

**ACT 66**

S.B. NO. 1275

A Bill for an Act Relating to Assault Against Law Enforcement Officers.

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

SECTION 1. Chapter 707, Hawaii Revised Statutes, is amended by adding a new section, to be appropriately designated, and to read as follows:

**“§707- Assault against a law enforcement officer in the second degree.** (1) A person commits the offense of assault against a law enforcement

officer in the second degree if the person recklessly causes bodily injury to a law enforcement officer who is engaged in the performance of duty.

(2) Assault of a law enforcement officer in the second degree is a misdemeanor. The court shall sentence the person who has been convicted of this offense to a definite term of imprisonment, pursuant to section 706-663, of not less than thirty days without possibility of probation or suspension of sentence.”

SECTION 2. Section 707-712.5, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§707-712.5]]~~ **Assault against a [pølice] law enforcement officer[.] in the first degree.** (1) A person commits the offense of assault against a [pølice] law enforcement officer in the first degree<sup>1</sup> if the person:

- (a) Intentionally[.] or knowingly[.] ~~or recklessly~~ causes bodily injury to a [pølice] law enforcement officer who is engaged in the performance of duty; or
- (b) ~~Negligently~~ Recklessly or negligently causes, with a dangerous instrument, bodily injury to a [pølice] law enforcement officer who is engaged in the performance of duty.

(2) Assault of a [pølice] law enforcement officer in the first degree<sup>2</sup> is a ~~misdemeanor.~~ class C felony. The court shall, at a minimum, sentence the person who has been convicted of this offense to ~~[imprisonment for no less than thirty days.]~~

- (a) An indeterminate term of imprisonment of five years, pursuant to section 706-660; or
- (b) Five years probation, with conditions to include a term of imprisonment of not less than thirty days without possibility of suspension of sentence.”

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.<sup>3</sup>

SECTION 4. This Act shall take effect upon its approval.

(Approved May 19, 2003.)

#### Notes

1. “Degree” should be underscored.
2. “In the first degree” should be underscored.
3. Edited pursuant to HRS §23G-16.5.