

Honolulu, Hawaii

FEB 18 2009

RE: S.B. No. 839

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Madam:

Your Committee on Human Services, to which was referred S.B. No. 839 entitled:

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

begs leave to report as follows:

The purpose of this measure is to provide greater protection to children by amending the offense of promoting child abuse in the second degree to include the possession of certain violent and otherwise egregious child pornography and adding mandatory sentencing provisions for child abuse offenses involving dissemination of child pornography.

Your Committee received testimony in support of this measure from the Attorney General; the Department of the Prosecuting Attorney, County of Maui; and the Police Department, County of Maui. The Office of the Public Defender submitted testimony in opposition to the measure. Copies of written testimony are available for review on the Legislature's website.

Your Committee finds that child pornography is a visual record of the exploitation and sexual abuse of a child, and is easily shared with others around the world through electronic mediums. The minor victim portrayed in child pornography continues to be violated as long as the pornographic matter displaying the abuse is disseminated.

Your Committee finds that it is imperative to provide greater protection to children against this form of sexual predation. This bill does so by:



- (1) Amending the offense of promoting child abuse in the second degree by including in the offense the possession of violent or particularly egregious child pornography that involves a child under twelve, sadomasochistic abuse of a minor, sexual penetration of a minor, or bestiality involving a minor; and
- (2) Adding a mandatory sentence of imprisonment for five years, unless a greater mandatory minimum term is authorized by law.

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 S.B. No. 839 and recommends that it pass Second Reading and be referred to the Committee on Judiciary and Government Operations.

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



SUZANNE CHUN OAKLAND, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Human Services
HMS

Bill / Resolution No.:*	Committee Referral:	Date:
<i>SB 839</i>	<i>HMS, JGO</i>	<i>2/12/09</i>
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____		
The Recommendation is:		
<input checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313		
Members	Aye	Aye (WR)
Nay	Excused	
CHUN OAKLAND, Suzanne (C)	✓	
IHARA, Jr., Les (VC)	✓	
GREEN, M.D., Josh	✓	
HEMMINGS, Fred		✓
TOTAL	<i>3</i>	<i>1</i>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature: <i>[Signature]</i>		
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy		

*Only one measure per Record of Votes