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# A BILL FOR AN ACT

RELATING TO ASSAULT.

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

1           SECTION 1. This Act shall be known as "Natalie's Law", in  
2 honor of Natalie Iwamoto, whose dedication to supporting youth  
3 athletics and school communities reflects the vital role that  
4 educational workers and sports officials play in protecting and  
5 serving Hawaii's young people.

6           SECTION 2. The legislature finds that educational workers  
7 and sports officials perform essential public and youth-serving  
8 functions that support student safety, youth development, and  
9 community well-being. These individuals increasingly face  
10 threats, harassment, and physical violence while performing  
11 their duties, both on and off school grounds and at school-  
12 sponsored and privately organized youth and amateur athletic  
13 events.

14           The legislature further finds that such conduct undermines  
15 public safety, discourages participation in education and youth  
16 athletics, and contributes to growing shortages of qualified  
17 educational workers and sports officials across the State.



1           The purpose of this Act is to strengthen protections for  
2 educational workers and sports officials by elevating criminal  
3 penalties for assaults committed against such persons, while  
4 preserving appropriate judicial discretion at sentencing.

5           SECTION 3. Chapter 707, Hawaii Revised Statutes, is  
6 amended by adding a new section to be appropriately designated  
7 and to read as follows:

8           "§707-           Aggravated assault against an educational worker  
9 or sports official. (1) A person commits the offense of  
10 aggravated assault against an educational worker or sports  
11 official if the person:

12           (a) Commits an offense under section 707-710(1)(a) or 707-  
13           711(1)(a), (b), or (d) and the victim of the offense  
14           is an educational worker or sports official who is:

15           (i) Engaged in the performance of official duties; or

16           (ii) Acting in direct connection with a school-  
17           sponsored activity or sports event; or

18           (b) Is a habitual assault offender against educational  
19           workers or sports officials and commits an offense  
20           under section 707-711(1)(e) or (n).



1       (2) For purposes of subsection (1)(a), the offense shall  
2 be subject to this section regardless of whether the conduct  
3 occurs on or off school grounds or at a privately operated  
4 venue, so long as the conduct arises from or is directly related  
5 to circumstances described in subsection (1)(a).

6       (3) Any person who would otherwise be subject to  
7 sentencing for a criminal offense under subsection (1) shall be  
8 guilty of an offense one class or grade higher than the  
9 classification of the underlying offense provided by law.

10       (4) Except as otherwise provided in subsection (5), a  
11 person convicted under this section shall be sentenced to a  
12 presumptive minimum term of imprisonment of no less than thirty  
13 days.

14       (5) The court may impose a lesser sentence or suspend the  
15 presumptive minimum term only if the court finds, on the record,  
16 that substantial and compelling reasons justify a departure,  
17 including but not limited to:

18       (a) The nature and seriousness of the injury;

19       (b) The defendant's criminal history, including the  
20 absence of prior violent offenses;

21       (c) The circumstances of the offense; or



1        (d) The interests of justice.

2        Any departure from the presumptive minimum sentence shall be  
3        stated with specificity in the record.

4        (6) For the purposes of this section:

5        "Habitual assault offender against educational workers or  
6        sports officials" means that the person, at the time of the  
7        conduct for which the person is charged, had two or more  
8        convictions under this section or section 707-711(1)(e) or (n).

9        "School-sponsored activity" means any event, contest,  
10       practice, or activity conducted on school grounds or under the  
11       authority or supervision of a school."

12       SECTION 4. Section 706-605.6, Hawaii Revised Statutes, is  
13       amended to read as follows:

14       **"§706-605.6 Assault against a sports official.** (1) If a  
15       person is convicted of the offense of:

16       (a) Assault in the first degree, as provided by section  
17       707-710;

18       (b) Assault in the second degree, as provided by section  
19       707-711(1)(a), (b), (d), or (n);

20       (c) Assault in the third degree, as provided by section  
21       707-712;



1        (d) Aggravated assault against an educational worker or  
2        sports official, as provided by section 707- ;

3        [~~(d)~~] (e) Terroristic threatening in the first degree, as  
4        provided by section 707-716(a), (e), or (f); or

5        [~~(e)~~] (f) Terroristic threatening in the second degree, as  
6        provided by section 707-717; and

7        the victim of the offense is a sports official engaged in the  
8        lawful discharge of the sports official's duties, the court may  
9        order, in the court's discretion, that the defendant, in  
10       addition to any other punishment imposed pursuant to chapter  
11       706, be enjoined from attending any sports event of the type at  
12       which the sports official was engaged in the lawful discharge of  
13       the sports official's duties for a period of up to twelve months  
14       from the date of sentencing for a first offense, and for life  
15       for a second or subsequent offense.

