

Honolulu, Hawaii

MAR 22 2021

RE: H.B. No. 73
H.D. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 73, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO EMERGENCY WORKERS,"

begs leave to report as follows:

The purpose and intent of this measure is to amend the definition of "emergency worker" in the Penal Code to include State on-scene coordinators and communications dispatchers.

Your Committee received testimony in support of this measure from the Department of Health; Department of Defense; Honolulu Police Department; Hawai'i Police Department; Pacific Environmental Corporation; Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; and three individuals. Your Committee received testimony in opposition to this measure from the Office of the Public Defender.

Your Committee finds that telecommunications dispatchers play a vital role in partnership with their in-the-field first responder colleagues, and that they undergo extensive training to develop skills that allow them to assist individuals during a variety of situations. Your Committee acknowledges the importance of providing increased protections for emergency workers, but your Committee further finds that the definition of "emergency worker" in the Penal Code is specifically utilized in a statute that



elevates the penalty level of assault specific to emergency workers during an emergency period. As such, the enhanced protection appropriately applies when the emergency worker is working in a non-office setting such as on the scene of an emergency response or otherwise in the field. Additionally, your Committee notes that chapter 127A, Hawaii Revised Statutes, primarily relating to emergency management, considers all state and county officials, officers, and employees to be emergency workers for the purposes of that chapter.

Accordingly, your Committee has amended this measure by:

- (1) Specifying that telecommunications dispatchers are only included in the definition of "emergency worker" when they are on-site or otherwise working in the field;
- (2) Providing a definition for the term "working in the field"; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 73, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 73, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



