

JAN 21 2010

A BILL FOR AN ACT

RELATING TO OBSCENITY.

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 be appropriately designated
3 and to read as follows:

4 "§712- Minor electronically communicating indecent
5 material; possession of indecent material electronically
6 communicated by a minor. (1) A minor commits the offense of
7 electronically communicating indecent material if the minor
8 intentionally and knowingly transfers to another person by use
9 of a computer or electronic communication a nude depiction of
10 that same minor's self.

11 (2) No person shall possess indecent material described
12 under subsection (1). This subsection shall not apply to a
13 person who takes reasonable steps, whether successful or not, to
14 destroy or delete the pornographic material.

15 (3) All records of arrest and adjudication of a minor
16 under this section shall be expunged when the minor turns
17 eighteen years of age.

18 (4) As used in this section:



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"Computer" shall have the same meaning as in section 708-890.

"Electronic communication" shall have the same meaning as in section 711-1111.

"Minor" means any person less than eighteen years old.

(5) A minor convicted of the offense of electronically communicating indecent material under subsection (1) or (2) shall be adjudicated under chapter 571 for a misdemeanor.

An adult convicted of possessing indecent material electronically communicated by a minor under subsection (2) shall be guilty of a class C felony."

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

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 Statutory material to be repealed is bracketed and stricken.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

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

INTRODUCED BY:

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Report Title:

Obscenity; Promoting Pornography for Minors

Description:

Creates the misdemeanor offense of a minor electronically communicating indecent material. Creates the offense of possession of indecent material electronically communicated by a minor, which is a misdemeanor if committed by a minor and a class C felony if committed by an adult.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

