
A BILL FOR AN ACT

RELATING TO CRIMINAL OFFENSES AGAINST SENIORS.

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

1 SECTION 1. Section 707-710, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~§~~707-710 **Assault in the first degree.** (1) A person
4 commits the offense of assault in the first degree if the person
5 intentionally or knowingly causes ~~[serious]~~:

6 (a) Serious bodily injury to another person~~[-]~~; or

7 (b) Substantial bodily injury to a person who
8 is _____ years of age or older.

9 (2) The state of mind requirement for subsection (1)(b) of
10 this offense is not applicable to the fact that the person who
11 sustains substantial bodily injury was _____ years of age or
12 older. A person is strictly liable with respect to the
13 attendant circumstance that the person who sustains substantial
14 bodily injury was _____ years of age or older.

15 ~~[-(2)]~~ (3) Assault in the first degree is a class B
16 felony."



1 SECTION 2. Section 707-711, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§707-711 Assault in the second degree. (1) A person
4 commits the offense of assault in the second degree if:

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

7 (b) The person recklessly causes serious bodily injury to
8 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,
19 "educational worker" means any administrator,
20 specialist, counselor, teacher, or employee of the
21 department of education or an employee of a charter



1 school; a person who is a volunteer, as defined in
2 section 90-1, in a school program, activity, or
3 function that is established, sanctioned, or approved
4 by the department of education; or a person hired by
5 the department of education on a contractual basis and
6 engaged in carrying out an educational function;

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

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



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

8 (h) The person intentionally or knowingly causes bodily
9 injury to a person who:

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

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

18 (i) The person intentionally or knowingly causes bodily
19 injury to any firefighter or water safety officer who
20 is engaged in the performance of duty. For the
21 purposes of this paragraph, "firefighter" has the same



1 meaning as in section 710-1012 and "water safety
2 officer" means any public servant employed by the
3 United States, the State, or any county as a lifeguard
4 or person authorized to conduct water rescue or ocean
5 safety functions;

6 (j) The person intentionally or knowingly causes bodily
7 injury to a person who is engaged in the performance
8 of duty at a health care facility as defined in
9 section 323D-2. For purposes of this paragraph, "a
10 person who is engaged in the performance of duty at a
11 health care facility" shall include health care
12 professionals as defined in section 451D-2, physician
13 assistants, surgical assistants, advanced practice
14 registered nurses, nurse aides, respiratory
15 therapists, laboratory technicians, and radiology
16 technicians;

17 (k) The person intentionally or knowingly causes bodily
18 injury to a person who is engaged in providing home
19 health care services, as defined in section
20 431:10H-201; [~~ex~~]



1 (1) The person intentionally or knowingly causes bodily
 2 injury to a person, employed or contracted to work by
 3 a mutual benefit society, as defined in section
 4 432:1-104, to provide case management services to an
 5 individual in a hospital, health care provider's
 6 office, or home, while that person is engaged in the
 7 performance of those services[-]; or

8 (m) The person intentionally or knowingly causes bodily
 9 injury to a person who is _____ years of age or
 10 older.

11 (2) The state of mind requirement for subsection (1)(m) of
 12 this offense is not applicable to the fact that the person who
 13 sustains bodily injury was _____ years of age or older. A
 14 person is strictly liable with respect to the attendant
 15 circumstance that the person who sustains bodily injury was
 16 _____ years of age or older.

17 [~~2~~] (3) Assault in the second degree is a class C
 18 felony."

19 SECTION 3. Section 708-812.55, Hawaii Revised Statutes, is
 20 amended to read as follows:

1 " [+]§708-812.55[+] Unauthorized entry in a dwelling in the
 2 first degree. (1) A person commits the offense of unauthorized
 3 entry in a dwelling in the first degree if the person
 4 intentionally or knowingly enters unlawfully into a dwelling and
 5 another person was, at the time of the entry, lawfully present
 6 in the dwelling who:

- 7 (a) Was [~~sixty-two~~] _____ years of age or older;
- 8 (b) Was an incapacitated person; or
- 9 (c) Had a developmental disability.

10 (2) For the purposes of this section:

11 "Developmental disability" shall have the same meaning as
 12 in section 333E-2.

