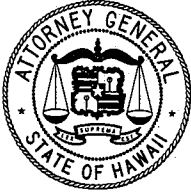


**SB2662**

**SD1**



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
TWENTY-FIFTH LEGISLATURE, 2010**

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**ON THE FOLLOWING MEASURE:**

S.B. NO. 2662, S.D. 1, RELATING TO PORNOGRAPHY OFFENSES AGAINST CHILDREN.

**BEFORE THE:**

SENATE COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS

**DATE:** Tuesday, February 23, 2010 **TIME:** 10:00 a.m.

**LOCATION:** State Capitol, Room 016

**TESTIFIER(S):** WRITTEN COMMENTS ONLY. For more information, call Lance M. Goto, Deputy Attorney General, at 586-1160.

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Chair Taniguchi and Members of the Committee:

The Attorney General strongly supports this bill.

The purpose of this bill is to provide greater protection to children from sexual offenders and predators in this age of electronic communication and the Internet. The bill accomplishes this by extending the prohibition against disseminating pornographic material to minors to include disseminating pornographic material to another person who represents that person to be a minor. This amendment to section 712-1215(1), Hawaii Revised Statutes, will allow state and county law enforcement officers to pose as children online and make criminal cases of promoting pornography to minors against predators who disseminate pornography while attempting to exploit children through the Internet. This bill also adds the offense of promoting child abuse in the third degree to section 806-83(a), Hawaii Revised Statutes, the information charging law.

Predators meet children through the Internet and entice them to engage in sexual offenses. Grooming children is a key aspect of this predatory behavior. It usually involves conduct to gain the children's trust, develop the relationship, make the

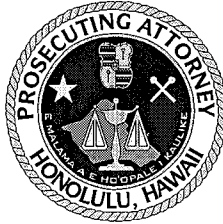
children feel comfortable with the offender and the idea of engaging in sexual acts, and ultimately make the children more willing to engage in sexual acts with the offender. Predators engaged in the electronic enticement of children often send their victims pornographic images as part of a scheme to groom child victims for sexual acts.

Law enforcement officers pose as children online while investigating Internet crimes against children. Predators, believing they are communicating with children, send pornographic images to the officers. This bill allows for the prosecution of child predators who disseminate pornography to officers while attempting to groom children. This bill also adds the offense of promoting child abuse in the third degree to the list of offenses that may be initiated by information charging for purposes of efficiency. The offense of promoting child abuse in the third degree involves the knowing possession of child pornography. The ability to use the information charging process for this offense will save judicial, prosecutorial, and police resources. Witnesses will be spared from coming to court to testify at probable cause hearings, officers and investigators will be able to stay on the job protecting and serving the community, and the State will benefit from financial savings while still protecting and preserving suspects' rights.

We respectfully request passage of this measure.

DEPARTMENT OF THE PROSECUTING ATTORNEY  
CITY AND COUNTY OF HONOLULU

ALII PLACE  
1060 RICHARDS STREET, HONOLULU, HAWAII 96813  
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PETER B. CARLISLE  
PROSECUTING ATTORNEY

DOUGLAS S. CHIN  
FIRST DEPUTY  
PROSECUTING ATTORNEY

**THE HONORABLE BRIAN TANIGUCHI, CHAIR**  
**SENATE JUDICIARY AND GOVERNMENT OPERATIONS COMMITTEE**  
**Twenty-fifth State Legislature**  
**Regular Session of 2010**  
**State of Hawai`i**

February 23, 2010

**RE: S.B. 2662, S.D. 1; RELATING TO PORNOGRAPHY OFFENSES AGAINST CHILDREN.**

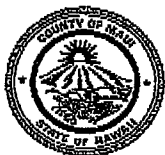
Chair Taniguchi and members of the Senate Committee on Judiciary and Government Operations, the Department of the Prosecuting Attorney submits the following testimony in support of S.B. 2662, S.D. 1.

The purpose of this bill is to amend the class C felony offense of promoting pornography for minors to make it part of the offense to disseminate pornographic material to persons who represent themselves to be under the age of eighteen. In addition, this bill adds the offense of promoting child abuse in the third degree to the list of offenses which may be initiated by information charging.

With the advent of widespread access to the internet and the ease it facilitates communication, pedophiles have had another tool they can use to meet and groom children. One common method is to expose the child to pornographic images to accustom the child to sexual conduct. To investigate and prevent this type of grooming conduct, law enforcement officers often go online and pose as minors. The amendment proposed by S.B. 2662, S.D. 1 will allow for the prosecution of these pedophiles who fully intended to send pornography to a minor.

