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## 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- Promoting or possession of electronically  
5 communicated indecent material by a minor. (1) A minor commits  
6 the offense of promoting electronically communicated indecent  
7 material if the minor intentionally or knowingly transfers to  
8 another person, by use of a computer or electronic  
9 communication, a nude depiction of that minor's self.

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

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

18           (4) As used in this section:



1 "Computer" shall have the same meaning as in section  
2 708-890.

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

5 "Minor" means any person under eighteen years of age.

6 (5) A minor convicted under subsection (1) or (2) shall be  
7 adjudicated under chapter 571.

8 An adult convicted under subsection (2) shall be guilty of  
9 a class C felony."

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

13 SECTION 3. New statutory material is underscored.

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

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**Report Title:**

Obscenity; Promoting or Possessing Electronically Communicated Indecent Material by a Minor

**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.*

