
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 sixteen years; or

10 (ii) A person who represents themselves to be under
11 the age of sixteen 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 B-
10 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 346-
15 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 707-
11 721 (unlawful imprisonment in the first degree); section 707-726
12 (custodial interference in the first degree); section 707-752
13 (promoting child abuse in the third degree); section 707-757
14 (electronic enticement of a child in the second degree); section
15 707-766 (extortion in the second degree); section 708-811
16 (burglary in the second degree); section 708-812.6 (unauthorized
17 entry in a dwelling); section 708-821 (criminal property damage
18 in the second degree); section 708-831 (theft in the second
19 degree); section 708-833.5 (shoplifting); section 708-835.5
20 (theft of livestock); section 708-836 (unauthorized control of
21 propelled vehicle); section 708-836.5 (unauthorized entry into
22 motor vehicle in the first degree); section 708-839.5 (theft of



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



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



1 or section 846E-9(b) (failure to comply with covered offender
2 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 January 7, 2059.



Report Title:

Pornography Offenses Against Children

Description:

Amends the offense of promoting pornography to minors to extend the prohibition against disseminating pornographic material to minors to include disseminating pornographic material to another person who represents that person to be a minor; and adds the offense of promoting child abuse in the third degree to the information charging law. Effective January 7, 2059. (HB1007 HD1)

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

