



**Office of the Public Defender
State of Hawaii
Testimony of the Office of the Public Defender,
State of Hawaii to the House Committee on Judiciary
February 1, 2017, 2:00 p.m.**



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

Chair Nishimoto 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.

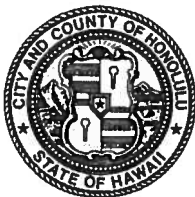
All employees should feel safe as they go about performing their requisite duties. Over the years, law enforcement officers, educational workers, emergency medical service providers, mental health workers and emergency workers have been singled out for special protection under Chapter 707, H.R.S. We 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, and thank you for the opportunity to present testimony to this committee.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulu.org



KIRK CALDWELL
MAYOR

LOUIS M. KEALOHA
CHIEF

CARY OKIMOTO
JERRY INOUE
DEPUTY CHIEFS

ST-DA

OUR REFERENCE

February 1, 2017

The Honorable Scott Y. Nishimoto, Chair
and Members
Committee on Judiciary
House of Representatives
Hawaii State Capitol
415 South Beretania Street, Room 325
Honolulu, Hawaii 96813

Dear Chair Nishimoto and Members:

SUBJECT: House Bill No. 796, 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, 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 B felony for any person who intentionally, knowingly, or recklessly violates the chapter.

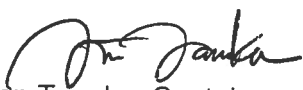
The HPD urges you to support House Bill No. 796, Relating to the Assault of a Utility Worker.

Thank you for the opportunity to testify.

APPROVED:

Sincerely,


Cary Okimoto
Acting Chief of Police


Stason Tanaka, Captain
Criminal Investigation Division



Randy Perreira
President

HAWAII STATE AFL-CIO

345 Queen Street, Suite 500 • Honolulu, Hawaii 96813

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

Testimony by
Hawaii State AFL-CIO
February 1, 2017

H.B. 796 – RELATING TO THE
ASSAULT OF A UTILITY WORKER

The Hawaii State AFL-CIO supports H.B. 796 which establishes a class B 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.

Utility workers should be able to do their jobs free from fear, harassment or assault. Their jobs ensure our electricity stays on, our water continues to flow and our communication throughout the state remains connected. Without their hard-work, many of our vital services could be disconnected. H.B. 796 helps create a more peaceful work environment and the safety many utility workers need to ensure their job is done safely and properly.

Thank you for the opportunity to testify.

Respectfully submitted,

Randy Perreira
President

HB 796

RELATING TO ASSAULT OF A UTILITY WORKER

**KEN HIRAKI
VICE PRESIDENT-GOVERNMENT & COMMUNITY AFFAIRS
HAWAIIAN TELCOM
February 1, 2017**

Chair Nishimoto and Members of the House Judiciary Committee:

I am Ken Hiraki, testifying on behalf of Hawaiian Telcom on HB 796.

This measure establishes a class B 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.

Hawaiian Telcom supports this measure.

Thank you for the opportunity to testify.



International Brotherhood of Electrical Workers

LOCAL UNION NO. 1186 • Affiliated with AFL-CIO

1935 HAU STREET, ROOM 401 • HONOLULU, HI 96819-5003
TELEPHONE (808) 847-5341 • FAX (808) 847-2224

January 31, 2017

TO: HOUSE JUDICIARY COMMITTEE
For Hearing on Wednesday, February 1, 2017, at 2:00 p.m., in Room 325

RE: TESTIMONY IN STRONG SUPPORT OF HB 796

Honorable Chair Nishimoto, Vice Chair San Buenaventura, 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. 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

JUDtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 30, 2017 2:21 PM
To: JUDtestimony
Cc: phhlca@aol.com
Subject: Submitted testimony for HB796 on Feb 1, 2017 14:00PM

HB796

Submitted on: 1/30/2017

Testimony for JUD on Feb 1, 2017 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Bill Brown	Pana'ewa Hawaiian Home Lands Community Association	Oppose	No

Comments: THIS BILL IS AN OVER-REACH AND SHOULD NOT BE PASSED AT ALL, PANA'EWA OPPOSES THIS BILL INHERENTLY AND FOR THE SAKE OF GOVERNANCE OVER-REACH IN THE PUBLIC REALM. BILL BROWN

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International Brotherhood of Electrical Workers

Telephone Local Union 1357

1103 9th Avenue, Suite 200 • Honolulu, Hawaii 96816

Telephone (808) 941-7761 • Toll-free 1 (800) 994-4239 • Fax (808) 944-4239



Troy J. Benevides
Business Manager-Financial Secretary

Darren Sakai
President

January 31, 2017

TO: HOUSE JUDICIARY COMMITTEE
For Hearing on Wednesday, February 1, 2017, at 2:00 p.m., Room 325

RE: TESTIMONY IN STRONG SUPPORT OF HB 796

Honorable Chair Nishimoto, Vice Chair San Buenaventura, 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 and out of 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

IBEW1260

‘A‘OHE HANA NUI KE ALU ‘IA

February 1, 2017

Chair Nishimoto, Vice Chair San Buenaventura 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 ensures 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

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 31, 2017 1:47 PM
To: JUDtestimony
Cc: rswindell@bridgedeck.org
Subject: Submitted testimony for HB796 on Feb 1, 2017 14:00PM

HB796

Submitted on: 1/31/2017

Testimony for JUD on Feb 1, 2017 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Randy Swindell	Hawaii Ports Maritime Council	Support	No

Comments: The Hawaii Ports Maritime Council supports passage of this bill to ensure the safety of Hawaii's utility company workers from interference or potential violence while conducting their duties in what are at times high risk and dangerous situations.

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HB 796

RELATING TO ASSAULT OF A UTILITY WORKER

**KEN HIRAKI
VICE PRESIDENT-GOVERNMENT & COMMUNITY AFFAIRS
HAWAIIAN TELCOM
February 1, 2017**

Chair Nishimoto and Members of the House Judiciary Committee:

I am Ken Hiraki, testifying on behalf of Hawaiian Telcom on HB 796.

This measure establishes a class B 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.

Hawaiian Telcom supports this measure.

Thank you for the opportunity to testify.

From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 30, 2017 3:14 PM
To: JUDtestimony
Cc: henry.lifeoftheland@gmail.com
Subject: Submitted testimony for HB796 on Feb 1, 2017 14:00PM

HB796

Submitted on: 1/30/2017

Testimony for JUD on Feb 1, 2017 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Henry Curtis	Life of the Land	Comments Only	No

Comments: Why single out utility workers? Shouldn't there be uniformity when a victim is in some official capacity?

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 30, 2017 7:22 PM
To: JUDtestimony
Cc: keolanikea@yahoo.com
Subject: Submitted testimony for HB796 on Feb 1, 2017 14:00PM

HB796

Submitted on: 1/30/2017

Testimony for JUD on Feb 1, 2017 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
keolani kea	Individual	Support	No

Comments: I went out one day with the field technicians to shut off customers power for non payment. People definitely put our technicians at risk by letting their pets loose on them verbally and physically harassing and threatening them. Harsher punishment is definitely needed to let customers know it's not right to harass utility workers because of there lack of payment

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LATE

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 31, 2017 7:57 PM
To: JUDtestimony
Cc: cdknorman@hotmail.com
Subject: *Submitted testimony for HB796 on Feb 1, 2017 14:00PM*

HB796

Submitted on: 1/31/2017

Testimony for JUD on Feb 1, 2017 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Carolyn Norman	Individual	Support	No

Comments:

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