
A BILL FOR AN ACT

RELATING TO HEALTH CARE WORKERS.

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

1 SECTION 1. The legislature finds that health care workers
2 may be less likely to report assaults under the offense of
3 assault in the third degree, in part because a violation of that
4 offense is a misdemeanor and therefore is capable of being
5 expunged from the offender's record and subject to a time served
6 sentence. The legislature further finds that elevating the
7 offense of assault of a health care worker who is engaged in the
8 performance of duty to a felony will extend protections for
9 health care workers, encourage prosecution of individuals who
10 assault health care workers, and assist in the retention of
11 needed health care workers.

12 The purpose of this Act is to establish intentionally or
13 knowingly causing bodily injury to certain health care workers
14 as a class C felony.

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



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

3 (a) The person intentionally, knowingly, or recklessly
4 causes substantial bodily injury to another;

5 (b) The person recklessly causes serious bodily injury to
6 another;

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

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

13 (e) The person intentionally or knowingly causes bodily
14 injury to an educational worker who is engaged in the
15 performance of duty or who is within an educational
16 facility. For the purposes of this paragraph,
17 "educational worker" means any administrator,
18 specialist, counselor, teacher, or employee of the
19 department of education or an employee of a charter
20 school; a person who is a volunteer, as defined in
21 section 90-1, in a school program, activity, or



1 function that is established, sanctioned, or approved
2 by the department of education; or a person hired by
3 the department of education on a contractual basis and
4 engaged in carrying out an educational function;

5 (f) The person intentionally or knowingly causes bodily
6 injury to any emergency medical services provider who
7 is engaged in the performance of duty. For the
8 purposes of this paragraph, "emergency medical
9 services provider" means emergency medical services
10 personnel, as defined in section 321-222, and
11 physicians, physician's assistants, nurses, nurse
12 practitioners, certified registered nurse
13 anesthetists, respiratory therapists, laboratory
14 technicians, radiology technicians, and social
15 workers, providing services in the emergency room of a
16 hospital;

17 (g) The person intentionally or knowingly causes bodily
18 injury to a person employed at a state-operated or
19 -contracted mental health facility. For the purposes
20 of this paragraph, "a person employed at a state-
21 operated or -contracted mental health facility"



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

6 (h) The person intentionally or knowingly causes bodily
7 injury to a person who:

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

12 (ii) Is being protected by a police officer ordering
13 the defendant to leave the premises of that
14 protected person pursuant to section 709-906(4),
15 during the effective period of that order; [ex]

16 (i) The person intentionally or knowingly causes bodily
17 injury to any firefighter or water safety officer who
18 is engaged in the performance of duty. For the
19 purposes of this paragraph, "firefighter" has the same
20 meaning as in section 710-1012 and "water safety
21 officer" means any public servant employed by the



1 United States, the State, or any county as a lifeguard
2 or person authorized to conduct water rescue or ocean
3 safety functions[-];

4 (j) The person intentionally or knowingly causes bodily
5 injury to a person who is engaged in the performance
6 of duty at a health care facility, as defined in
7 section 323D-2. For purposes of this paragraph, "a
8 person who is engaged in the performance of duty at a
9 health care facility" includes health care
10 professionals, as defined in section 451D-2,
11 administrators, students, volunteers, and any other
12 workers who support the functions of the health care
13 facility; or

14 (k) The person intentionally or knowingly causes bodily
15 injury to a person who is engaged in providing home
16 health care services, as defined in section 431:10H-
17 201."

18 SECTION 3. This Act does not affect rights and duties that
19 matured, penalties that were incurred, and proceedings that were
20 begun before its effective date.



1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect on July 1, 2035.



Report Title:

Health Care Worker; Intentionally or Knowingly Causing Bodily Injury; Felony Assault in the Second Degree

Description:

Makes intentionally or knowingly causing bodily injury to certain health care workers a class C felony. Effective 7/1/2035. (SD1)

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