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# A BILL FOR AN ACT

RELATING TO HEALTH CARE WORKERS.

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

1           SECTION 1. Section 707-700, Hawaii Revised Statutes, is  
2 amended by adding a new definition to be appropriately inserted  
3 and to read as follows:

4           "Health care worker" includes all employees and  
5 contractors of a health care facility."

6           SECTION 2. Section 707-710, Hawaii Revised Statutes, is  
7 amended to read as follows:

8           "**§707-710 Assault in the first degree.** (1) A person  
9 commits the offense of assault in the first degree if the person  
10 intentionally or knowingly causes:

11           (a) Serious bodily injury to another person; [~~or~~]

12           (b) Substantial bodily injury to a person who is sixty  
13 years of age or older and the age of the injured  
14 person is known or reasonably should be known to the  
15 person causing the injury[~~+~~]; or

16           (c) Bodily injury to a health care worker who is engaged  
17 in the performance of duty at a health care facility.



1           (2) Assault in the first degree is a class B felony[-];  
 2 provided that assault in the first degree is a class A felony if  
 3 the person violates subsection (1)(c)."

4           SECTION 3. Section 707-711, Hawaii Revised Statutes, is  
 5 amended by amending subsection (1) as follows:

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

8           (a) Intentionally, knowingly, or recklessly causes  
 9           substantial bodily injury to another;

10          (b) Recklessly causes serious bodily injury to another;

11          (c) Intentionally or knowingly causes bodily injury to a  
 12          correctional worker, as defined in section 710-  
 13          1031(2), who is engaged in the performance of duty or  
 14          who is within a correctional facility;

15          (d) Intentionally or knowingly causes bodily injury to  
 16          another with a dangerous instrument;

17          (e) Intentionally or knowingly causes bodily injury to an  
 18          educational worker who is engaged in the performance  
 19          of duty or who is within an educational facility. For  
 20          the purposes of this paragraph, "educational worker"  
 21          means any administrator, specialist, counselor,



1 teacher, or employee of the department of education or  
2 an employee of a charter school; a person who is a  
3 volunteer, as defined in section 90-1, in a school  
4 program, activity, or function that is established,  
5 sanctioned, or approved by the department of  
6 education; or a person hired by the department of  
7 education on a contractual basis and engaged in  
8 carrying out an educational function;

9 (f) Intentionally or knowingly causes bodily injury to any  
10 emergency medical services provider who is engaged in  
11 the performance of duty. For the purposes of this  
12 paragraph, "emergency medical services provider" means  
13 emergency medical services personnel, as defined in  
14 section 321-222, and physicians, physician's  
15 assistants, nurses, nurse practitioners, certified  
16 registered nurse anesthetists, respiratory therapists,  
17 laboratory technicians, radiology technicians, and  
18 social workers, providing services in the emergency  
19 room of a hospital; provided that "emergency services  
20 personnel" does not include health care workers who  
21 are otherwise included under section 707-710(1)(c);



- 1 (g) Intentionally or knowingly causes bodily injury to a  
2 person employed at a state-operated or -contracted  
3 mental health facility. For the purposes of this  
4 paragraph, "a person employed at a state-operated or -  
5 contracted mental health facility" includes health  
6 care professionals as defined in section 451D-2,  
7 administrators, orderlies, security personnel,  
8 volunteers, and any other person who is engaged in the  
9 performance of a duty at a state-operated or -  
10 contracted mental health facility;
- 11 (h) Intentionally or knowingly causes bodily injury to a  
12 person who:
  - 13 (i) The defendant has been restrained from, by order  
14 of any court, including an ex parte order,  
15 contacting, threatening, or physically abusing  
16 pursuant to chapter 586; or
  - 17 (ii) Is being protected by a police officer ordering  
18 the defendant to leave the premises of that  
19 protected person pursuant to section 709-906(4),  
20 during the effective period of that order;



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

10 [~~(j) Intentionally or knowingly causes bodily injury to a~~  
11 ~~person who is engaged in the performance of duty at a~~  
12 ~~health care facility as defined in section 323D-2.~~  
13 ~~For purposes of this paragraph, "a person who is~~  
14 ~~engaged in the performance of duty at a health care~~  
15 ~~facility" includes health care professionals as~~  
16 ~~defined in section 451D-2, physician assistants,~~  
17 ~~surgical assistants, advanced practice registered~~  
18 ~~nurses, nurse aides, respiratory therapists,~~  
19 ~~laboratory technicians, and radiology technicians;~~



1       ~~(k)~~ (j) Intentionally or knowingly causes bodily injury to  
2           a person who is engaged in providing home health care  
3           services, as defined in section 431:10H-201;

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

11       ~~(m)~~       (l) Intentionally or knowingly causes bodily  
12          injury to a person who is sixty years of age or older  
13          and the age of the injured person is known or  
14          reasonably should be known to the person causing the  
15          injury; or

16       ~~(n)~~       (m) Intentionally or knowingly causes bodily  
17          injury to a sports official who is engaged in the  
18          lawful discharge of the sports official's duties. For  
19          the purposes of this paragraph, "sports official" and  
20          "lawful discharge of the sports official's duties"  
21          have the same meaning as in section 706-605.6."



