
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) (relating to
12 penalties for failure to comply with requirements of sections
13 132D-7, 132D-10, and 132D-16); section 134-24 (place to keep
14 unloaded firearms other than pistols and revolvers); section
15 134-7(a) and (b) (ownership or possession prohibited); section
16 134-8 (ownership, etc., of automatic firearms, silencers, etc.,
17 prohibited; penalties); section 134-9 (licenses to carry);
18 section 134-17(a) (relating to false information or evidence
19 concerning psychiatric or criminal history); section 134-51
20 (deadly weapons); section 134-52 (switchblade knives); section
21 134-53 (butterfly knives); section 188-23 (possession or use of
22 explosives, electrofishing devices, and poisonous substances in



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



1 and exemptions); section 485A-403 (investment advisor
2 registration requirement and exemptions); section 485A-404
3 (investment advisor representative registration requirement and
4 exemptions); section 485A-405 (federal covered investment
5 advisor notice filing requirement); section 485A-501 (general
6 fraud); section 485A-502 (prohibited conduct in providing
7 investment advice); section 707-703 (negligent homicide in the
8 second degree); section 707-705 (negligent injury in the first
9 degree); section 707-711 (assault in the second degree); section
10 707-713 (reckless endangering in the first degree); section
11 707-721 (unlawful imprisonment in the first degree); section
12 707-726 (custodial interference in the first degree); section
13 707-752 (promoting child abuse in the third degree); section
14 707-757 (electronic enticement of a child in the second degree);
15 section 707-766 (extortion in the second degree); section
16 708-811 (burglary in the second degree); section 708-812.6
17 (unauthorized entry in a dwelling); section 708-821 (criminal
18 property damage in the second degree); section 708-831 (theft in
19 the second degree); section 708-833.5 (shoplifting); section
20 708-835.5 (theft of livestock); section 708-836 (unauthorized
21 control of propelled vehicle); section 708-836.5 (unauthorized
22 entry into motor vehicle in the first degree); section 708-839.5



1 (theft of utility services); section 708-839.55 (unauthorized
2 possession of confidential personal information); section
3 708-839.8 (identity theft in the third degree); section 708-852
4 (forgery in the second degree); section 708-854 (criminal
5 possession of a forgery device); section 708-858 (suppressing a
6 testamentary or recordable instrument); section 708-875
7 (trademark counterfeiting); section 708-891.5 (computer fraud in
8 the second degree); section 708-892.5 (computer damage in the
9 second degree); section 708-895.6 (unauthorized computer access
10 in the second degree); section 708-8100 (fraudulent use of a
11 credit card); section 708-8102 (theft, forgery, etc., of credit
12 cards); section 708-8103 (credit card fraud by a provider of
13 goods or services); section 708-8104 (possession of unauthorized
14 credit card machinery or incomplete cards); section 708-8200
15 (cable television service fraud in the first degree); section
16 708-8202 (telecommunication service fraud in the first degree);
17 section 709-903.5 (endangering the welfare of a minor in the
18 first degree); section 709-906 (abuse of family or household
19 members); section 710-1016.3 (obtaining a government-issued
20 identification document under false pretenses in the first
21 degree); section 710-1016.6 (impersonating a law enforcement
22 officer in the first degree); section 710-1017.5 (sale or



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



1 prohibited); or section 846E-9(b) (failure to comply with
2 covered offender registration requirements)."

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

6 SECTION 4. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 5. This Act shall take effect on July 1, 2050.

9



Report Title:

Pornography Offenses Against Children

Description:

Amends the offense of promoting pornography for minors to include the dissemination of pornographic material to another person who is known to be or represents to be a minor under the age of eighteen; and adds the offense of promoting child abuse in the third degree to the information charging law. Effective 7/1/2050. (SD1)

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

