
A BILL FOR AN ACT

RELATING TO CRIMES AGAINST SENIORS.

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

1 SECTION 1. Section 707-710, 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 first
4 degree if the person intentionally or knowingly causes
5 ~~[serious]:~~

6 (a) Serious bodily injury to another person[-]; or

7 (b) Substantial bodily injury to a person who is sixty
8 years of age or older and the age of the injured
9 person is known or reasonably should be known to the
10 person causing the injury."

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

13 "(1) A person commits the offense of assault in the second
14 degree if[+] the person:

15 (a) [~~The person intentionally,~~] Intentionally, knowingly,
16 or recklessly causes substantial bodily injury to
17 another;



- 1 (b) [~~The person recklessly~~] Recklessly causes serious
2 bodily injury to another;
- 3 (c) [~~The person intentionally~~] Intentionally or knowingly
4 causes bodily injury to a correctional worker, as
5 defined in section 710-1031(2), who is engaged in the
6 performance of duty or who is within a correctional
7 facility;
- 8 (d) [~~The person intentionally~~] Intentionally or knowingly
9 causes bodily injury to another with a dangerous
10 instrument;
- 11 (e) [~~The person intentionally~~] Intentionally or knowingly
12 causes bodily injury to an educational worker who is
13 engaged in the performance of duty or who is within an
14 educational facility. For the purposes of this
15 paragraph, "educational worker" means any
16 administrator, specialist, counselor, teacher, or
17 employee of the department of education or an employee
18 of a charter school; a person who is a volunteer, as
19 defined in section 90-1, in a school program,
20 activity, or function that is established, sanctioned,
21 or approved by the department of education; or a



1 person hired by the department of education on a
2 contractual basis and engaged in carrying out an
3 educational function;

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

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



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

5 (h) [~~The person intentionally~~] Intentionally or knowingly
6 causes bodily injury to a person who:

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

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

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



1 State, or any county as a lifeguard or person
2 authorized to conduct water rescue or ocean safety
3 functions;

4 (j) [~~The person intentionally~~] Intentionally or knowingly
5 causes bodily injury to a person who is engaged in the
6 performance of duty at a health care facility as
7 defined in section 323D-2. For purposes of this
8 paragraph, "a person who is engaged in the performance
9 of duty at a health care facility" shall include
10 health care professionals as defined in
11 section 451D-2, physician assistants, surgical
12 assistants, advanced practice registered nurses, nurse
13 aides, respiratory therapists, laboratory technicians,
14 and radiology technicians;

15 (k) [~~The person intentionally~~] Intentionally or knowingly
16 causes bodily injury to a person who is engaged in
17 providing home health care services, as defined in
18 section 431:10H-201; [øx]

19 (l) [~~The person intentionally~~] Intentionally or knowingly
20 causes bodily injury to a person, employed or
21 contracted to work by a mutual benefit society, as



1 defined in section 432:1-104, to provide case
 2 management services to an individual in a hospital[~~τ~~]
 3 or health care provider's office[~~τ~~] or home, while
 4 that person is engaged in the performance of those
 5 services[~~τ~~]; or

6 (m) Intentionally or knowingly causes bodily injury to a
 7 person who is sixty years of age or older and the age
 8 of the injured person is known or reasonably should be
 9 known to the person causing the injury."

10 SECTION 3. Section 708-812.55, Hawaii Revised Statutes, is
 11 amended by amending its title and subsection (1) to read as
 12 follows:

13 "[~~τ~~]**§708-812.55**[~~τ~~] **Unauthorized entry in a dwelling in the**
 14 **first degree.** (1) A person commits the offense of unauthorized
 15 entry in a dwelling in the first degree if the person
 16 intentionally or knowingly enters unlawfully into a dwelling and
 17 another person was, at the time of the entry, lawfully present
 18 in the dwelling who:

19 (a) Was [~~sixty-two~~] sixty years of age or older[~~τ~~] and the
 20 age of the person lawfully present in the dwelling was



1 known or reasonably should have been known to the
2 person who unlawfully entered;

3 (b) Was an incapacitated person; or

4 (c) Had a developmental disability."

5 SECTION 4. Section 708-830.5, Hawaii Revised Statutes, is
6 amended by amending subsection (1) to read as follows:

7 "(1) A person commits the offense of theft in the first
8 degree if the person commits theft[+] of:

9 (a) [~~Of property~~] Property or services, the value of which
10 exceeds \$20,000;

11 (b) [~~Of a~~] A firearm;

12 (c) [~~Of dynamite~~] Dynamite or other explosive; [~~or~~]

13 (d) [~~Of property~~] Property or services during an emergency
14 period proclaimed by the governor or mayor pursuant to
15 chapter 127A, within the area covered by the emergency
16 or disaster under chapter 127A, the value of which
17 exceeds \$300[+];

18 (e) Property from the person of another who is sixty years
19 of age or older and the age of the property owner is
20 known or reasonably should be known to the person who
21 commits theft; or



1 (f) Property or services, the value of which exceeds \$750,
 2 from a person who is sixty years of age or older and
 3 the age of the property owner is known or reasonably
 4 should be known to the person who commits theft."

