



**Office of the Public Defender
State of Hawaii**



**Testimony of the Office of the Public Defender,
State of Hawaii to the Senate Committee on Judiciary and Labor
March 31, 2017, 9:30 a.m.**

H.B. No. 796, HD1: RELATING TO THE ASSAULT OF A UTILITY WORKER

Chair Keith-Agaran and Members of the Committee:

This measure would make an assault against a utility worker which causes serious or substantial bodily injury a class B felony. H.B. 796 adds utility workers to the growing number of occupations which have been singled out for special protection against assaults in the normal course of their employment. Assaults which cause serious bodily injury and substantial bodily injury are already punishable as class B and class C felonies, respectively. While we understand the desire to carve out special protections for certain individuals who are assaulted in the normal course of their employment, we believe this measure goes too far, and therefore, the Office of the Public Defender opposes H.B. 796, HD1.

All employees should feel safe as they go about performing their requisite duties. Over the years, law enforcement officers, educational workers, emergency medical service providers, mental health workers and emergency workers have been singled out for special protection under Chapter 707, H.R.S. We believe that with the passage of time, more occupations will be added to this list. One question that should be asked is whether or not utility workers are assaulted during the course of their employment at a higher rate than the general public. Another question that should be asked is why some occupations have been singled out for special protection, and others have not. Three deputy public defenders have been assaulted by our clients – twice in court and once at a parole hearing. The assailants were prosecuted under general assault statutes, and were not given enhanced penalties.

Enhanced penalties for assaults committed upon utility workers will not have a concomitant effect on their safety. The assumption that enhanced penalties will deter individuals from harming a certain class of individuals is false. Most individuals do not follow legislative action, and do not give pause to possible penalties when acting out of emotion and anger.

We strongly oppose H.B. 796, HD1 and thank you for the opportunity to present testimony to this committee.