

STAND. COM. REP. NO.

2304

Honolulu, Hawaii

FEB 17

, 2006

RE: S.B. No. 2647

Honorable Robert Bunda  
President of the Senate  
Twenty-Third State Legislature  
Regular Session of 2006  
State of Hawaii

Sir:

Your Committee on Education and Military Affairs, to which was referred S.B. No. 2647 entitled:

"A BILL FOR AN ACT RELATING TO THE SALE OF INDECENT MATERIALS,"

begs leave to report as follows:

The purpose of this measure is to prohibit the knowing or reckless display or offer for sale of any sexually explicit matter, between the hours of 6 a.m. and 6 p.m. within 500 feet of the real property comprising a school.

Your Committee received testimony in support of this measure from the Koolauloa Neighborhood Board No. 28.

Your Committee finds that this measure is similar to an existing law prohibiting the promotion of a controlled substance in, on, or near schools and public parks. The area encompassing school property is frequented by students who are impressionable. The display of visible sexually explicit matter should not be condoned.

Your Committee was informed in testimony that the genesis of this measure is a "family store" located in a neighborhood on Oahu that sells pornographic magazines. Your Committee finds that this is totally inappropriate for a family store, or any store in a neighborhood setting near a school.

Your Committee defers to the Committee on Judiciary and Hawaiian Affairs to determine the first amendment constitutional

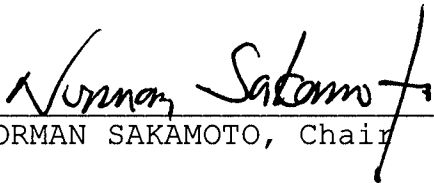
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issues raised by this measure, if any, particularly with regard to overbreadth issues and content regulation.

As affirmed by the record of votes of the members of your Committee on Education and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2647 and recommends that it pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

Respectfully submitted on  
behalf of the members of the  
Committee on Education and  
Military Affairs,

  
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NORMAN SAKAMOTO, Chair



