

JAN 25 2012

A BILL FOR AN ACT

RELATING TO CHILD ABUSE.

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

1 SECTION 1. Section 707-751, Hawaii Revised Statutes, is
2 amended by amending subsection (1) to read as follows:

3 "(1) A person commits the offense of promoting child abuse
4 in the second degree if, knowing or having reason to know its
5 character and content, the person:

6 (a) Disseminates child pornography;

7 (b) Reproduces child pornography with intent to
8 disseminate;

9 (c) Disseminates any book, magazine, periodical, film,
10 videotape, computer disk, or any other material that
11 contains an image of child pornography; ~~[or]~~

12 (d) Disseminates any pornographic material ~~[which]~~ that
13 employs, uses, or otherwise contains a minor engaging
14 in or assisting others to engage in sexual conduct ~~[+]~~;
15 or

16 (e) Possesses thirty or more images of any form of
17 child pornography, and the content of at least one
18 image contains one or more of the following:

S.B. NO. 2729

Report Title:

Child Abuse

Description:

To provide greater protection to our children, this bill amends the offense of promoting child abuse in the second degree to include the possession of particularly violent or egregious child pornography.

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JUSTIFICATION SHEET

DEPARTMENT: Attorney General

TITLE: A BILL FOR AN ACT RELATING TO CHILD ABUSE.

PURPOSE: To provide greater protection for our children by addressing instances of possession of particularly violent or egregious child pornography.

MEANS: Amend section 707-751(1), Hawaii Revised Statutes.

JUSTIFICATION: Child pornography is a permanent record of the actual sexual abuse and assault of innocent and helpless children. In this age of electronic communication and sharing of digital information, child pornography - and the sexual exploitation and assault on which it is based - is a growing problem around the world. Child pornographers and predators can easily share pornographic images of sexually abused children through the Internet.

This problem exists in Hawaii. For example, on November 12, 2008, Christopher Abbott, a former grants manager at the University of Hawaii Medical School, was convicted for possessing child pornography. On his computer, investigators discovered 27 movies and 17 still images of child pornography involving real children who had been sexually abused.

In an effort to provide greater protection to children, this bill amends the offense of promoting child abuse in the second degree (section 707-751) to include the possession of particularly violent or egregious child pornography that involves a child under the age of twelve, sadomasochistic abuse of a minor, or bestiality involving a minor.

Impact on the public: This bill will provide greater protection to children from sexual offenders and predators.

Impact on the department and other agencies: This bill will provide law enforcement with a stronger weapon to deal with cases involving the possession of egregious forms of child pornography.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: None.

OTHER AFFECTED
AGENCIES: County police, county prosecutors,
Judiciary, Office of the Public Defender,
Department of Public Safety, and Hawaii
Paroling Authority.

EFFECTIVE DATE: Upon approval.