

STAND. COM. REP. NO. 614

Honolulu, Hawaii

Feb 20, 2009

RE: H.B. No. 1021
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred H.B. No. 1021 entitled:

"A BILL FOR AN ACT RELATING TO CHILD ABUSE,"

begs leave to report as follows:

The purpose of this bill is to ensure the protection of Hawaii's children and more aggressively prevent possession and dissemination of child pornography by:

- (1) Criminalizing the possession of ten or more images of any form of child pornography as promoting child abuse in the second degree;
- (2) Mandating that a person convicted of promoting child abuse in the second degree serve a minimum five-year term of imprisonment; and
- (3) Mandating that if a person is convicted of promoting child abuse in the third degree and sentenced to probation, that probation shall include a minimum of one year imprisonment.

The Attorney General, Department of the Prosecuting Attorney for the County of Maui, Sex Abuse Treatment Center, and several concerned individuals testified in support of this bill. The Office of the Public Defender testified in opposition to this measure.

HB1021 HD1 HSCR HUS HMS 2009-2401



Your Committee has amended this bill by:

- (1) Changing the effective date to July 1, 2525, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1021, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1021, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Human Services,


JOHN M. MIZUNO, Chair



State of Hawaii
 House of Representatives
 The Twenty-fifth Legislature

HSCR 014

Record of Votes of the Committee on Human Services

Bill/Resolution No.: HB 1021	Committee Referral: HUS, JUD	Date: 02/19/09		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
HUS Members	Ayes	Ayes (WR)	Nays	Excused
1. MIZUNO, John M. (C)	/			
2. BROWER, Tom (VC)	/			
3. BELATTI, Della Au				/
4. BERTRAM, Joe, III			/	
5. CARROLL, Mele				/
6. NISHIMOTO, Scott Y.				/
7. SHIMABUKURO, Maile S.L.	/			
8. YAMANE, Ryan I.				/
9. WARD, Gene	/			
TOTAL (9)	4		1	4
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: <i>John M. Mizuno</i>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				