



GOV. MSG. NO. 1316

EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

July 03, 2012

The Honorable Shan Tsutsui, President
and Members of the Senate
Twenty-Sixth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Calvin Say, Speaker
and Members of the House
Twenty-Sixth State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

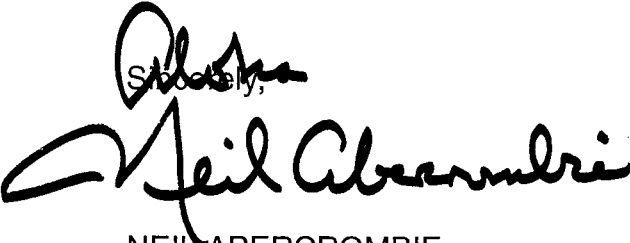
Dear President Tsutsui, Speaker Say and Members of the Legislature:

This is to inform you that on July 03, 2012, the following bill was signed into law:

SB2222 SD2 HD1 CD1

RELATING TO SEXUAL IMAGES PRODUCED BY
MINORS.

Act 213 (12)


Sincerely,
Neil Abercrombie

NEIL ABERCROMBIE
Governor, State of Hawaii

Approved by the Governor

on JUL 3 2012

THE SENATE
TWENTY-SIXTH LEGISLATURE, 2012
STATE OF HAWAII

ACT 213
S.B. NO. 2222
S.D. 2
H.D. 1
C.D. 1

A BILL FOR AN ACT

RELATING TO SEXUAL IMAGES PRODUCED BY MINORS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 712, Hawaii Revised Statutes, is
2 amended by adding two new sections to part II to be
3 appropriately designated and to read as follows:
4 "§712- Promoting minor-produced sexual images in the
5 first degree. (1) A person, eighteen years of age or older,
6 commits the offense of promoting minor-produced sexual images in
7 the first degree if the person intentionally or knowingly
8 commands, requests, or encourages a minor to use a computer,
9 cell phone, or any other device capable of electronic data
10 transmission or distribution, to transmit to any person a nude
11 photograph or video of a minor.

12 (2) For purposes of this section, a "minor" means any
13 person under eighteen years of age.

14 (3) Promoting minor-produced sexual images in the first
15 degree is a misdemeanor.

16 §712- Promoting minor-produced sexual images in the
17 second degree. (1) A minor commits the offense of promoting
18 minor-produced sexual images in the second degree if the minor:



1 (a) Knowingly uses a computer, cell phone, or any other
2 device capable of electronic data transmission or
3 distribution, to transmit or distribute to another
4 person a nude photograph or video of a minor or the
5 minor's self; or

6 (b) Intentionally or knowingly commands, requests, or
7 encourages another minor to use a computer, cell
8 phone, or any other device capable of electronic data
9 transmission or distribution, to transmit to any
10 person a nude photograph or video of a minor or the
11 minor's self.

12 (2) A person, of any age, commits the offense of promoting
13 minor-produced sexual images in the second degree if the person
14 knowingly possesses a nude photograph or video of a minor
15 transmitted or distributed in violation of subsection (1). It
16 is an affirmative defense under this subsection that the person
17 took reasonable steps to destroy or eliminate the nude
18 photograph or video of a minor.

19 (3) For purposes of this section, a "minor" means any
20 person under eighteen years of age.

21 (4) Promoting minor-produced sexual images in the second
22 degree is a petty misdemeanor."

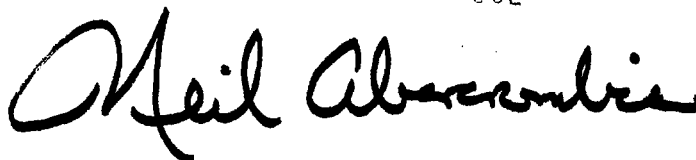


1 SECTION 2. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun, before the effective date of this Act.

4 SECTION 3. New statutory material is underscored.

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

APPROVED this 3 day of JUL, 2012



GOVERNOR OF THE STATE OF HAWAII