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# A BILL FOR AN ACT

RELATING TO PRIVACY.

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

1           SECTION 1. Section 711-1111, Hawaii Revised Statutes, is  
2 amended by amending subsection (1) to read as follows:

3           "(1) A person commits the offense of violation of privacy  
4 in the second degree if, except in the execution of a public  
5 duty or as authorized by law, the person intentionally:

6           (a) Trespasses on property for the purpose of subjecting  
7 anyone to eavesdropping or other surveillance in a  
8 private place;

9           (b) Installs or uses, or both, in any private place,  
10 without consent of the person or persons entitled to  
11 privacy therein, any device for observing, recording,  
12 amplifying, or broadcasting sounds or events in that  
13 place other than another person in a stage of undress  
14 or sexual activity;

15           (c) Installs or uses outside a private place any device  
16 for hearing, recording, amplifying, or broadcasting  
17 sounds originating in that place which would not  
18 ordinarily be audible or comprehensible outside,



1 without the consent of the person or persons entitled  
2 to privacy therein;

3 (d) Covertly records or broadcasts an image of another  
4 person's intimate area underneath clothing, by use of  
5 any device, and that image is taken while that person  
6 is in a public place and without that person's  
7 consent;

8 (e) Intercepts, without the consent of the sender or  
9 receiver, a message or photographic image by  
10 telephone, telegraph, letter, electronic transmission,  
11 or other means of communicating privately; but this  
12 paragraph does not apply to:

13 (i) Overhearing of messages through a regularly  
14 installed instrument on a telephone party line or  
15 an extension; or

16 (ii) Interception by the telephone company, electronic  
17 mail account provider, or telephone or electronic  
18 mail subscriber incident to enforcement of  
19 regulations limiting use of the facilities or  
20 incident to other operation and use;

21 (f) Divulges without the consent of the sender or the  
22 receiver the existence or contents of any message or



1           photographic image by telephone, telegraph, letter,  
 2           electronic transmission, or other means of  
 3           communicating privately, if the accused knows that the  
 4           message or photographic image was unlawfully  
 5           intercepted or if the accused learned of the message  
 6           or photographic image in the course of employment with  
 7           an agency engaged in transmitting it; [~~or~~]

8           (g)   Knowingly possesses materials created under  
 9           circumstances prohibited in section 711-1110.9~~[-]~~; or

10          (h)   Searches through:

11           (i)   A privately owned trash receptacle; or

12           (ii)  A county owned trash receptacle provided to  
 13           residential dwellings;

14           provided that this paragraph shall not apply to trash  
 15           receptacles located in or around places of business,  
 16           public parks, or other public places."



17           SECTION 2. This Act does not affect rights and duties that  
 18           matured, penalties that were incurred, and proceedings that were  
 19           begun, before its effective date.

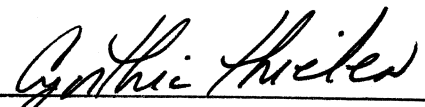
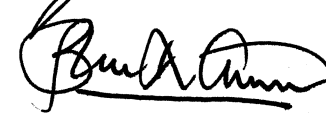
20           SECTION 3. Statutory material to be repealed is bracketed  
 21           and stricken. New statutory material is underscored.

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

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INTRODUCED BY:

  
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JAN 20 2006



HB 2136

**Report Title:**

Invasion of Privacy; Searching Trash Receptacles; Prohibited

**Description:**

Establishes that searching through a person's trash receptacle for the purpose of obtaining personal information is an invasion of privacy and punishable as a misdemeanor.

