

JAN 25 2006

S.B. NO. 2647

A BILL FOR AN ACT

RELATING TO THE SALE OF INDECENT MATERIALS.

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

1 SECTION 1. Chapter 712, Hawaii Revised Statutes, is
2 amended by adding a new section to part II to be appropriately
3 designated and to read as follows:
4 "§712- Display or sale near schools of sexually explicit
5 matter; restrictions. (1) No person shall knowingly or
6 recklessly display on any sign, billboard, or other object
7 visible from any street, highway, or public sidewalk or offer
8 for sale any sexually explicit matter between the hours of 6:00
9 a.m. and 6:00 p.m. within five hundred feet of the real property
10 comprising a school.
11 (2) For purposes of this section:
12 "School" means any public or private preschool,
13 kindergarten, elementary, intermediate, middle, secondary, or
14 high school.
15 "Sexually explicit matter" means any photograph, drawing,
16 sculpture, video, or similar visual representation of any person
17 of the age of puberty or older that reveals the person with less
18 than a fully opaque covering over the person's genitals, pubic



1 area, or buttocks, or depicting the person in a state of sexual
2 excitement or engaged in an act of sexual conduct or
3 sadomasochistic abuse.

4 (2) Displaying sexually explicit matter in violation of
5 this section is a misdemeanor."

6 SECTION 2. Section 712-1213, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "§712-1213 [~~Displaying indecent material;~~] Indecent or
9 sexually explicit matter; prima facie evidence. The fact that a
10 person engaged in the conduct specified by section 712-1211 or
11 section 712- is prima facie evidence that the person engaged
12 in that conduct with knowledge of or in reckless disregard of
13 the character, content, or connotation of the [~~material~~] matter
14 which is displayed[~~-~~] or offered for sale."

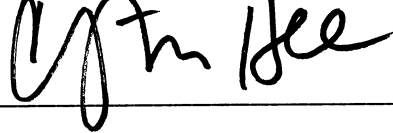
15 SECTION 3. If any provision of this Act, or the
16 application thereof to any person or circumstance is held
17 invalid, the invalidity does not affect other provisions or
18 applications of the Act, which can be given effect without the
19 invalid provision or application, and to this end the provisions
20 of this Act are severable.



1 SECTION 4. 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 5. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

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

7
INTRODUCED BY: 

SB. NO. 2647

Report Title:

Sexually Explicit Matter; Schools

Description:

Prohibits the display or sale of sexually explicit matter within 500 feet of a school between the hours of 6:00 a.m. and 6:00 p.m.

