
A BILL FOR AN ACT

RELATING TO CRIMES AGAINST ELDERS.

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

1 SECTION 1. Section 707-710, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§707-710 Assault in the first degree.** (1) A person
4 commits the offense of assault in the first degree if the person
5 intentionally or knowingly causes:

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

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

11 (2) The requisite state of mind for subsection (1)(b) of
12 this offense shall not be applicable to the fact that the person
13 who sustained substantial bodily injury was seventy years of age
14 or older. A person shall be strictly liable with respect to the
15 attendant circumstance that the person who sustained substantial
16 bodily injury was seventy years of age or older.



1 [~~2~~] (3) Assault in the first degree [~~is~~] shall be a
2 class B felony."

3 SECTION 2. Section 707-711, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§707-711 Assault in the second degree.** (1) A person
6 commits the offense of assault in the second degree if the
7 person:

- 8 (a) Intentionally, knowingly, or recklessly causes
9 substantial bodily injury to another;
- 10 (b) Recklessly causes serious bodily injury to another;
- 11 (c) Intentionally or knowingly causes bodily injury to a
12 correctional worker, as defined in section 710-
13 1031(2), who is engaged in the performance of duty or
14 who is within a correctional facility;
- 15 (d) Intentionally or knowingly causes bodily injury to
16 another with a dangerous instrument;
- 17 (e) Intentionally or knowingly causes bodily injury to an
18 educational worker who is engaged in the performance
19 of duty or who is within an educational facility. For
20 the purposes of this paragraph, "educational worker"
21 means any administrator, specialist, counselor,



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



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

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

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

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

19 (i) Intentionally or knowingly causes bodily injury to any
20 firefighter or water safety officer who is engaged in
21 the performance of duty. For the purposes of this



1 paragraph, "firefighter" has the same meaning as in
2 section 710-1012 and "water safety officer" means any
3 public servant employed by the United States, the
4 State, or any county as a lifeguard or person
5 authorized to conduct water rescue or ocean safety
6 functions;

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

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

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

20 (l) Intentionally or knowingly causes bodily injury to a
21 person employed or contracted to work by a mutual



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

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

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

17 (o) Intentionally or knowingly causes bodily injury to a
18 national guard member who is engaged in the
19 performance of duty. For purposes of this paragraph,
20 "national guard member" means a member of the national
21 guard on any duty or service done under or in



1 pursuance of an order or call of the governor or the
2 President of the United States or any proper authority
3 as provided by law; or
4 [+] (p) [+] Intentionally or knowingly causes bodily injury to any
5 protective services worker who is engaged in the
6 performance of the worker's duties. For purposes of
7 this paragraph, "protective services worker" means any
8 administrator, specialist, social worker, case
9 manager, or aide employed by the department of human
10 services to investigate or provide services in
11 response to reports of child abuse or neglect, or to
12 investigate or provide services in response to reports
13 of abuse or neglect of a vulnerable adult.

14 (2) The requisite state of mind for subsection (1)(m) of
15 this offense shall not be applicable to the fact that the person
16 who sustained bodily injury was seventy years of age or older.
17 A person shall be strictly liable with respect to the attendant
18 circumstance that the person who sustained bodily injury was
19 seventy years of age or older.

20 [+2+] (3) Assault in the second degree [is] shall be a
21 class C felony."



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 on December 31,
7 2050.



Report Title:

Assault in the First and Second Degrees; Strict Liability;
Attendant Circumstances; Elders

Description:

Establishes strict liability for crimes against elders with
respect to the attendant circumstance that the victim was
seventy years of age or older. Effective 12/31/2050. (SD2)

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

