
A BILL FOR AN ACT

RELATING TO ASSAULT.

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

1 SECTION 1. Section 707-711, Hawaii Revised Statutes, is
2 amended by amending subsection (1) to read as follows:

3 "(1) A person commits the offense of assault in the second
4 degree if:

5 (a) The person intentionally, knowingly, or recklessly
6 causes substantial bodily injury to another;

7 (b) The person recklessly causes serious bodily injury to
8 another;

9 (c) The person intentionally or knowingly causes bodily
10 injury to a correctional worker, as defined in section
11 710-1031(2), who is engaged in the performance of duty
12 or who is within a correctional facility;

13 (d) The person intentionally or knowingly causes bodily
14 injury to another with a dangerous instrument;

15 (e) The person intentionally or knowingly causes bodily
16 injury to an educational worker who is engaged in the
17 performance of duty or who is within an educational



1 facility. For the purposes of this paragraph,
2 "educational worker" means any administrator,
3 specialist, counselor, teacher, or employee of the
4 department of education or an employee of a charter
5 school; a person who is a volunteer, as defined in
6 section 90-1, in a school program, activity, or
7 function that is established, sanctioned, or approved
8 by the department of education; or a person hired by
9 the department of education on a contractual basis and
10 engaged in carrying out an educational function;

11 (f) The person intentionally or knowingly causes bodily
12 injury to any emergency medical services provider who
13 is engaged in the performance of duty. For the
14 purposes of this paragraph, "emergency medical
15 services provider" means emergency medical services
16 personnel, as defined in section 321-222, and
17 physicians, physician's assistants, nurses, nurse
18 practitioners, certified registered nurse
19 anesthetists, respiratory therapists, laboratory
20 technicians, radiology technicians, and social



1 workers, providing services in the emergency room of a
2 hospital;

3 (g) The person intentionally or knowingly causes bodily
4 injury to a person employed at a state-operated or
5 -contracted mental health facility. For the purposes
6 of this paragraph, "a person employed at a state-
7 operated or -contracted mental health facility"
8 includes health care professionals as defined in
9 section 451D-2, administrators, orderlies, security
10 personnel, volunteers, and any other person who is
11 engaged in the performance of a duty at a state-
12 operated or -contracted mental health facility;

13 (h) The person intentionally or knowingly causes bodily
14 injury to a person who:

15 (i) The defendant has been restrained from, by order
16 of any court, including an ex parte order,
17 contacting, threatening, or physically abusing
18 pursuant to chapter 586; or

19 (ii) Is being protected by a police officer ordering
20 the defendant to leave the premises of that



1 protected person pursuant to section 709-906(4),
2 during the effective period of that order;

3 (i) The person intentionally or knowingly causes bodily
4 injury to any firefighter or water safety officer who
5 is engaged in the performance of duty. For the
6 purposes of this paragraph, "firefighter" has the same
7 meaning as in section 710-1012 and "water safety
8 officer" means any public servant employed by the
9 United States, the State, or any county as a lifeguard
10 or person authorized to conduct water rescue or ocean
11 safety functions;

12 (j) The person intentionally or knowingly causes bodily
13 injury to a person who is engaged in the performance
14 of duty at a health care facility as defined in
15 section 323D-2. For purposes of this paragraph, "a
16 person who is engaged in the performance of duty at a
17 health care facility" shall include health care
18 professionals as defined in section 451D-2, physician
19 assistants, surgical assistants, advanced practice
20 registered nurses, nurse aides, respiratory

1 therapists, laboratory technicians, and radiology
2 technicians;

3 (k) The person intentionally or knowingly causes bodily
4 injury to a person who is engaged in providing home
5 health care services, as defined in section 431:10H-
6 201; [~~or~~]

7 (l) The person intentionally or knowingly causes bodily
8 injury to a person, employed or contracted to work by
9 a mutual benefit society, as defined in section 432:1-
10 104, to provide case management services to an
11 individual in a hospital, health care provider's
12 office, or home, while that person is engaged in the
13 performance of those services [~~or~~]; or

14 (m) The person intentionally or knowingly causes bodily
15 injury to a person who is sixty years of age or
16 older."

17 SECTION 2. This Act does not affect rights and duties that
18 matured, penalties that were incurred, and proceedings that were
19 begun before its effective date.

20 SECTION 3. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.

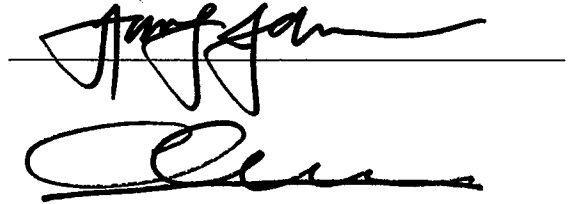


H.B. NO. 2489

1 SECTION 4. This Act shall take effect upon its approval.

2

INTRODUCED BY:

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JAN 22 2020



H.B. NO. 2489

Report Title:

Assault; Elderly Victim

Description:

Adds intentionally or knowingly causing bodily injury to a person sixty years of age or older to the statutory definition of assault in the second degree.

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

