired to do are completed in a safe and timely manner. More importantly, they will be able to provide excellent customer service with confidence, and continue to serve the communities they live in.

Mahalo,

Troy Benevides
Business Manager – Financial Secretary
IBEW Local Union 1357



International Brotherhood of Electrical Workers

LOCAL UNION NO. 1186 • Affiliated with AFL-CIO

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March 28, 2017

TO: SENATE COMMITTEE ON JUDICIARY & LABOR
For Hearing on Friday, March 31, 2017, at 9:30 a.m., in Room 016

RE: TESTIMONY IN STRONG SUPPORT OF HB 796 HD1

Honorable Chair Keith-Agaran, Vice Chair Roads, and Committee Members,

The **International Brotherhood of Electrical Workers Local Union 1186** represents over 4,000 members working in electrical construction, telecommunications, and with Oceanic Cable. Our members include civil service employees at Pearl Harbor, Hickam, Kaneohe, and military facilities throughout Hawaii. IBEW Local 1186 also represents over 120 signatory electrical contracting companies that perform most of the electrical work in our state.

We strongly support HB 796 HD1. Our members and signatory employers are often contracted to work in difficult and dangerous situations. In this environment, the public may be tense, unsympathetic, or outright hostile to the utility work or interruptions being necessarily conducted. In these volatile conditions, emotions may rise and violence can and has occurred.

As the work is already often dangerous, a constant possible threat of hostile action or infliction of harm from the public is a dangerous distraction that we hope you can help minimize. We urge you to pass this legislation to increase the penalties 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.

HB 796 will help ensure public safety and prompt quality work for the general public while providing vital utility services in our communities. Thank you for providing us with this opportunity to submit our testimony in strong support.

Mahalo and aloha,

Damien Kim
Business Manager – Financial Secretary
International Brotherhood of
Electrical Workers, Local Union 1186