1 SECTION 4. Section 707-715, Hawaii Revised Statutes, is  
2 amended as follows:

3 **"§707-715 Terroristic threatening, defined.** (a) A person  
4 commits the offense of terroristic threatening if the person  
5 threatens, by word or conduct, including via direct personal  
6 visual or oral contact, telephone, or any form of electronic  
7 communication, to cause bodily injury to another person or  
8 serious damage or harm to property, including the pets or  
9 livestock, of another or to commit a felony:

10 (1) With the intent to terrorize, or in reckless disregard  
11 of the risk of terrorizing, another person; or

12 (2) With intent to cause, or in reckless disregard of the  
13 risk of causing evacuation of a building, place of  
14 assembly, or facility of public transportation.

15 (b) For the purposes of this section, "electronic  
16 communication" shall have the same meaning as defined in section  
17 711-1111."

18 SECTION 5. Section 707-716, Hawaii Revised Statutes, is  
19 amended to read as follows:



1           **"§707-716 Terroristic threatening in the first degree.**

2       (1) A person commits the offense of terroristic threatening in  
3 the first degree if the person commits terroristic threatening:

4           (a) By threatening another person on more than one  
5 occasion for the same or a similar purpose;

6           (b) By threats made in a common scheme against different  
7 persons;

8           (c) Against a public servant arising out of the  
9 performance of the public servant's official duties.

10           For the purposes of this paragraph, "public servant"  
11 includes but is not limited to an educational worker.

12           "Educational worker" has the same meaning as defined  
13 in section 707-711;

14           (d) Against any emergency medical services provider who is  
15 engaged in the performance of duty. For purposes of  
16 this paragraph, "emergency medical services provider"  
17 means emergency medical services personnel, as defined  
18 in section 321-222, and physicians, physician's  
19 assistants, nurses, nurse practitioners, certified  
20 registered nurse anesthetists, respiratory therapists,  
21 laboratory technicians, radiology technicians, and





1 social workers, providing services in the emergency  
2 room of a hospital; provided that "emergency services  
3 personnel" does not include health care workers who  
4 are otherwise included under paragraph(g);

5 (e) With the use of a dangerous instrument or a simulated  
6 firearm. For purposes of this section, "simulated  
7 firearm" means any object that:

8 (i) Substantially resembles a firearm;

9 (ii) Can reasonably be perceived to be a firearm; or

10 (iii) Is used or brandished as a firearm; [~~or~~]

11 (f) By threatening a person who:

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

16 (ii) Is being protected by a police officer ordering  
17 the defendant to leave the premises of that  
18 protected person pursuant to section 709-906(4),  
19 during the effective period of that order[~~or~~]; or

20 (g) Against a health care worker who is engaged in the  
21 performance of duty at a health care facility.



1 (2) Terroristic threatening in the first degree is a class  
2 C felony; provided that terroristic threatening in the first  
3 degree is [a]:

4 (a) A class B felony if committed with a firearm as  
5 defined in section 134-1, whether the firearm was  
6 loaded or not, and whether operable or not, or a  
7 simulated firearm, while in one of the locations or  
8 premises listed in section 134-A(a) [~~-~~]; or

9 (b) A class A felony if the person violates subsection  
10 (1)(g)."

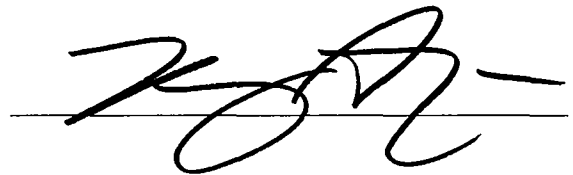
11 SECTION 6. This Act does not affect rights and duties that  
12 matured, penalties that were incurred, and proceedings that were  
13 begun before its effective date.

14 SECTION 7. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

16 SECTION 8. This Act shall take effect upon its approval.

17

INTRODUCED BY:



# S.B. NO. 2186

**Report Title:**

Health Care Workers; Assault; Terroristic Threatening

**Description:**

Establishes heightened penalties for the assault and terroristic threatening of health care workers. Clarifies the definition of "terroristic threatening" to include the methods of contact.

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