In addition, we support the addition of the offense of promoting child abuse to the list of information charging offenses. Use of information charging will spare the victim, police and civilian witnesses the necessity of having to appear before a grand jury or at a preliminary hearing, promotes efficiency and allows the investigating officers to continue working on cases instead of waiting at court to testify.

For these reasons, we support the passage of S.B. 2662, S.D. 1 and thank you for the opportunity to testify.



CHARMAINE TAVARES  
MAYOR

OUR REFERENCE  
YOUR REFERENCE

**POLICE DEPARTMENT**  
COUNTY OF MAUI

55 MAHALANI STREET  
WAILUKU, HAWAII 96793  
(808) 244-6400  
FAX (808) 244-6411



GARY A. YABUTA  
CHIEF OF POLICE

CLAYTON N.Y.W. TOM  
DEPUTY CHIEF OF POLICE

February 19, 2010

The Honorable Brian T. Taniguchi, Chair  
And Members of the Committee on Judiciary and Government Operations  
Senate  
State Capitol  
Honolulu, Hawaii 96813

Re: Senate Bill No. 2662 SD1,  
Relating to Pornography Offenses Against Children

Dear Chair Taniguchi and Members of the Committee:

The Maui Police Department supports Senate Bill No. 2662 SD1 Relating to Pornography Offenses Against Children. There is growing evidence of the connection between pornography and child sexual abuse. Predators utilize pornography to entice, manipulate, and desensitize their victims. This bill will allow our detectives to take enforcement against said predators before they commit a sexual offense against a child.

The Maui County Police Department humbly asks for your support in Senate Bill No. 2662 SD1.

Thank you for the opportunity to testify.

Sincerely,

*Guy* GARY YABUTA  
Chief of Police



# THE SEX ABUSE TREATMENT CENTER

*A Program of Kapi'olani Medical Center for Women & Children*

Executive Director  
Adriana Ramelli

Advisory Board

President  
Mimi Beams

Vice President  
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Marilyn Carlsmith

Senator  
Suzanne Chun Oakland

Monica Cobb-Adams

Donne Dawson

Dennis Dunn

Dana Espinoza

Senator  
Carol Fukunaga

Frank Haas

Roland Lagareta

Phyllis Muraoka

Martha Smith

Tina Watson

R. Carolyn Wilcox

DATE: February 23, 2010

TO: The Honorable Brian T. Taniguchi, Chair  
The Honorable Dwight Y. Takamine, Vice Chair  
Committee on Judiciary and Government Operations

FROM: Adriana Ramelli, Executive Director  
The Sex Abuse Treatment Center

RE: Support for SB2662 SD1  
Relating to Pornography Offenses Against Children

Good morning Senators Taniguchi and Takamine and members of the Committee on Judiciary and Government Operations. My name is Adriana Ramelli and I am the Executive Director of the Sex Abuse Treatment Center (SATC), a program of the Kapi'olani Medical Center for Women & Children (KMCWC), an affiliate of Hawaii Pacific Health.

The SATC strongly supports SB2662 SD1 to amend the offense of promoting pornography to minors to include dissemination of pornographic material to those under the age of eighteen or to another person who represents that person to be under the age of eighteen. This important bill will help strengthen law enforcement efforts to investigate and prosecute those who intend to send pornography to children via internet.

Experts estimate that over 30 million minors use the internet regularly. Sadly, all of them are at risk of electronic enticement by sexual predators. While educating children and parents about internet safety are important safeguards, education and parental monitoring of internet usage alone cannot protect children from those who seek to exploit them.

Every year about half of those served by our staff are minors and their sexual victimization typically starts with the grooming process. This process, used by sex offenders to recruit and prepare a child for sexual victimization, can include various tactics to gain a child's trust and to also desensitize them to sexual activity. As part of the online grooming process sex offenders often display sexual images of themselves or other pornographic images over the internet to vulnerable children to desensitize them in preparation to engage them in sexual activity. We must take strong steps to put a stop to this dangerous criminal offense that puts our children at risk.

We urge you to pass SB 2662 SD1. Hawaii's laws must keep pace with escalating internet use by minors and the sobering realities of child sexual exploitation.

Thank you for the opportunity to testify.