13 "Incapacitated person" shall have the same meaning as in
 14 section 560:5-102.

15 (3) Unauthorized entry in a dwelling in the first degree
 16 is a class B felony.

17 (4) It shall be an affirmative defense that reduces this
 18 offense to a misdemeanor that, at the time of the unlawful
 19 entry:

- 20 (a) There was a social gathering of invited guests at the
 21 dwelling the defendant entered;



1 (b) The defendant intended to join the social gathering as
2 an invited guest; and

3 (c) The defendant had no intent to commit any unlawful act
4 other than the entry.

5 (5) The state of mind requirement for subsection (1)(a) of
6 this offense is not applicable to the fact that the person
7 lawfully present in the dwelling at the time of the entry was
8 _____ years of age or older. A person is strictly liable
9 with respect to the attendant circumstance that the person
10 lawfully present in the dwelling at the time of the entry was
11 _____ years of age or older."

12 SECTION 4. Section 708-830.5, Hawaii Revised Statutes, is
13 amended to read as follows:

14 **"§708-830.5 Theft in the first degree.** (1) A person
15 commits the offense of theft in the first degree if the person
16 commits theft:

17 (a) Of property or services, the value of which exceeds
18 \$20,000;

19 (b) Of a firearm;

20 (c) Of dynamite or other explosive; [~~or~~]



1 (d) Of property or services during an emergency period
2 proclaimed by the governor or mayor pursuant to
3 chapter 127A, within the area covered by the emergency
4 or disaster under chapter 127A, the value of which
5 exceeds \$300 ~~[]~~;

6 (e) Of property from the person of another who is
7 _____ years of age or older; or

8 (f) Of property or services, the value of which exceeds
9 \$750, from a person who is _____ years of age or
10 older.

11 (2) The state of mind requirement for subsection (1)(e) or
12 (f) of this offense is not applicable to the fact that the owner
13 of the property, provider of the services, or individual from
14 whose person the property was taken was _____ years of age
15 or older. A person is strictly liable with respect to the
16 attendant circumstance that the owner of the property, provider
17 of the services, or individual from whose person the property
18 was taken was _____ years of age or older.

19 ~~[-2-]~~ (3) Theft in the first degree is a class B felony."

20 SECTION 5. Section 708-831, Hawaii Revised Statutes, is
21 amended to read as follows:



1 "§708-831 Theft in the second degree. (1) A person
2 commits the offense of theft in the second degree if the person
3 commits theft:

4 (a) Of property from the person of another;

5 (b) Of property or services the value of which exceeds
6 \$750;

7 (c) Of an aquacultural product or part thereof from
8 premises that are fenced or enclosed in a manner
9 designed to exclude intruders or there is prominently
10 displayed on the premises a sign or signs sufficient
11 to give notice and reading as follows: "Private
12 Property", "No Trespassing", or a substantially
13 similar message;

14 (d) Of agricultural equipment, supplies, or products, or
15 part thereof, the value of which exceeds \$100 but does
16 not exceed \$20,000, or of agricultural products that
17 exceed twenty-five pounds, from premises that are
18 fenced, enclosed, or secured in a manner designed to
19 exclude intruders or there is prominently displayed on
20 the premises a sign or signs sufficient to give notice
21 and reading as follows: "Private Property", "No



1 Trespassing", or a substantially similar message; or
2 if at the point of entry of the premise, a crop is
3 visible. The sign or signs, containing letters not
4 less than two inches in height, shall be placed along
5 the boundary line of the land in a manner and in such
6 a position as to be clearly noticeable from outside
7 the boundary line. Possession of agricultural
8 products without ownership and movement certificates,
9 when a certificate is required pursuant to chapter
10 145, is prima facie evidence that the products are or
11 have been stolen; [~~or~~]

12 (e) Of agricultural commodities that are generally known
13 to be marketed for commercial purposes. Possession of
14 agricultural commodities without ownership and
15 movement certificates, when a certificate is required
16 pursuant to section 145-22, is prima facie evidence
17 that the products are or have been stolen; provided
18 that "agriculture commodities" has the same meaning as
19 in section 145-21[-]; or



1 (f) Of property or services, the value of which exceeds
2 \$250, from a person who is _____ years of age or
3 older.

