

Honolulu, Hawaii

FEB 18 2011

RE: S.B. No. 1234  
S.D. 1

Honorable Shan S. Tsutsui  
President of the Senate  
Twenty-Sixth State Legislature  
Regular Session of 2011  
State of Hawaii

Sir:

Your Committees on Public Safety, Government Operations, and Military Affairs and Economic Development and Technology, to which was referred S.B. No. 1234 entitled:

"A BILL FOR AN ACT RELATING TO PORNOGRAPHY OFFENSES AGAINST CHILDREN,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Amends the offense of promoting pornography for minors to include the dissemination of pornographic material to another minor (under the age of eighteen years) or to a person who represents to be a minor; and
- (2) Include the offense of promoting child abuse in the third degree as a felony for which criminal charges may be instituted by written information.

Your Committees received testimony in support of this measure from one state department. Your Committees received testimony in opposition to this measure from two entities. Your Committees received comments on this measure from one entity.

The intent of your Committees is to provide greater protection to children from sexual offenders and predators in the Internet age. While current law prohibits disseminating pornographic material to minors, this measure extends this prohibition to include disseminating pornographic material to a



person who represents himself or herself as a minor. This measure would allow state and county law enforcement officers to pose as children online and make out a criminal case when a predator promotes pornography to minors while attempting to exploit them through the Internet.

Testimony indicates that predators meet children through the Internet and entice them to engage in sexual offenses. Grooming children is a key aspect of this predatory behavior. Grooming usually involves conduct to gain the child's trust, develop the relationship, make the child feel comfortable with the offender and the idea of engaging in sexual acts, and ultimately make the child 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.

This measure allows law enforcement officers to pose as children online while investigating internet crimes against children. Predators, believing they are communicating with children, send pornographic images to the officers. This measure allows for the prosecution of child predators who disseminate pornography to officers while attempting to groom children for sexual acts.

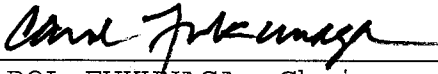
Your Committees have amended this measure by:

- (1) Inserting an effective date of July 1, 2050, to allow for further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

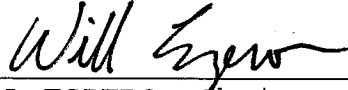
As affirmed by the records of votes of the members of your Committees on Public Safety, Government Operations, and Military Affairs and Economic Development and Technology that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1234, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1234, S.D. 1, and be referred to the Committee on Judiciary and Labor.



Respectfully submitted on  
behalf of the members of the  
Committees on Public Safety,  
Government Operations, and  
Military Affairs and Economic  
Development and Technology,



CAROL FUKUNAGA, Chair



WILL ESPERO, Chair



The Senate  
Twenty-Sixth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Public Safety, Government Operations, and**  
**Military Affairs**  
**PGM**

Bill / Resolution No.:* <b>SB 1234</b>	Committee Referral: <b>PGM/EDT, JDL</b>	Date: <b>2-15-11</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
ESPERO, Will (C)	/			
KIDANI, Michelle N. (VC)	/			
BAKER, Rosalyn H.	/			
RYAN, Pohai	/			
SLOM, Sam				/
<b>TOTAL</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Michelle N. Kidani</i>				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes

The Senate  
 Twenty-Sixth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Economic Development and Technology**  
**EDT**

Bill / Resolution No.:* <b>SB1234</b>	Committee Referral: <b>PGM/EDT, SDL</b>	Date: <b>2/16/11</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
FUKUNAGA, Carol (C)	✓			
WAKAI, Glenn (VC)	✓			
BAKER, Rosalyn H.	✓			
SOLOMON, Malama	✓			
SLOM, Sam	✓			
<b>TOTAL</b>	<b>5</b>	∅	∅	∅
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

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