STAND. COM. REP. NO. 3095

Honolulu, Hawaii

MAR 2 3 2018

RE: H.B. No. 1906

H.D. 2 S.D. 1

Honorable Ronald D. Kouchi President of the Senate Twenty-Ninth State Legislature Regular Session of 2018 State of Hawaii

Sir:

Your Committee on Commerce, Consumer Protection, and Health, to which was referred H.B. No. 1906, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO HEALTH CARE WORKERS,"

begs leave to report as follows:

The purpose and intent of this measure is to make intentionally or knowingly causing bodily injury to certain health care workers a class C felony.

Your Committee received testimony in support of this measure from the Department of Health, Board of Nursing, Hawaii Nurses Association OPEIU Local 50, Hawaii Primary Care Association, Hawaii Medical Association, Hawaii Health Systems Corporation, Kaiser Permanente, Hilo Medical Center, Hawaii Medical Service Association, The Queen's Health Systems, Legacy of Life Hawaii, Healthcare Association of Hawaii, Hawaii Government Employees Association, Hawaii Public Health, and one individual.

Your Committee finds that health care workers may be less likely to report assaults under existing law, in part because the offense of assault in the third degree is classified as a misdemeanor and therefore is capable of being expunged from the offender's record and subject to a time served sentence. Your Committee finds that this measure will extend protections for health care workers, encourage prosecution of individuals who

assault health care workers, and assist in the retention of needed health care workers by elevating the offense of assault of a health care worker who is engaged in the performance of duty to a felony. In so doing, this measure will provide an equal level of protection for health care workers as for employees of state-operated or state-contracted mental health facilities.

Your Committee has amended this measure by:

- (1) Inserting a purpose section to clarify its intent;
- (2) Expanding the definition of "person who is engaged in the performance of duty at a health care facility" to include administrators, students, volunteers, and any other workers supporting the functions of the health care facility;
- (3) Removing references to persons employed or contracted by a mutual benefit society;
- (4) Inserting an effective date of July 1, 2035, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1906, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1906, H.D. 2, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on behalf of the members of the Committee on Commerce, Consumer Protection, and Health,

ROSALYN H. BAKER, Chair

The Senate Twenty-Ninth Legislature State of Hawai'i

Record of Votes Committee on Commerce, Consumer Protection, and Health CPH

Bill / Resolution No.:*	Committee Referral:			Date:	
HB 1906 HDZ	CPHNDC			3/20/18	
The Committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)		V			
TOKUDA, Jill N. (VC)					/
CHANG, Stanley		V			
ESPERO, Will					
IHARA, Jr., Les		V			
NISHIHARA, Clarence K.					V
RUDERMAN, Russell E.					V
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TOTAL		4			3
Recommendation: Adopted Not Adopted					
Chair's or Designee's Signature:					
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy					

*Only one measure per Record of Votes