
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
16 (~~prohibited~~ ownership~~),~~ etc., of automatic firearms,
17 silencers, etc., prohibited; penalties); section 134-9 (licenses
18 to carry); section 134-17(a) (relating to false information or
19 evidence concerning psychiatric or criminal history); section
20 134-51 (deadly weapons); section 134-52 (switchblade knives);
21 section 134-53 (butterfly knives); section 188-23 (possession or
22 use of explosives, electrofishing devices, and poisonous



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



1 (broker-dealer registration [of broker-dealers];] requirement
2 and exemptions); section 485A-402 (agent registration [of
3 agents];] requirement and exemptions); section 485A-403
4 (investment advisor registration [of investment advisors];)
5 requirement and exemptions); section 485A-404 (investment
6 advisor representative registration [of investment advisor
7 representatives];] requirement and exemptions); section 485A-405
8 (~~[registration of]~~ federal covered investment ~~[advisors];~~)
9 adviser notice filing requirement); section 485A-501 (general
10 fraud); section 485A-502 (prohibited conduct in providing
11 investment advice); section 707-703 (negligent homicide in the
12 second degree); section 707-705 (negligent injury in the first
13 degree); section 707-711 (assault in the second degree); section
14 707-713 (reckless endangering in the first degree); section
15 707-721 (unlawful imprisonment in the first degree); section
16 707-726 (custodial interference in the first degree); section
17 707-752 (promoting child abuse in the third degree); section
18 707-757 (electronic enticement of a child in the second degree);
19 section 707-766 (extortion in the second degree); section
20 708-811 (burglary in the second degree); section 708-821
21 (criminal property damage in the second degree); section 708-831
22 (theft in the second degree); section 708-833.5 (shoplifting);



1 section 708-835.5 (theft of livestock); section 708-836
2 (unauthorized control of propelled vehicle); section 708-836.5
3 (unauthorized entry into motor vehicle[~~+~~] in the first degree);
4 section 708-839.5 (theft of utility services); section 708-839.8
5 (identity theft in the third degree); section 708-852 (forgery
6 in the second degree); section 708-854 (criminal possession of a
7 forgery device); section 708-858 (suppressing a testamentary or
8 recordable instrument); section 708-875 (trademark
9 counterfeiting); section 708-891.5 (computer fraud in the second
10 degree); section 708-892.5 (computer damage in the second
11 degree); section 708-895.6 (unauthorized computer access in the
12 second degree); section 708-8100 (fraudulent use of a credit
13 card); section 708-8102 (~~[theft/forgery]~~ theft, forgery, etc.,
14 of credit cards); section 708-8103 (credit card fraud by a
15 provider of goods or services); section 708-8104 (possession of
16 unauthorized credit card machinery or incomplete cards); section
17 708-8200 (cable television service fraud in the first degree);
18 section 708-8202 (telecommunication service fraud in the first
19 degree); section 709-903.5 (endangering the welfare of a minor
20 in the first degree); section 709-906 (abuse of family or
21 household members); section 710-1016.3 (obtaining a government-
22 issued identification document under false pretenses in the



1 first degree); section 710-1016.6 (impersonating a law
2 enforcement officer in the first degree); section 710-1017.5
3 (sale or manufacture of deceptive identification document);
4 section 710-1018 (securing the proceeds of an offense); section
5 710-1021 (escape in the second degree); section 710-1023
6 (promoting prison contraband in the second degree); section
7 710-1024 (bail jumping in the first degree); section 710-1029
8 (hindering prosecution in the first degree); section 710-1060
9 (perjury); section 710-1072.5 (obstruction of justice); section
10 711-1103 (riot); section 711-1109.3 (cruelty to
11 [~~animals/fighting~~] animals; fighting dogs); section 711-1110.9
12 (violation of privacy in the first degree); section 711-1112
13 (interference with the operator of a public transit vehicle);
14 section 712-1221 (promoting gambling in the first degree);
15 section 712-1222.5 (promoting gambling aboard ships); section
16 712-1224 (possession of gambling records in the first degree);
17 section 712-1243 (promoting a dangerous drug in the third
18 degree); section 712-1246 (promoting a harmful drug in the third
19 degree); section 712-1247 (promoting a detrimental drug in the
20 first degree); section 712-1249.6 (promoting a controlled
21 substance in, on, or near schools [~~e~~], school vehicles], or
22 public parks); section 803-42 (interception, access, and



1 disclosure of wire, oral, or electronic communications, use of
2 pen register, trap and trace device, and mobile tracking device
3 prohibited); or section 846E-9(b) (failure to comply with
4 covered offender registration requirements)."

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

8 SECTION 4. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 5. This Act shall take effect upon its approval.

11



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. (SD2)

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

