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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 extending  
2           protections for health care workers is in the best interest of  
3           the community and will assist in retaining needed health care  
4           professionals and provide needed protections for vulnerable  
5           employees. Further, including health care workers in the  
6           current statute relating to the offense of assault in the second  
7           degree ensures that only those individuals who are capable of  
8           forming an intent to cause substantial bodily injury to a health  
9           care worker are included. Notably, eight other states consider  
10          assault against any healthcare worker a felony.

11          The purpose of this Act is to increase protections for  
12          health care workers by increasing the criminal penalties for  
13          assaulting a health care worker who is engaged in the  
14          performance of duties.

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



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

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

5           (b) The person recklessly causes serious bodily injury to  
6 another;

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

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

13          (e) The person intentionally or knowingly causes bodily  
14 injury to an educational worker who is engaged in the  
15 performance of duty or who is within an educational  
16 facility. For the purposes of this paragraph,  
17 "educational worker" means any administrator,  
18 specialist, counselor, teacher, or employee of the  
19 department of education or an employee of a charter  
20 school; a person who is a volunteer, as defined in  
21 section 90-1, in a school program, activity, or



1 function that is established, sanctioned, or approved  
2 by the department of education; or a person hired by  
3 the department of education on a contractual basis and  
4 engaged in carrying out an educational function;

5 (f) The person intentionally or knowingly causes bodily  
6 injury to any emergency medical services provider who  
7 is engaged in the performance of duty. For the  
8 purposes of this paragraph, "emergency medical  
9 services provider" means emergency medical services  
10 personnel, as defined in section 321-222, and  
11 physicians, physician's assistants, nurses, nurse  
12 practitioners, certified registered nurse  
13 anesthetists, respiratory therapists, laboratory  
14 technicians, radiology technicians, and social  
15 workers[-] providing services in the emergency room of  
16 a hospital;

17 (g) The person intentionally or knowingly causes bodily  
18 injury to a person employed at a state-operated or  
19 -contracted mental health facility. For the purposes  
20 of this paragraph, "a person employed at a state-  
21 operated or -contracted mental health facility"



1 includes health care professionals as defined in  
2 section 451D-2, administrators, orderlies, security  
3 personnel, volunteers, and any other person who is  
4 engaged in the performance of a duty at a state-  
5 operated or -contracted mental health facility;

6 (h) The person intentionally or knowingly causes bodily  
7 injury to a person who:

8 (i) The defendant has been restrained from, by order  
9 of any court, including an ex parte order,  
10 contacting, threatening, or physically abusing  
11 pursuant to chapter 586; or

12 (ii) Is being protected by a police officer ordering  
13 the defendant to leave the premises of that  
14 protected person pursuant to section 709-906(4),  
15 during the effective period of that order; [ex]

16 (i) The person intentionally or knowingly causes bodily  
17 injury to any firefighter or water safety officer who  
18 is engaged in the performance of duty. For the  
19 purposes of this paragraph, "firefighter" has the same  
20 meaning as in section 710-1012 and "water safety  
21 officer" means any public servant employed by the



1 United States, the State, or any county as a lifeguard  
2 or person authorized to conduct water rescue or ocean  
3 safety functions [-];

4 (j) The person intentionally or knowingly causes bodily  
5 injury to a person who is engaged in the performance  
6 of duty at a health care facility as defined in  
7 section 323D-2. For purposes of this paragraph, "a  
8 person who is engaged in the performance of duty at a  
9 health care facility" shall include health care  
10 professionals as defined in section 451D-2,  
11 administrators, students, volunteers, and any other  
12 workers who support the functions of the health care  
13 facility; or

14 (k) The person intentionally or knowingly causes bodily  
15 injury to a person who is engaged in providing home  
16 health care services, as defined in section 431:10H-  
17 201."

18 SECTION 3. This Act does not affect rights and duties that  
19 matured, penalties that were incurred, and proceedings that were  
20 begun before its effective date.



1           SECTION 4. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

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

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**Report Title:**

Health Care Worker; Intentionally Cause Bodily Injury; Felony  
Penalty

**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.*

