
A BILL FOR AN ACT

RELATING TO THE PENAL CODE.

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

1 SECTION 1. This Act shall be known as the "Protect Victims
2 of Domestic Violence Act."

3 SECTION 2. Section 707-711, Hawaii Revised Statutes, is
4 amended by amending subsection (1) to read as follows:

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

7 (a) The person intentionally or knowingly causes
8 substantial bodily injury to another;

9 (b) The person recklessly causes serious or substantial
10 bodily injury to another person;

11 (c) The person intentionally or knowingly causes bodily
12 injury to a 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) The person intentionally or knowingly causes bodily
16 injury to another person with a dangerous instrument;

17 [~~ex~~]



- 1 (e) The person intentionally or knowingly causes bodily
2 injury to an educational worker who is engaged in the
3 performance of duty or who is within an educational
4 facility. For the purposes of this paragraph,
5 "educational worker" means: any administrator,
6 specialist, counselor, teacher, or employee of the
7 department of education [†]or [†] an employee of a
8 charter school; a person who is a volunteer in a
9 school program, activity, or function that is
10 established, sanctioned, or approved by the department
11 of education; or a person hired by the department of
12 education on a contractual basis and engaged in
13 carrying out an educational function[-]; or
- 14 (f) The person intentionally or knowingly causes bodily
15 injury to:
- 16 (i) A person who the defendant has been restrained,
17 by order of any court, including an ex parte
18 order, from contacting, threatening, or
19 physically abusing pursuant to chapter 586; or
- 20 (ii) A person who is being protected by a police
21 officer ordering the defendant to leave the
22 premises of that protected person pursuant to



1 section 709-906(4), during the effective period
2 of that order."

3 SECTION 3. Section 707-716 Hawaii Revised Statutes, is
4 amended by amending subsection (1) to read as follows:

5 "(1) A person commits the offense of terroristic
6 threatening in the first degree if the person commits
7 terroristic threatening:

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

10 (b) By threats made in a common scheme against different
11 persons;

12 (c) Against a public servant arising out of the
13 performance of the public servant's official duties.
14 For the purposes of this paragraph, "public servant"
15 includes but is not limited to an educational worker.

16 "Educational worker" has the same meaning as defined
17 in section 707-711; [~~or~~]

18 (d) With the use of a dangerous instrument[~~or~~]; or

19 (e) By threatening:

20 (i) A person who the defendant has been restrained,
21 by order of any court, including an ex parte



1 order, from contacting, threatening, or
2 physically abusing pursuant to chapter 586; or
3 (ii) A person who is being protected by a police
4 officer ordering the defendant to leave the
5 premises of that protected person pursuant to
6 section 709-906(4), during the effective period
7 of that order."

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.



Report Title:

Domestic violence protection

Description:

Amends the offenses of Assault in the Second Degree, and Terroristic Threatening in the First Degree to include conduct committed against victims who the courts and police are attempting to keep safe with protective orders. (SD1)

