

JAN 15 2025

A BILL FOR AN ACT

RELATING TO ELDER CRIME VICTIMS.

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

1 SECTION 1. Section 707-710, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§707-710 Assault in the first degree.** (1) A person
4 commits the offense of assault in the first degree if the person
5 intentionally or knowingly causes:

6 (a) Serious bodily injury to another person; or

7 (b) Substantial bodily injury to a person who is [sixty]
8 sixty-five years of age or older [~~and the age of the~~
9 ~~injured person is known or reasonably should be known~~
10 ~~to the person causing the injury~~].

11 (2) The state of mind requirement for subsection (1)(b) of
12 this offense is not applicable to the fact that the person who
13 sustains substantial bodily injury was sixty-five years of age
14 or older. A person is strictly liable with respect to the
15 attendant circumstance that the person who sustains substantial
16 bodily injury was sixty-five years of age or older.



1 [~~2~~] (3) Assault in the first degree is a class B
2 felony."

3 SECTION 2. Section 707-711, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§707-711 Assault in the second degree.** (1) A person
6 commits the offense of assault in the second degree if the
7 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
13 710-1031(2), who is engaged in the performance of duty
14 or 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;

20 (g) Intentionally or knowingly causes bodily injury to a
21 person employed at a state-operated or -contracted



1 mental health facility. For the purposes of this
2 paragraph, "a person employed at a state-operated
3 or -contracted mental health facility" includes health
4 care professionals as defined in section 451D-2,
5 administrators, orderlies, security personnel,
6 volunteers, and any other person who is engaged in the
7 performance of a duty at a state-operated
8 or -contracted mental health facility;

9 (h) Intentionally or knowingly causes bodily injury to a
10 person who:

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

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

19 (i) Intentionally or knowingly causes bodily injury to any
20 firefighter or water safety officer who is engaged in
21 the performance of duty. For the purposes of this



1 paragraph, "firefighter" has the same meaning as in
2 section 710-1012 and "water safety officer" means any
3 public servant employed by the United States, the
4 State, or any county as a lifeguard or person
5 authorized to conduct water rescue or ocean safety
6 functions;

7 (j) Intentionally or knowingly causes bodily injury to a
8 person who is engaged in the performance of duty at a
9 health care facility as defined in section 323D-2.

10 For purposes of this paragraph, "a person who is
11 engaged in the performance of duty at a health care
12 facility" includes health care professionals as
13 defined in section 451D-2, physician assistants,
14 surgical assistants, advanced practice registered
15 nurses, nurse aides, respiratory therapists,
16 laboratory technicians, and radiology technicians;

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

20 (l) Intentionally or knowingly causes bodily injury to a
21 person, employed or contracted to work by a mutual



1 benefit society, as defined in section 432:1-104, to
2 provide case management services to an individual in a
3 hospital, health care provider's office, or home,
4 while that person is engaged in the performance of
5 those services;

6 (m) Intentionally or knowingly causes bodily injury to a
7 person who is [~~sixty~~] sixty-five years of age or older
8 [~~and the age of the injured person is known or~~
9 ~~reasonably should be known to the person causing the~~
10 ~~injury~~]; or

11 (n) Intentionally or knowingly causes bodily injury to a
12 sports official who is engaged in the lawful discharge
13 of the sports official's duties. For the purposes of
14 this paragraph, "sports official" and "lawful
15 discharge of the sports official's duties" have the
16 same meaning as in section 706-605.6.

17 (2) The state of mind requirement for subsection (1)(m) of
18 this offense is not applicable to the fact that the person who
19 sustains bodily injury was sixty-five years of age or older. A
20 person is strictly liable with respect to the attendant



1 circumstance that the person who sustains bodily injury was
2 sixty-five years of age or older.

3 [~~2~~] (3) Assault in the second degree is a class C
4 felony."

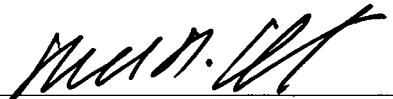
5 SECTION 3. This Act does not affect rights and duties that
6 matured, penalties that were incurred, and proceedings that were
7 begun before its effective date.

8 SECTION 4. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

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

11

INTRODUCED BY:



By Request



S.B. NO. 278

Report Title:

Honolulu Prosecuting Attorney Package; Criminal Offenses;
Sentencing; Elder Persons

Description:

Removes state of mind requirement pertaining to a victim's age for felony assaults aggravated by the victim's age. Raises the threshold age from 60 years of age or older to 65 years of age or older.

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

