

JAN 23 2025

A BILL FOR AN ACT

RELATING TO CRIMES AGAINST PROTECTIVE SERVICES WORKERS.

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 the person:

(a) Intentionally, knowingly, or recklessly causes substantial bodily injury to another;

(b) Recklessly causes serious bodily injury to another;

(c) 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) Intentionally or knowingly causes bodily injury to another with a dangerous instrument;

(e) Intentionally or knowingly causes bodily injury to an educational worker who is engaged in the performance of duty or who is within an educational facility. For the purposes of this paragraph, "educational worker" means any administrator, specialist, counselor,

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

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

20 (g) Intentionally or knowingly causes bodily injury to a
21 person employed at a state-operated or -contracted
22 mental health facility. For the purposes of this

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

8 (h) Intentionally or knowingly causes bodily injury to a
9 person who:

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

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

18 (i) Intentionally or knowingly causes bodily injury to any
19 firefighter or water safety officer who is engaged in
20 the performance of duty. For the purposes of this
21 paragraph, "firefighter" has the same meaning as in
22 section 710-1012 and "water safety officer" means any

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1 public servant employed by the United States, the
2 State, or any county as a lifeguard or person
3 authorized to conduct water rescue or ocean safety
4 functions;

5 (j) Intentionally or knowingly causes bodily injury to a
6 person who is engaged in the performance of duty at a
7 health care facility as defined in section 323D-2.

8 For purposes of this paragraph, "a person who is
9 engaged in the performance of duty at a health care
10 facility" includes health care professionals as
11 defined in section 451D-2, physician assistants,
12 surgical assistants, advanced practice registered
13 nurses, nurse aides, respiratory therapists,
14 laboratory technicians, and radiology technicians;

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

18 (l) Intentionally or knowingly causes bodily injury to a
19 person, employed or contracted to work by a mutual
20 benefit society, as defined in section 432:1-104, to
21 provide case management services to an individual in a
22 hospital, health care provider's office, or home,

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1 while that person is engaged in the performance of
2 those services;

3 (m) Intentionally or knowingly causes bodily injury to a
4 person who is sixty years of age or older and the age
5 of the injured person is known or reasonably should be
6 known to the person causing the injury; [~~or~~]

7 (n) Intentionally or knowingly causes bodily injury to a
8 sports official who is engaged in the lawful discharge
9 of the sports official's duties. For the purposes of
10 this paragraph, "sports official" and "lawful
11 discharge of the sports official's duties" have the
12 same meaning as in section 706-605.6[-]; or

13 (o) Intentionally or knowingly causes bodily injury to any
14 protective services worker who is engaged in the
15 performance of the worker's duties. For purposes of
16 this paragraph, "protective services worker" means any
17 administrator, specialist, social worker, case
18 manager, or aide employed by the department of human
19 services to investigate or provide services in
20 response to reports of child abuse or neglect, or to
21 investigate or provide services in response to reports
22 of abuse or neglect of a vulnerable adult."

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SECTION 2. Section 707-716, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

"(1) A person commits the offense of terroristic threatening in the first degree if the person commits terroristic threatening:

(a) By threatening another person on more than one occasion for the same or a similar purpose;

(b) By threats made in a common scheme against different persons;

(c) Against a public servant arising out of the performance of the public servant's official duties. For the purposes of this paragraph, "public servant" includes but is not limited to an educational worker~~[-]~~ or protective services worker. "Educational worker" ~~[has]~~ and "protective services worker" have the same ~~[meaning]~~ meanings as defined in section 707-711;

(d) Against any emergency medical services provider who is engaged in the performance of duty. For purposes of this paragraph, "emergency medical services provider" means emergency medical services personnel, as defined in section 321-222, and physicians, physician's

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1 assistants, nurses, nurse practitioners, certified
2 registered nurse anesthetists, respiratory therapists,
3 laboratory technicians, radiology technicians, and
4 social workers, providing services in the emergency
5 room of a hospital;

6 (e) With the use of a dangerous instrument or a simulated
7 firearm. For purposes of this section, "simulated
8 firearm" means any object that:

9 (i) Substantially resembles a firearm;

10 (ii) Can reasonably be perceived to be a firearm; or

11 (iii) Is used or brandished as a firearm; or

12 (f) By threatening a person who:

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

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

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

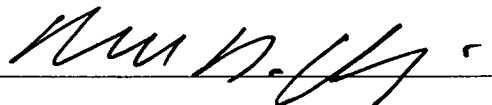
4 SECTION 4. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:



9

BY REQUEST

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Report Title:

Department of Human Services; Threats; Physical Harm; Protective Services Workers

Description:

Specifies that intentionally or knowingly causing bodily injury to a protective services worker who is engaged in the performance of the worker's duties is a class C felony.

Clarifies that a protective services worker is a public servant for the purposes of section 707-716, HRS, Terroristic Threatening in the First Degree.

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

JUSTIFICATION SHEET

SB. NO. 1417

DEPARTMENT: Human Services

TITLE: A BILL FOR AN ACT RELATING TO CRIMES AGAINST PROTECTIVE SERVICES WORKERS.

PURPOSE: To address and deter assaults and incidents of terroristic threats against protective services workers while in the performance of their duties as employees of the Department of Human Services (DHS).

MEANS: Amend sections 707-711 and 707-716, Hawaii Revised Statutes (HRS).

JUSTIFICATION: Impact on the public: Protective services workers perform essential work to prevent, investigate, and intervene in response to reports of abuse or neglect of children and vulnerable adults. Protective services workers have been targets of physical violence and death threats from individuals or family members involved in protective services investigations and cases. When protective services workers are threatened with death or suffer bodily harm, they become fearful for their physical safety and the safety of their family members. The ability to remain focused on their work becomes compromised as their physical and mental health are negatively impacted. Some feel it is necessary to leave the job to find safer work. These threats against protective services workers impact the public as the protective services workforce becomes focused on their safety and well-being, which may reduce workers' capacity and ability to meet the needs of children and vulnerable adults who need protective services. This is harmful to the public because it may impact the quality of worker assessments and delay the timely response in addressing the safety of children and vulnerable adults.

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Impact on the department and other agencies:

The bill should result in (1) a decrease in situations where protective services workers suffer from bodily injury or death threats in the course of doing their job; (2) a decreased need for deployment of law enforcement officers to provide added security to protective services workers; and (3) initially, there may be more reports to police departments, and if enforcement is successful the frequency of the reports may decrease.

If protective services workers feel safe and protected in the workplace and the community, it will help in the recruitment and retention of the protective services workforce.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: None.

OTHER AFFECTED
AGENCIES: Department of the Attorney General;
Department of Law Enforcement; county
prosecutor's offices; county police
departments; Judiciary.

EFFECTIVE DATE: Upon approval.