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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, or home of another,  
6 including foster care home."

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

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

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



1        (c) Bodily injury to a health care worker who is engaged  
2                    in the performance of duty at a health care facility  
3                    or home of another, including a foster care home.

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

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

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

- 11        (a) Intentionally, knowingly, or recklessly causes
- 12                    substantial bodily injury to another;
- 13        (b) Recklessly causes serious bodily injury to another;
- 14        (c) Intentionally or knowingly causes bodily injury to a
- 15                    correctional worker, as defined in section
- 16                    710-1031(2), who is engaged in the performance of duty
- 17                    or who is within a correctional facility;
- 18        (d) Intentionally or knowingly causes bodily injury to
- 19                    another with a dangerous instrument;
- 20        (e) Intentionally or knowingly causes bodily injury to an
- 21                    educational worker who is engaged in the performance



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

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



1 the emergency room of a hospital; provided that  
2 "emergency services personnel" does not include health  
3 care workers who are otherwise included under section  
4 707-710(1)(c);

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

15 (h) Intentionally or knowingly causes bodily injury to a  
16 person who:

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



1 (ii) Is being protected by a police officer ordering  
2 the defendant to leave the premises of that  
3 protected person pursuant to section 709-906(4),  
4 during the effective period of that order;

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

14 ~~[(j) Intentionally or knowingly causes bodily injury to a~~  
15 ~~person who is engaged in the performance of duty at a~~  
16 ~~health care facility as defined in section 323D-2.~~  
17 ~~For purposes of this paragraph, "a person who is~~  
18 ~~engaged in the performance of duty at a health care~~  
19 ~~facility" includes health care professionals as~~  
20 ~~defined in section 451D-2, physician assistants,~~  
21 ~~surgical assistants, advanced practice registered~~



1           ~~nurses, nurse aides, respiratory therapists,~~  
2           ~~laboratory technicians, and radiology technicians,~~  
3       ~~(k)]~~ (j) Intentionally or knowingly causes bodily injury to  
4           a person who is engaged in providing home health care  
5           services, as defined in section 431:10H-201;  
6       ~~(l)]~~ (k) Intentionally or knowingly causes bodily injury  
7           to a person, employed or contracted to work by a  
8           mutual benefit society, as defined in section  
9           432:1-104, to provide case management services to an  
10          individual in a hospital, health care provider's  
11          office, or home, while that person is engaged in the  
12          performance of those services;  
13       ~~(m)]~~ (l) Intentionally or knowingly causes bodily injury  
14          to a person who is sixty years of age or older and the  
15          age of the injured person is known or reasonably  
16          should be known to the person causing the injury; or  
17       ~~(n)]~~ (m) Intentionally or knowingly causes bodily injury  
18          to a sports official who is engaged in the lawful  
19          discharge of the sports official's duties. For the  
20          purposes of this paragraph, "sports official" and



1 "lawful discharge of the sports official's duties"  
2 have the same meaning as in section 706-605.6."

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

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

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

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

17 (b) For the purposes of this section, "electronic  
18 communication" shall have the same meaning as defined in section  
19 711-1111."

20 SECTION 5. Section 707-716, Hawaii Revised Statutes, is  
21 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 physician assistants, nurses, nurse practitioners,  
20 certified registered nurse anesthetists, respiratory  
21 therapists, laboratory technicians, radiology





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

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

- 9 (i) Substantially resembles a firearm;
- 10 (ii) Can reasonably be perceived to be a firearm; or
- 11 (iii) Is used or brandished as a firearm; or

12 (f) By threatening a 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[-]; or



1       (g) Against a health care worker who is engaged in the  
2               performance of duty at a health care facility, or home  
3               of another, including a foster care home.

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

7       (a) A class B felony if committed with a firearm as  
8               defined in section 134-1, whether the firearm was  
9               loaded or not, and whether operable or not, or a  
10              simulated firearm, while in one of the locations or  
11              premises listed in section 134-9.1(9) [-]; or

12       (b) A class A felony if the person violates subsection  
13              (1) (g) ."

14       SECTION 6. This Act does not affect rights and duties that  
15 matured, penalties that were incurred, and proceedings that were  
16 begun before its effective date.

17       SECTION 7. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.

19       SECTION 8. This Act shall take effect on December 31,  
20 2050.



**Report Title:**

Health Care Workers; Assault; Terroristic Threatening; Penalties

**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. Takes effect 12/31/2050. (SD1)

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

