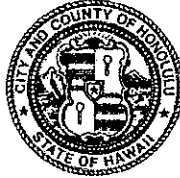


SB 2662

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulu-pd.org



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DEPUTY CHIEFS

OUR REFERENCE RR-NTK

February 4, 2010

The Honorable Suzanne Chun Oakland, Chair
and Members
Committee on Human Services
The Senate
State Capitol
Honolulu, Hawaii 96813

Dear Chair Chun Oakland and Members:

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

I am Richard C. Robinson, Captain of the Criminal Investigation Division of the Honolulu Police Department, City and County of Honolulu.

The Honolulu Police Department supports Senate Bill No. 2662, Relating to Pornography Offenses Against Children. There is growing evidence of the connection between pornography and child sexual abuse. Predators utilize pornography to entice and manipulate their victims. It is also a common practice for predators to show children pornography as a way to desensitize the child or to make the sexual activity seem normal. This bill will allow our online undercover officers to take enforcement actions against these predators before they are able to commit a sexual offense against a child.

The Honolulu Police Department urges you to support Senate Bill No. 2662, Relating to Pornography Offenses Against Children.

Thank you for the opportunity to testify.

Sincerely,

Handwritten signature of Richard C. Robinson in black ink.

RICHARD C. ROBINSON, Captain
Criminal Investigation Division

APPROVED:

Handwritten signature of Louis M. Kealoa in black ink.

LOUIS M. KEALOHA
Chief of Police

Serving and Protecting With Aloha

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

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THE HONORABLE SUZANNE CHUN OAKLAND, CHAIR
SENATE HUMAN SERVICES COMMITTEE
Twenty-fifth State Legislature
Regular Session of 2010
State of Hawai'i

February 4, 2010

RE: S.B. 2662; RELATING TO PORNOGRAPHY OFFENSES AGAINST CHILDREN.

Chair Chun Oakland and members of the Senate Committee on Human Services, the Department of the Prosecuting Attorney submits the following testimony in support of S.B. 2662.

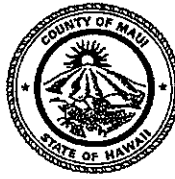
The purpose of this bill is to amend the class C felony offense of promoting pornography for minors to make it part of the offense to disseminate pornographic material to persons who represent themselves to be under the age of eighteen. In addition, this bill adds the offense of promoting child abuse 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 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 and thank you for the opportunity to testify.

CHARMAINE TAVARES
Mayor



BENJAMIN M. ACOB
Prosecuting Attorney
PETER A. HANANO
First Deputy Prosecuting Attorney

DEPARTMENT OF THE PROSECUTING ATTORNEY
COUNTY OF MAUI
150 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
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February 3, 2010

HONORABLE SUZANNE CHUN OAKLAND, CHAIR
HONORABLE LES IHARA, JR., VICE CHAIR
COMMITTEE ON HUMAN SERVICES

THE SENATE
THE TWENTY-FIFTH LEGISLATURE
REGULAR SESSION OF 2010
STATE OF HAWAII

TESTIMONY OF BENJAMIN M. ACOB,
PROSECUTING ATTORNEY FOR THE COUNTY OF MAUI,
IN SUPPORT OF S.B. NO. 2662
RELATING TO PORNOGRAPHY OFFENSES AGAINST CHILDREN

The Honorable Chairpersons and Committee Members:

The Department of the Prosecuting Attorney for the County of Maui strongly supports S.B. 2662, Relating to Pornography Offenses Against Children.

This bill seeks to amend the offense of Promoting Child Abuse in the Third Degree by prohibiting anyone from disseminating pornographic material to another person who represents themselves to be under the age of eighteen.

Through experience in investigating sexual offenses committed against children, law enforcement officials have learned that child predators often send pornographic images to minors in an effort to gain the trust and lower the inhibitions of their minor victims. Here, the ultimate objective of the child predator is to meet with and sexually assault the minor. Tragically, sometimes the child predator murders the minor.

This bill will provide law enforcement with another tool in which to combat the despicable behavior of these child predators. Law enforcement officers sorely need this weapon in its arsenal in the war against online child predators. Indeed, the ultimate goal is to provide greater protection to our children.

In addition, this bill will give law enforcement the ability to utilize the information charging process for the offense of Promoting Child Abuse in the Third Degree. This will undoubtedly result in the conservation of judicial, prosecutorial, and police resources.

Accordingly, our Department strongly supports S.B. 2662. Thank you for the opportunity to testify.

(S.B. 2662, Relating to Pornography Offenses Against Children.)

chunOakland5 - Michael

From: Dara Carlin, M.A. [breaking-the-silence@hotmail.com]
Sent: Wednesday, February 03, 2010 11:50 AM
To: HMS Testimony
Subject: SB2662 to be heard Thursday, February 4th at 4:00pm in Room 016

Categories: Yellow Category

TO: Senator Suzanne Chun-Oakland, Chair
Senator Les Ihara, Vice Chair
Human Services Committee Members

FROM: Dara Carlin, M.A.
Domestic Violence Survivor Advocate
881 Akiu Place
Kailua, HI 96734

DATE: February 4, 2010

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

Please help to strengthen the law against child pornography by passing this measure. Like domestic violence, child pornography is a HUGE problem that goes unnoticed until substantial harm has been caused. In her book "**And Justice For Some**" New England School of Law professor, Wendy Murphy, said the following in her chapter entitled "*Calling Child pornography Harmless*":

"Child pornography is a multibillion-dollar business run by people who are destroying innocent children's lives for money. They know that law enforcement will never have enough resources to stop them completely."

"According to a 2005 study funded by Congress, 80% of child pornography depicts children being penetrated. This is what you would think of as rape and sodomy. A full 21% also involved sadism such as bondage, whips, chains, and ligatures wrapped around little arms, legs, and necks while body parts and objects are inserted into tiny private areas. Something like 83% of child pornography depicts children between ages 6 and 12... Sadly and maybe most disturbing, according to Attorney General Gonzales, it's often parents taking the pictures."

"Dr. Andres E. Hernandez, in his capacity as the director of a Federal Sex Offender Treatment Program, found that among federal prisoners who were incarcerated on child-pornography charges, approximately two-thirds had molested children. Even more shocking, the prisoners reported having sexually assaulted an average of more than 30 children each without ever having been detected."

Thank you for this opportunity to provide testimony on this matter and please do all you can to stop this particular form of child abuse.

Respectfully,

Dara Carlin, M.A.
Domestic Violence Survivor Advocate