16       (2) For the purposes of this section:

17       "Lawful discharge of the sports official's duty" means the  
18       performance of duties of a sports official from the time the  
19       sports official arrives at the venue of a sports event and  
20       ending when the sports official returns to their residence or  
21       business.



1 "Sports event" means any organized [~~amateur or~~  
2 ~~professional~~] athletic contest, scrimmage, practice, or  
3 exhibition conducted in the State[-] involving participants  
4 under eighteen years of age, amateur participants, or  
5 professional participants, including events conducted by private  
6 leagues or organizations.

7 "Sports official" means a person at a sports event who  
8 [~~enforces~~] is authorized to officiate, supervise, or enforce the  
9 rules of the event, [~~such as an~~] including any umpire, referee,  
10 judge, timer, or scorer, or a person who supervises the  
11 participants, [~~such as a~~] including any coach, regardless of  
12 whether the person is [~~paid~~] compensated or [~~provides their~~  
13 ~~services as~~] an unpaid volunteer[-], and regardless of whether  
14 the event is affiliated with a school, league, athletic  
15 association, or private organization."

16 SECTION 5. Section 707-700, Hawaii Revised Statutes, is  
17 amended by adding four new definitions to be appropriately  
18 inserted and to read as follows:

19 "Educational worker" means any of the following  
20 individuals acting within the scope of their official duties:



1       (1) Any administrator, principal, vice principal, athletic  
2       director, assistant athletic director, teacher, coach,  
3       specialist, counselor, classified employee, or other  
4       employee or authorized agent of the department of  
5       education, a charter school, or a private elementary  
6       or secondary school;

7       (2) Any person who is a volunteer, as defined in section  
8       90-1, in a school program, activity, or function that  
9       is established, sanctioned, or approved by the  
10       department of education; or

11       (3) Any person hired by the department of education on a  
12       contractual basis and engaged in carrying out an  
13       educational function.

14       "Lawful discharge of the sports official's duty" means the  
15       performance of duties of a sports official from the time the  
16       sports official arrives at the venue of a sports event and  
17       ending when the sports official returns to their residence or  
18       business.

19       "Sports event" means any organized athletic contest,  
20       scrimmage, practice, or exhibition conducted in the State  
21       involving participants under eighteen years of age, amateur



1 participants, or professional participants, including events  
2 conducted by private leagues or organizations.

3 "Sports official" means a person at a sports event who is  
4 authorized to officiate, supervise, or enforce the rules of the  
5 event, including any umpire, referee, judge, timer, or scorer,  
6 or a person who supervises the participants, including any  
7 coach, regardless of whether the person is compensated or an  
8 unpaid volunteer, and regardless of whether the event is  
9 affiliated with a school, league, athletic association, or  
10 private organization."

11 SECTION 6. 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) Intentionally, knowingly, or recklessly causes  
16 substantial bodily injury to another;
- 17 (b) Recklessly causes serious bodily injury to another;
- 18 (c) Intentionally or knowingly causes bodily injury to a  
19 correctional worker, as defined in section 710-  
20 1031(2), who is engaged in the performance of duty or  
21 who is within a correctional facility;