5 SECTION 5. Section 708-831, Hawaii Revised Statutes, is
 6 amended to read as follows:

7 "**§708-831 Theft in the second degree.** (1) A person
 8 commits the offense of theft in the second degree if the person
 9 commits theft[+] of:

10 (a) [~~Of property~~] Property from the person of another;

11 (b) [~~Of property~~] Property or services the value of which
 12 exceeds \$750;

13 (c) [~~Of an~~] An aquacultural product or part thereof from
 14 premises that are fenced or enclosed in a manner
 15 designed to exclude intruders or there is prominently
 16 displayed on the premises a sign or signs sufficient
 17 to give notice and reading as follows: "Private
 18 Property", "No Trespassing", or a substantially
 19 similar message;

20 (d) [~~Of agricultural~~] Agricultural equipment, supplies, or
 21 products, or part thereof, the value of which exceeds



1 \$100 but does not exceed \$20,000, or of agricultural
2 products that exceed twenty-five pounds, from premises
3 that are fenced, enclosed, or secured in a manner
4 designed to exclude intruders or where there is
5 prominently displayed on the premises a sign or signs
6 sufficient to give notice and reading as follows:
7 "Private Property", "No Trespassing", or a
8 substantially similar message; or if at the point of
9 entry of the premise, a crop is visible. The sign or
10 signs, containing letters [~~not~~] no less than two
11 inches in height, shall be placed along the boundary
12 line of the land in a manner and in such a position as
13 to be clearly noticeable from outside the boundary
14 line. Possession of agricultural products without
15 ownership and movement certificates, when a
16 certificate is required pursuant to chapter 145, is
17 prima facie evidence that the products are or have
18 been stolen; [~~or~~]

19 (e) [~~Of agricultural~~] Agricultural commodities that are
20 generally known to be marketed for commercial
21 purposes. Possession of agricultural commodities



1 without ownership and movement certificates, when a
 2 certificate is required pursuant to section 145-22, is
 3 prima facie evidence that the products are or have
 4 been stolen; provided that [~~agriculture~~]
 5 "agricultural commodities" has the same meaning as in
 6 section 145-21[~~+~~]; or
 7 (f) Property or services, the value of which exceeds \$250,
 8 from a person who is sixty years of age or older and
 9 the age of the property owner is known or reasonably
 10 should be known to the person who commits theft.

11 (2) Theft in the second degree is a class C felony. A
 12 person convicted of committing the offense of theft in the
 13 second degree under [~~+~~]subsection (1) [~~+~~](c) and (d) shall be
 14 sentenced in accordance with chapter 706, except that for the
 15 first offense, the court may impose a minimum sentence of a fine
 16 of at least \$1,000 or two-fold damages sustained by the victim,
 17 whichever is greater."

18 SECTION 6. Section 708-851, Hawaii Revised Statutes, is
 19 amended by amending subsection (1) to read as follows:

20 "(1) A person commits the offense of forgery in the first
 21 degree if, with intent to defraud, the person falsely makes,



1 completes, endorses, or alters a written instrument, or utters a
2 forged instrument, or fraudulently encodes the magnetic ink
3 character recognition numbers, which is or purports to be, or
4 which is calculated to become or to represent if completed:

5 (a) Part of an issue of stamps, securities, or other
6 valuable instruments issued by a government or
7 governmental agency; [~~or~~]

8 (b) Part of an issue of stock, bonds, or other instruments
9 representing interests in or claims against a
10 corporate or other organization or its property[~~-~~]; or

11 (c) All or part of a deed, will, codicil, contract,
12 assignment, commercial instrument, or other instrument
13 which does or may evidence, create, transfer,
14 terminate, or otherwise affect a legal right,
15 interest, obligation, or status and:

16 (i) The purported maker or drawer of the written
17 instrument or forged instrument is a person who
18 is sixty years of age or older; and

19 (ii) The age of the purported maker or drawer of the
20 written instrument or forged instrument is known
21 or reasonably should be known to the person who



1 falsely makes, completes, endorses, or alters the
 2 instrument; utters the forged instrument; or
 3 fraudulently encodes the magnetic ink character
 4 recognition numbers of the instrument."

5 SECTION 7. Section 708-852, Hawaii Revised Statutes, is
 6 amended by amending subsection (1) to read as follows:

7 "(1) A person commits the offense of forgery in the second
 8 degree if, with intent to defraud, the person [~~falsely~~]:

9 (a) Falsely makes, completes, endorses, or alters a
 10 written instrument, or utters a forged instrument, or
 11 fraudulently encodes the magnetic ink character
 12 recognition numbers, which is or purports to be, or
 13 which is calculated to become or to represent if
 14 completed, a deed, will, codicil, contract,
 15 assignment, commercial instrument, or other instrument
 16 which does or may evidence, create, transfer,
 17 terminate, or otherwise affect a legal right,
 18 interest, obligation, or status[~~-~~]; or

19 (b) Falsely makes, completes, endorses, or alters a
 20 written instrument, or utters a forged instrument;

21 and:



- 1 (i) The purported maker or drawer of the written
- 2 instrument or forged instrument is a person who
- 3 is sixty years of age or older; and
- 4 (ii) The age of purported maker or drawer of the
- 5 written instrument or forged instrument is known
- 6 or reasonably should be known to the person who
- 7 falsely makes, completes, endorses, or alters a
- 8 written instrument; or utters a forged
- 9 instrument."

10 SECTION 8. This Act does not affect rights and duties that
11 matured, penalties that were incurred, and proceedings that were
12 begun before its effective date.

13 SECTION 9. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 10. This Act shall take effect on July 1, 2021.



Report Title:

Kupuna Caucus; Offenses Against Seniors; Penal Code; Enhanced Penalties

Description:

Lowers the age at which enhanced penalties apply for crimes against seniors from sixty-two years of age to sixty years of age. Makes commission of certain criminal offenses against a senior's person or property applicable if the perpetrator knows or reasonably should know the senior victim's age. Effective 7/1/3021. (HD2)

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