
A BILL FOR AN ACT

RELATING TO CRIMES AGAINST PROTECTIVE SERVICES WORKERS.

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 the person:

5 (a) Intentionally, knowingly, or recklessly causes

6 substantial bodily injury to another;

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

8 (c) Intentionally or knowingly causes bodily injury to a

9 correctional worker, as defined in section 710-

10 1031(2), who is engaged in the performance of duty or

11 who is within a correctional facility;

12 (d) Intentionally or knowingly causes bodily injury to

13 another with a dangerous instrument;

14 (e) Intentionally or knowingly causes bodily injury to an

15 educational worker who is engaged in the performance

16 of duty or who is within an educational facility. For

17 the purposes of this paragraph, "educational worker"



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

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



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) Intentionally or knowingly causes bodily injury to a
2 person who is engaged in providing home health care
3 services, as defined in section 431:10H-201;
- 4 (l) Intentionally or knowingly causes bodily injury to a
5 person[~~r~~] employed or contracted to work by a mutual
6 benefit society, as defined in section 432:1-104, to
7 provide case management services to an individual in a
8 hospital, health care provider's office, or home,
9 while that person is engaged in the performance of
10 those services;
- 11 (m) Intentionally or knowingly causes bodily injury to a
12 person who is sixty years of age or older and the age
13 of the injured person is known or reasonably should be
14 known to the person causing the injury; [~~or~~]
- 15 (n) Intentionally or knowingly causes bodily injury to a
16 sports official who is engaged in the lawful discharge
17 of the sports official's duties. For the purposes of
18 this paragraph, "sports official" and "lawful
19 discharge of the sports official's duties" have the
20 same meaning as in section 706-605.6[~~-~~]; or



1 (o) Intentionally or knowingly causes bodily injury to any
2 protective services worker who is engaged in the
3 performance of the worker's duties. For purposes of
4 this paragraph, "protective services worker" means any
5 administrator, specialist, social worker, case
6 manager, or aide employed by the department of human
7 services to investigate or provide services in
8 response to reports of child abuse or neglect, or to
9 investigate or provide services in response to reports
10 of abuse or neglect of a vulnerable adult."

11 SECTION 2. Section 707-716, Hawaii Revised Statutes, is
12 amended by amending subsection (1) to read as follows:

13 "(1) A person commits the offense of terroristic
14 threatening in the first degree if the person commits
15 terroristic threatening:

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

18 (b) By threats made in a common scheme against different
19 persons;

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



1 For the purposes of this paragraph, "public servant"
2 includes but is not limited to an educational
3 worker[-] or protective services worker. "Educational
4 worker" [~~has~~] and "protective services worker" have
5 the same [~~meaning~~] meanings as defined in section 707-
6 711;

7 (d) Against any emergency medical services provider who is
8 engaged in the performance of duty. For purposes of
9 this paragraph, "emergency medical services provider"
10 means emergency medical services personnel, as defined
11 in section 321-222, and physicians, physician's
12 assistants, nurses, nurse practitioners, certified
13 registered nurse anesthetists, respiratory therapists,
14 laboratory technicians, radiology technicians, and
15 social workers, providing services in the emergency
16 room of a hospital;

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

20 (i) Substantially resembles a firearm;

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



1 (iii) Is used or brandished as a firearm; or

2 (f) By threatening a person who:

3 (i) The defendant has been restrained from, by order
4 of any court, including an ex parte order,
5 contacting, threatening, or physically abusing
6 pursuant to chapter 586; or

7 (ii) Is being protected by a police officer ordering
8 the defendant to leave the premises of that
9 protected person pursuant to section 709-906(4),
10 during the effective period of that order."

11 SECTION 3. 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 4. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 5. This Act shall take effect upon its approval.



Report Title:

Department of Human Services; Threats; Physical Harm; Protective Services Workers

Description:

Specifies that intentionally or knowingly causing bodily injury to a protective services worker who is engaged in the performance of the worker's duties constitutes the class C felony offense of assault in the second degree. Clarifies that a protective services worker is a public servant for the purposes of terroristic threatening in the first degree. (CD1)

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

