

**ACT 44**

S. B. 186.

A Bill for an Act Relating to Assaults, Battery, and Affray, and Amending Section 264-5 of the Revised Laws of Hawaii 1955, as Amended.

*Be It Enacted by the Legislature of the State of Hawaii:*

**SECTION 1.** This Act is hereby declared to be an urgency measure deemed necessary in the public interest within the meaning of section 11 of Article III of the Constitution of the State of Hawaii.

The following is a statement of the facts constituting such urgency:

Act 243 of the Regular Session of the Fourth State Legislature, 1967, provided that certain aggravated offenses which had been previously classified as misdemeanors be felonies. These offenses are included in § 264-5A. When reading § 264-5A in pari materia with § 264-5, as amended, it is not clear whether or not assaults and batteries against public officers while in the performance of their duties, when committed with a weapon likely to produce bodily harm, or whether grievous bodily harm is actually sustained by the public officer, are covered by § 264-5A as was obviously intended by the Legislature.

For this reason it is necessary and urgent that the technical amendment provided for in this measure do pass so that public officers may receive the protection afforded all other citizens by § 264-5A.

SECTION 2. Section 264-5 Revised Laws of Hawaii 1955, as amended, is hereby further amended to read as follows:

“§ 264-5. Whoever under circumstances not amounting to a crime specified in sections 264-3, 264-4 and 264-5 commits an assault or a battery (a) upon any public officer while in the performance of his public duties, with intent to resist, prevent, hinder or obstruct such officer in the discharge or execution of any of his public duties or (b) by any means intended or likely to humiliate, degrade or sicken another,

shall, unless a greater penalty is otherwise provided by law, be fined not more than \$1,000 or imprisoned not more than one year, or both.”

SECTION 3. This Act shall take effect upon its approval.

(Approved May 8, 1968.)