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# 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 707-701, Hawaii Revised Statutes, is  
4 amended by amending subsection (1) to read as follows:

5           "(1) A person commits the offense of murder in the first  
6 degree if the person intentionally or knowingly causes the death  
7 of:

- 8           (a) More than one person in the same or separate incident;
- 9           (b) A law enforcement officer, judge, or prosecutor  
10           arising out of the performance of official duties;
- 11           (c) A person known by the defendant to be a witness in a  
12           criminal prosecution and the killing is related to the  
13           person's status as a witness;
- 14           (d) A person by a hired killer, in which event both the  
15           person hired and the person responsible for hiring the  
16           killer shall be punished under this section; [~~or~~]
- 17           (e) A person while the defendant was imprisoned[~~-~~];



1        (f) A person from whom the defendant has been restrained,  
2                    by order of any court, including an ex parte order,  
3                    from contacting, threatening, or physically abusing  
4                    pursuant to chapter 586;

5        (g) A person who is being protected by a police officer  
6                    ordering the defendant to leave the premises of that  
7                    protected person pursuant to section 709-906(4),  
8                    during the effective period of that order; or

9        (h) A person known by the defendant to be a witness in a  
10                    family court proceeding and the killing is related to  
11                    the person's status as a witness."

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

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

16            (a) The person intentionally or knowingly causes  
17                    substantial bodily injury to another;

18            (b) The person recklessly causes serious or substantial  
19                    bodily injury to another;

20            (c) The person intentionally or knowingly causes bodily  
21                    injury to a correctional worker, as defined in section

1           710-1031(2), who is engaged in the performance of duty  
2           or who is within a correctional facility;

3           (d) The person intentionally or knowingly causes bodily  
4           injury to another with a dangerous instrument;

5           (e) The person intentionally or knowingly causes bodily  
6           injury to an educational worker who is engaged in the  
7           performance of duty or who is within an educational  
8           facility. For the purposes of this paragraph,  
9           "educational worker" means[+] any administrator,  
10          specialist, counselor, teacher, or employee of the  
11          department of education or an employee of a charter  
12          school; a person who is a volunteer, as defined in  
13          section 90-1, in a school program, activity, or  
14          function that is established, sanctioned, or approved  
15          by the department of education; or a person hired by  
16          the department of education on a contractual basis and  
17          engaged in carrying out an educational function;

18          (f) The person intentionally or knowingly causes bodily  
19          injury to any emergency medical services provider who  
20          is engaged in the performance of duty. For the  
21          purposes of this paragraph, "emergency medical  
22          services provider" means emergency medical services



1 personnel, as defined in section 321-222, and  
2 physicians, physician's assistants, nurses, nurse  
3 practitioners, certified registered nurse  
4 anesthetists, respiratory therapists, laboratory  
5 technicians, radiology technicians, and social  
6 workers, providing services in the emergency room of a  
7 hospital; [~~or~~]

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

18 (h) The person intentionally or knowingly causes bodily  
19 injury to a person who:

20 (i) The defendant has been restrained from, by order  
21 of any court, including an ex parte order,



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

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

9           "(1) A person commits the offense of terroristic  
 10 threatening in the first degree if the person commits  
 11 terroristic threatening:

- 12           (a) By threatening another person on more than one
- 13                   occasion for the same or a similar purpose;
- 14           (b) By threats made in a common scheme against different
- 15                   persons;
- 16           (c) Against a public servant arising out of the
- 17                   performance of the public servant's official duties.
- 18                   For the purposes of this paragraph, "public servant"
- 19                   includes but is not limited to an educational worker.
- 20                   "Educational worker" has the same meaning as defined
- 21                   in section 707-711;

- 1 (d) Against any emergency medical services provider who is  
2 engaged in the performance of duty. For the purposes  
3 of this paragraph, "emergency medical services  
4 provider" means emergency medical services personnel,  
5 as defined in section 321-222, and physicians,  
6 physician's assistants, nurses, nurse practitioners,  
7 certified registered nurse anesthetists, respiratory  
8 therapists, laboratory technicians, radiology  
9 technicians, and social workers, providing services in  
10 the emergency room of a hospital; [~~or~~]
- 11 (e) With the use of a dangerous instrument[~~-~~]; 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."



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

4 SECTION 6. If any provision of this Act, or the  
5 application thereof to any person or circumstance is held  
6 invalid, the invalidity does not affect other provisions or  
7 applications of the Act, which can be given effect without the  
8 invalid provision or application, and to this end the provisions  
9 of this Act are severable.

10 SECTION 7. Statutory material to be repealed is bracketed  
11 and stricken. New statutory material is underscored.

12 SECTION 8. This Act shall take effect on July 1, 2011.



**Report Title:**

Penal Code; Domestic Violence Victim Protection

**Description:**

Amends certain criminal offenses to include conduct committed against domestic violence victims covered by protective orders or restraining orders. Effective July 1, 2011. (HB1003 CD1)

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

