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# A BILL FOR AN ACT

RELATING TO PORNOGRAPHY OFFENSES AGAINST CHILDREN.

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

1           SECTION 1. Section 712-1215, Hawaii Revised Statutes, is  
2 amended by amending subsection (1) to read as follows:

3           "(1) A person commits the offense of promoting pornography  
4 for minors if:

5           (a) Knowing its character and content, the person  
6 disseminates [~~to a minor~~] material which is  
7 pornographic for minors[~~+~~] to:

8           (i) A minor known by the person to be under the age  
9           of eighteen years; or

10           (ii) Another person who represents that person to be  
11           under the age of eighteen years; or

12           (b) Knowing the character and content of a motion picture  
13 film or other performance which, in whole or in part,  
14 is pornographic for minors, the person:

15           (i) Exhibits such motion picture film or other  
16 performance to a minor; or

17           (ii) Sells to a minor an admission ticket or pass to  
18 premises where there is exhibited or to be

1 exhibited such motion picture film or other  
2 performance; or

3 (iii) Admits a minor to premises where there is  
4 exhibited or to be exhibited such motion picture  
5 film or other performance."

6 SECTION 2. Section 806-83, Hawaii Revised Statutes, is  
7 amended by amending subsection (a) to read as follows:

8 "(a) Criminal charges may be instituted by written  
9 information for a felony when the charge is a class C felony  
10 under section 19-3.5 (voter fraud); section 128D-10 (knowing  
11 releases); section 132D-14(a) (1), (2) (A), and (3) (penalties for  
12 failure to comply with requirements of sections 132D-7, 132D-10,  
13 and 132D-16); section 134-24 (place to keep unloaded firearms  
14 other than pistols and revolvers); section 134-7(a) and (b)  
15 (ownership or possession prohibited); section 134-8 (prohibited  
16 ownership); section 134-9 (licenses to carry); section 134-17(a)  
17 (relating to false information or evidence concerning  
18 psychiatric or criminal history); section 134-51 (deadly  
19 weapons); section 134-52 (switchblade knives); section 134-53  
20 (butterfly knives); section 188-23 (possession or use of  
21 explosives, electrofishing devices, and poisonous substances in  
22 state waters prohibited); section 231-34 (attempt to evade or

1 defeat tax); section 231-36 (false and fraudulent statements);  
2 section 245-37 (sale or purchase of packages of cigarettes  
3 without stamps); section 245-38 (vending unstamped cigarettes);  
4 section 245-51 (sale of export cigarettes prohibited); section  
5 245-52 (alteration of packaging prohibited); section 291C-12.5  
6 (accidents involving substantial bodily injury); section  
7 291E-61.5 (habitually operating a vehicle under the influence of  
8 an intoxicant); section 329-41 (prohibited acts B); section  
9 329-42 (prohibited acts C); section 329-43.5 (prohibited acts  
10 related to drug paraphernalia); section 329C-2 (manufacture,  
11 distribution, or possession with intent to distribute an  
12 imitation controlled substance to a person under eighteen years  
13 of age); section 346-34(d) (2) and (e) (fraud involving food  
14 stamps or coupons with a value exceeding \$300); section 346-43.5  
15 (medical assistance fraud); section 383-141 (falsely obtaining  
16 benefits); section 431:2-403(b) (2) (insurance fraud); section  
17 482D-7 (violation of fineness standards and stamping  
18 requirements); section 485A-301 (registration of securities);  
19 section 485A-401 (registration of broker-dealers); section  
20 485A-402 (registration of agents); section 485A-403  
21 (registration of investment advisors); section 485A-404  
22 (registration of investment advisor representatives); section

