
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 less than eighteen years of age.

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

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

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

10 (2) A person, of any age, commits the offense of promoting
11 minor-produced sexual images in the second degree if the person
12 knowingly possesses a nude photograph or video of a minor
13 transmitted or distributed in violation of subsection (1).

14 (3) For purposes of this section, a "minor" means any
15 person less than eighteen years of age.

16 (4) It is an affirmative defense to a charge under
17 subsection (2) that the person took reasonable steps to destroy
18 or eliminate the nude photograph or video of a minor.

19 (5) Promoting minor-produced sexual images in the second
20 degree is a 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.



Report Title:

Sexual Images Produced by Minors

Description:

Prohibits adults from soliciting minors to electronically transmit nude images of minors; prohibits minors from electronically transmitting nude images of minors, or soliciting other minors to do so; prohibits persons from possessing a nude image of a minor transmitted by a minor; and makes it an affirmative defense that the recipient made reasonable efforts to destroy the transmitted nude image. (HB2472 HD1)

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