

Honolulu, Hawaii

MAR 24 2011

RE: H.B. No. 1007
H.D. 1
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 H.B. No. 1007, H.D. 1, 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) Clarify that a person commits the offense of promoting pornography for minors if, knowing its character and content, the person disseminates material that is pornographic for minors to a minor known by the person to be under the age of sixteen years; or a person who represents that person's self to be under the age of sixteen years; and
- (2) Allow criminal charging by written information for promoting child abuse in the third degree.

Your Committees received testimony in support of this measure from The Sex Abuse Treatment Center. Your Committees received testimony in opposition to this measure from the Media Coalition Inc. and American Civil Liberties Union of Hawai'i.

Your Committees' intent is to provide greater protection to children from sexual offenders and predators in the internet age.




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, allowing state and county law enforcement officers to be able to pose as children online and make out criminal cases when predators promote pornography to minors while attempting to exploit them through the Internet.

Your Committees have amended this measure by:

- (1) Creating a felony offense of disseminating material that is pornographic for minors to other minors over the Internet or by electronic communication;
- (2) For purposes of determining whether a person commits the offense of promoting pornography for minors, changing the age of a minor from sixteen to eighteen years;
- (3) Clarifying the definition of "pornographic for minors"; and
- (4) Changing the effective date to upon approval.

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 H.B. No. 1007, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1007, H.D. 1, 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.:*	Committee Referral:	Date:		
HB 1007, HD1	PGM/EDT, SDL	3-22-11		
<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				/
TOTAL	3	0	0	2
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

*Only one measure per Record of Votes

