
A BILL FOR AN ACT

RELATING TO THE ASSAULT OF A UTILITY WORKER.

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

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

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

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

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

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

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

(e) The person intentionally or knowingly causes bodily injury to an educational worker who is engaged in the performance of duty or who is within an educational



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

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



workers, providing services in the emergency room of a hospital;

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

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

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

(ii) Is being protected by a police officer ordering the defendant to leave the premises of that



1 protected person pursuant to section 709-906(4),

2 during the effective period of that order; [~~or~~]

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

12 (j) The person intentionally, knowingly, or recklessly
13 causes:

14 (i) Serious or substantial bodily injury; or

15 (ii) Bodily injury with a dangerous instrument,
16 to a utility worker who is engaged in the performance
17 of duty. For the purposes of this paragraph, "utility
18 worker" means an employee of a government or private
19 entity that provides utility services to the general
20 public, including electricity, water, wastewater,



1 natural or synthetic gas, telephone, cable
2 communications, or road maintenance services."

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

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

8 SECTION 4. This Act shall take effect on January 1, 2050.



Report Title:

Assault; Second Degree; Class C Felony; Utility Worker

Description:

Establishes that a person who intentionally, knowingly, or recklessly causes serious or substantial bodily injury or bodily injury with a dangerous instrument to a utility worker who is engaged in the performance of duty, as assault in the second degree, which is a class C felony. (HB2023 HD1)

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