

JAN 19 2012

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# A BILL FOR AN ACT

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RELATING TO ASSAULT ON MEDICAL SERVICES PROVIDERS.

**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:

5       (a) The person intentionally or knowingly causes  
6       substantial bodily injury to another;

7       (b) The person recklessly causes serious or substantial  
8       bodily injury to another;

9       (c) The person intentionally or knowingly causes bodily  
10       injury to a correctional worker, as defined in section  
11       710-1031(2), who is engaged in the performance of duty  
12       or who is within a correctional facility;

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

15       (e) The person intentionally or knowingly causes bodily  
16       injury to an educational worker who is engaged in the  
17       performance of duty or who is within an educational  
18       facility. For the purposes of this paragraph,



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

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



1 ~~room of~~ a hospital[+], medical clinic, or federally  
2 qualified health center;

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

13 (h) The person intentionally or knowingly causes bodily  
14 injury to a person who:

15 (i) The defendant has been restrained from, by order  
16 of any court, including an ex parte order,  
17 contacting, threatening, or physically abusing  
18 pursuant to chapter 586; or

19 (ii) Is being protected by a police officer ordering  
20 the defendant to leave the premises of that  
21 protected person pursuant to section 709-906(4),  
22 during the effective period of that order; or



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[+](i)[+] The person intentionally or knowingly causes bodily injury to any firefighter or water safety officer who is engaged in the performance of duty. For the purposes of this paragraph, "firefighter" has the same meaning as in section 710-1012 and "water safety officer" means any public servant employed by the United States, the State, or any county as a lifeguard or person authorized to conduct water rescue or ocean safety functions."

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

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

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY:

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# S.B. NO. 2100

**Report Title:**

Assault; Medical Services Providers

**Description:**

Amends the offense of assault in the second degree to include intentionally or knowingly causing bodily injury to certain medical services providers.

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