1 485A-405 (registration of federal covered investment advisors);  
2 section 485A-501 (general fraud); section 485A-502 (prohibited  
3 conduct in providing investment advice); section 707-703  
4 (negligent homicide in the second degree); section 707-705  
5 (negligent injury in the first degree); section 707-711 (assault  
6 in the second degree); section 707-713 (reckless endangering in  
7 the first degree); section 707-721 (unlawful imprisonment in the  
8 first degree); section 707-726 (custodial interference in the  
9 first degree); section 707-752 (promoting child abuse in the  
10 third degree); section 707-757 (electronic enticement of a child  
11 in the second degree); section 707-766 (extortion in the second  
12 degree); section 708-811 (burglary in the second degree);  
13 section 708-821 (criminal property damage in the second degree);  
14 section 708-831 (theft in the second degree); section 708-833.5  
15 (shoplifting); section 708-835.5 (theft of livestock); section  
16 708-836 (unauthorized control of propelled vehicle); section  
17 708-836.5 (unauthorized entry into motor vehicle); section  
18 708-839.5 (theft of utility services); section 708-839.8  
19 (identity theft in the third degree); section 708-852 (forgery  
20 in the second degree); section 708-854 (criminal possession of a  
21 forgery device); section 708-858 (suppressing a testamentary or  
22 recordable instrument); section 708-875 (trademark

1 counterfeiting); section 708-891.5 (computer fraud in the second  
2 degree); section 708-892.5 (computer damage in the second  
3 degree); section 708-895.6 (unauthorized computer access in the  
4 second degree); section 708-8100 (fraudulent use of a credit  
5 card); section 708-8102 (theft/forgery of credit cards); section  
6 708-8103 (credit card fraud by a provider of goods or services);  
7 section 708-8104 (possession of unauthorized credit card  
8 machinery or incomplete cards); section 708-8200 (cable  
9 television service fraud in the first degree); section 708-8202  
10 (telecommunication service fraud in the first degree); section  
11 709-903.5 (endangering the welfare of a minor in the first  
12 degree); section 709-906 (abuse of family or household members);  
13 section 710-1016.3 (obtaining a government-issued identification  
14 document under false pretenses in the first degree); section  
15 710-1016.6 (impersonating a law enforcement officer in the first  
16 degree); section 710-1017.5 (sale or manufacture of deceptive  
17 identification document); section 710-1018 (securing the  
18 proceeds of an offense); section 710-1021 (escape in the second  
19 degree); section 710-1023 (promoting prison contraband in the  
20 second degree); section 710-1024 (bail jumping in the first  
21 degree); section 710-1029 (hindering prosecution in the first  
22 degree); section 710-1060 (perjury); section 710-1072.5

1 (obstruction of justice); section 711-1103 (riot); section  
2 711-1109.3 (cruelty to animals/fighting dogs); section  
3 711-1110.9 (violation of privacy in the first degree); section  
4 711-1112 (interference with the operator of a public transit  
5 vehicle); section 712-1221 (promoting gambling in the first  
6 degree); section 712-1222.5 (promoting gambling aboard ships);  
7 section 712-1224 (possession of gambling records in the first  
8 degree); section 712-1243 (promoting a dangerous drug in the  
9 third degree); section 712-1246 (promoting a harmful drug in the  
10 third degree); section 712-1247 (promoting a detrimental drug in  
11 the first degree); section 712-1249.6 (promoting a controlled  
12 substance in, on, or near schools or school vehicles); section  
13 803-42 (interception, access, and disclosure of wire, oral, or  
14 electronic communications, use of pen register, trap and trace  
15 device, and mobile tracking device prohibited); or section  
16 846E-9(b) (failure to comply with covered offender registration  
17 requirements)."

18 SECTION 3. This Act does not affect rights and duties that  
19 matured, penalties that were incurred, and proceedings that were  
20 begun, before the effective date of this Act.

21 SECTION 4. Statutory material to be repealed is bracketed  
22 and stricken. New statutory material is underscored.

**1** SECTION 5. This Act shall take effect upon its approval.

**2**

**Report Title:**

Pornography Offenses Against Children

**Description:**

Amends the offense of promoting pornography to minors to include disseminating pornographic material to another person who represents that person to be a minor; and adds the offense of promoting child abuse in the third degree to the information charging law. (SD1)

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