
A BILL FOR AN ACT

RELATING TO VIOLENCE AGAINST HEALTH CARE PERSONNEL.

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

1 SECTION 1. Section 707-711, Hawaii Revised Statutes, is
2 amended by amending subsection (1) to read as follows:

3 "(1) A person commits the offense of assault in the second
4 degree if:

5 (a) The person intentionally or knowingly causes
6 substantial bodily injury to another;

7 (b) The person recklessly causes serious or substantial
8 bodily injury to another;

9 (c) The person intentionally or knowingly causes bodily
10 injury to a correctional worker, as defined in section
11 710-1031(2), who is engaged in the performance of duty
12 or who is within a correctional facility;

13 (d) The person intentionally or knowingly causes bodily
14 injury to another with a dangerous instrument;

15 (e) The person intentionally or knowingly causes bodily
16 injury to an educational worker who is engaged in the
17 performance of duty or who is within an educational
18 facility. For the purposes of this paragraph,



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

10 (f) The person intentionally or knowingly causes bodily
11 injury to any [~~emergency~~] medical services provider
12 who is engaged in the performance of duty. For the
13 purposes of this paragraph, [~~"emergency medical
14 services provider"~~] "medical services provider" means
15 emergency medical services personnel, as defined in
16 section 321-222, and physicians, physician's
17 assistants, nurses, [~~nurse practitioners, certified
18 registered nurse anesthetists,~~] advanced practice
19 registered nurses, respiratory therapists, laboratory
20 technicians, radiology technicians, [~~and~~] social
21 workers, and unlicensed medical professionals or other



1 medical staff involved in the direct care of patients,
2 providing services in [the emergency room of] a
3 hospital[?], medical clinic, or federally qualified
4 health center. This paragraph shall not apply to a
5 person who:

6 (i) Is a patient;

7 (ii) Causes bodily injury to a medical services
8 provider; and

9 (iii) Receives medical services from a medical services
10 provider at any location at the time bodily
11 injury occurs;

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



1 (h) The person intentionally or knowingly causes bodily
2 injury to a person who:

3 (i) The defendant has been restrained from, by order
4 of any court, including an ex parte order,
5 contacting, threatening, or physically abusing
6 pursuant to chapter 586; or

7 (ii) Is being protected by a police officer ordering
8 the defendant to leave the premises of that
9 protected person pursuant to section 709-906(4),
10 during the effective period of that order; or

11 [†] (i) [†] The person intentionally or knowingly causes bodily
12 injury to any firefighter or water safety officer who
13 is engaged in the performance of duty. For the
14 purposes of this paragraph, "firefighter" has the same
15 meaning as in section 710-1012 and "water safety
16 officer" means any public servant employed by the
17 United States, the State, or any county as a lifeguard
18 or person authorized to conduct water rescue or ocean
19 safety functions."



1 SECTION 2. 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 3. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

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

7



Report Title:

Assault in the Second Degree; Medical Services Providers

Description:

Amends the offense of assault in the second degree as it applies to medical professionals by expanding the types of medical services providers protected under this offense. Clarifies that the offense of assault in the second degree does not apply to patients receiving medical services at the time injury to a medical services provider occurs. (SD1)

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