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# A BILL FOR AN ACT

RELATING TO HEALTH CARE WORKERS.

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

1           SECTION 1. The legislature finds that elevating the  
2 offense of assault of a health care worker who is engaged in the  
3 performance of duty to a felony will encourage prosecution of  
4 individuals who assault health care workers, and assist in the  
5 retention of needed health care workers.

6           The purpose of this Act is to establish intentionally or  
7 knowingly causing bodily injury to certain health care workers  
8 as a class C felony.

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

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

13           (a) The person intentionally, knowingly, or recklessly  
14 causes substantial bodily injury to another;

15           (b) The person recklessly causes serious bodily injury to  
16 another;



- 1 (c) The person intentionally or knowingly causes bodily  
2 injury to a correctional worker, as defined in section  
3 710-1031(2), who is engaged in the performance of duty  
4 or who is within a correctional facility;
- 5 (d) The person intentionally or knowingly causes bodily  
6 injury to another with a dangerous instrument;
- 7 (e) The person intentionally or knowingly causes bodily  
8 injury to an educational worker who is engaged in the  
9 performance of duty or who is within an educational  
10 facility. For the purposes of this paragraph,  
11 "educational worker" means any administrator,  
12 specialist, counselor, teacher, or employee of the  
13 department of education or an employee of a charter  
14 school; a person who is a volunteer, as defined in  
15 section 90-1, in a school program, activity, or  
16 function that is established, sanctioned, or approved  
17 by the department of education; or a person hired by  
18 the department of education on a contractual basis and  
19 engaged in carrying out an educational function;
- 20 (f) The person intentionally or knowingly causes bodily  
21 injury to any emergency medical services provider who



1 is engaged in the performance of duty. For the  
2 purposes of this paragraph, "emergency medical  
3 services provider" means emergency medical services  
4 personnel, as defined in section 321-222, and  
5 physicians, physician's assistants, nurses, nurse  
6 practitioners, certified registered nurse  
7 anesthetists, respiratory therapists, laboratory  
8 technicians, radiology technicians, and social  
9 workers, providing services in the emergency room of a  
10 hospital;

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



1           of duty at a health care facility, as defined in  
2           section 323D-2. For purposes of this paragraph, "a  
3           person who is engaged in the performance of duty at a  
4           health care facility" includes health care  
5           professionals, as defined in section 451D-2,  
6           administrators, students, volunteers, and any other  
7           workers who support the functions of the health care  
8           facility; or

9           (k) The person intentionally or knowingly causes bodily  
10           injury to a person who is engaged in providing home  
11           health care services, as defined in section  
12           431:10H-201."

13           SECTION 3. This Act does not affect rights and duties that  
14           matured, penalties that were incurred, and proceedings that were  
15           begun before its effective date.

16           SECTION 4. Statutory material to be repealed is bracketed  
17           and stricken. New statutory material is underscored.

18           SECTION 5. This Act shall take effect on July 1, 2035.



**Report Title:**

Health Care Worker; Intentionally or Knowingly Causing Bodily Injury; Felony Assault in the Second Degree

**Description:**

Makes intentionally or knowingly causing bodily injury to certain health care workers a class C felony. Effective 7/1/2035. (SD2)

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