4 (2) The state of mind requirement for subsection (1)(f) of
5 this offense is not applicable to the fact that the owner of the
6 property or provider of the services was _____ years of age
7 or older. A person is strictly liable with respect to the
8 attendant circumstance that the owner of the property or
9 provider of the services was _____ years of age or older.

10 [~~2~~] (3) Theft in the second degree is a class C felony.
11 A person convicted of committing the offense of theft in the
12 second degree under [~~+~~]subsection (1) [~~+~~](c) and (d) shall be
13 sentenced in accordance with chapter 706, except that for the
14 first offense, the court may impose a minimum sentence of a fine
15 of at least \$1,000 or two-fold damages sustained by the victim,
16 whichever is greater."

17 SECTION 6. Section 708-851, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "**§708-851 Forgery in the first degree.** (1) A person
20 commits the offense of forgery in the first degree if, with
21 intent to defraud, the person falsely makes, completes,



1 endorses, or alters a written instrument, or utters a forged
2 instrument, or fraudulently encodes the magnetic ink character
3 recognition numbers, which is or purports to be, or which is
4 calculated to become or to represent if completed:

5 (a) Part of an issue of stamps, securities, or other
6 valuable instruments issued by a government or
7 governmental agency; [~~or~~]

8 (b) Part of an issue of stock, bonds, or other instruments
9 representing interests in or claims against a
10 corporate or other organization or its property[-]; or

11 (c) All or part of a deed, will, codicil, contract,
12 assignment, commercial instrument, or other instrument
13 which does or may evidence, create, transfer,
14 terminate, or otherwise affect a legal right,
15 interest, obligation, or status, and the ostensible
16 maker or drawer of the written instrument or forged
17 instrument is a person who is _____ years of age
18 or older.

19 (2) The state of mind requirement for subsection (1)(c) of
20 this offense is not applicable to the fact that the ostensible
21 maker or drawer of the written instrument or forged instrument



1 is a person who is _____ years of age or older. A person
2 is strictly liable with respect to the attendant circumstance
3 that the ostensible maker or drawer of the written instrument or
4 forged instrument is a person who is _____ years of age or
5 older.

6 [~~2~~] (3) Forgery in the first degree is a class B
7 felony."

8 SECTION 7. Section 708-852, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "§708-852 Forgery in the second degree. (1) A person
11 commits the offense of forgery in the second degree if, with
12 intent to defraud[~~, the~~]:

13 (a) The person falsely makes, completes, endorses, or
14 alters a written instrument, or utters a forged
15 instrument, or fraudulently encodes the magnetic ink
16 character recognition numbers, which is or purports to
17 be, or which is calculated to become or to represent
18 if completed, a deed, will, codicil, contract,
19 assignment, commercial instrument, or other instrument
20 which does or may evidence, create, transfer,



1 terminate, or otherwise affect a legal right,
2 interest, obligation, or status~~[-]~~; or

3 (b) The person falsely makes, completes, endorses, or
4 alters a written instrument, or utters a forged
5 instrument and the ostensible maker or drawer of the
6 written instrument or forged instrument is a person
7 who is _____ years of age or older.

8 (2) The state of mind requirement for subsection (1)(b) of
9 this offense is not applicable to the fact that the ostensible
10 maker or drawer of the written instrument or forged instrument
11 is a person who is _____ years of age or older. A person
12 is strictly liable with respect to the attendant circumstance
13 that the ostensible maker or drawer of the written instrument or
14 forged instrument is a person who is _____ years of age or
15 older.

16 [~~2~~] (3) Forgery in the second degree is a class C
17 felony."

18 SECTION 8. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 9. This Act shall take effect on July 1, 2050.



Report Title:

Offenses Against Seniors; Penal Code Revisions; Kupuna Caucus

Description:

Lowers the age at which enhanced penalties apply for crimes against seniors from sixty-two years of age to an unspecified age. Makes commission of certain criminal offenses against a senior's person or property applicable regardless of the perpetrator's knowledge of the senior victim's age. Effective 7/1/2050. (HD1)

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