- 1 (d) Intentionally or knowingly causes bodily injury to  
2 another with a dangerous instrument;
- 3 (e) Intentionally or knowingly causes bodily injury to an  
4 educational worker who is engaged in the performance  
5 of duty or who is within an educational facility[  
6 ~~For the purposes of this paragraph, "educational~~  
7 ~~worker" means any administrator, specialist,~~  
8 ~~counselor, teacher, or employee of the department of~~  
9 ~~education or an employee of a charter school; a person~~  
10 ~~who is a volunteer, as defined in section 90-1, in a~~  
11 ~~school program, activity, or function that is~~  
12 ~~established, sanctioned, or approved by the department~~  
13 ~~of education; or a person hired by the department of~~  
14 ~~education on a contractual basis and engaged in~~  
15 ~~carrying out an educational function];~~
- 16 (f) Intentionally or knowingly causes bodily injury to any  
17 emergency medical services provider who is engaged in  
18 the performance of duty. For the purposes of this  
19 paragraph, "emergency medical services provider" means  
20 emergency medical services personnel, as defined in  
21 section 321-222, and physicians, physician's



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

16 (h) Intentionally or knowingly causes bodily injury to a  
17 person who:

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



- 1           (ii) Is being protected by a police officer ordering
- 2                   the defendant to leave the premises of that
- 3                   protected person pursuant to section 709-906(4),
- 4                   during the effective period of that order;
  
- 5           (i) Intentionally or knowingly causes bodily injury to any
- 6                   firefighter or water safety officer who is engaged in
- 7                   the performance of duty. For the purposes of this
- 8                   paragraph, "firefighter" has the same meaning as in
- 9                   section 710-1012 and "water safety officer" means any
- 10                  public servant employed by the United States, the
- 11                  State, or any county as a lifeguard or person
- 12                  authorized to conduct water rescue or ocean safety
- 13                  functions;
  
- 14           (j) Intentionally or knowingly causes bodily injury to a
- 15                   person who is engaged in the performance of duty at a
- 16                   health care facility as defined in section 323D-2.
- 17                   For purposes of this paragraph, "a person who is
- 18                   engaged in the performance of duty at a health care
- 19                   facility" includes health care professionals as
- 20                   defined in section 451D-2, physician assistants,
- 21                   surgical assistants, advanced practice registered



- 1 nurses, nurse aides, respiratory therapists,  
2 laboratory technicians, and radiology technicians;
- 3 (k) Intentionally or knowingly causes bodily injury to a  
4 person who is engaged in providing home health care  
5 services, as defined in section 431:10H-201;
- 6 (l) Intentionally or knowingly causes bodily injury to a  
7 person employed or contracted to work by a mutual  
8 benefit society, as defined in section 432:1-104, to  
9 provide case management services to an individual in a  
10 hospital, health care provider's office, or home,  
11 while that person is engaged in the performance of  
12 those services;
- 13 (m) Intentionally or knowingly causes bodily injury to a  
14 person who is sixty years of age or older and the age  
15 of the injured person is known or reasonably should be  
16 known to the person causing the injury;
- 17 (n) Intentionally or knowingly causes bodily injury to a  
18 sports official who is engaged in the lawful discharge  
19 of the sports official's duties[. ~~For the purposes of~~  
20 ~~this paragraph, "sports official" and "lawful~~



1 ~~discharge of the sports official's duties" have the~~  
2 ~~same meaning as in section 706-605.6];~~

3 (o) Intentionally or knowingly causes bodily injury to a  
4 national guard member who is engaged in the  
5 performance of duty. For purposes of this paragraph,  
6 "national guard member" means a member of the national  
7 guard on any duty or service done under or in  
8 pursuance of an order or call of the governor or the  
9 President of the United States or any proper authority  
10 as provided by law; or

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



1 SECTION 7. 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 8. If any provision of this Act, or the  
5 application thereof to any person or circumstance, is held  
6 invalid, the invalidity does not affect other provisions or  
7 applications of the Act that can be given effect without the  
8 invalid provision or application, and to this end the provisions  
9 of this Act are severable.

10 SECTION 9. Statutory material to be repealed is bracketed  
11 and stricken. New statutory material is underscored.

12 SECTION 10. This Act shall take effect on July 1, 3000.



**Report Title:**

Penal Code; Assault; Educational Workers; Sports Officials

**Description:**

Elevates criminal penalties for assaults committed against educational workers and sports officials, while preserving appropriate judicial discretion at sentencing. Effective 7/1/3000. (HD1)

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

