A BILL FOR AN ACT

RELATING TO THE PENAL CODE.

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 two new definitions to be appropriately 3 inserted and to read as follows: ""Firefighter" has the same meaning as in section 710-1012. 4 5 "Water safety officer" means any public servant employed by 6 the United States, the State, or any county as a lifequard or person authorized to conduct water rescue or ocean safety 8 functions." 9 SECTION 2. Section 707-712.5, Hawaii Revised Statutes, is 10 amended to read as follows: 11 "\$707-712.5 Assault against a law enforcement officer, 12 firefighter, or water safety officer in the first degree. (1) 13 A person commits the offense of assault against a law enforcement officer, firefighter, or water safety officer in the 14 15 first degree if the person: 16 Intentionally or knowingly causes bodily injury to a 17 law enforcement officer, firefighter, or water safety 18 officer who is engaged in the performance of duty; or HB LRB 11-0889.doc

H.B. NO. 172

1	(b)	Recklessly or negligently causes, with a dangerous
2		instrument, bodily injury to a law enforcement
3		officer, firefighter, or water safety officer who is
4		engaged in the performance of duty.
5	(2)	Assault of a law enforcement officer, firefighter, or
6	water saf	ety officer in the first degree is a class C felony.
7	The court	[shall], at a minimum, shall sentence the person who
8	has been	convicted of this offense to:
9	(a)	An indeterminate term of imprisonment of five years,
10		pursuant to section 706-660; or
11	(b)	Five years probation, with conditions to include a
12		term of imprisonment of not less than thirty days
13		without possibility of suspension of sentence."
14	SECI	TION 3. Section 707-712.6, Hawaii Revised Statutes, is
15	amended t	to read as follows:
16	"[+]	§707-712.6[+] Assault against a law enforcement
17	officer,	firefighter, or water safety officer in the second
18	degree.	(1) A person commits the offense of assault against a
19	law enfor	cement officer, firefighter, or water safety officer in
20	the secor	nd degree if the person recklessly causes bodily injury
21	to a law	enforcement officer, firefighter, or water safety
22	officer v	who is engaged in the performance of duty.

HB LRB 11-0889.doc

13

1	(2) Assault of a law enforcement officer, firefighter, or
2	water safety officer in the second degree is a misdemeanor. The
3	court shall sentence the person who has been convicted of this
4	offense to a definite term of imprisonment, pursuant to section
5	706-663, of not less than thirty days without possibility of
6	probation or suspension of sentence."
7	SECTION 4. This Act does not affect rights and duties that
8	matured, penalties that were incurred, and proceedings that were
9	begun before its effective date.
10	SECTION 5. Statutory material to be repealed is bracketed
11	and stricken. New statutory material is underscored.
12	SECTION 6. This Act shall take effect upon its approval.

JAN 2 0 2011

Report Title:

HSAC Package; Penal Code; Firefighters; Water Safety Officers

Description:

Expands the offenses of assault against a law enforcement officer in the first and second degree to include assaults against firefighters and water safety officers.

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