

Honolulu, Hawaii

Feb 16, 2012

RE: H.B. No. 2472  
H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Sixth State Legislature  
Regular Session of 2012  
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred H.B. No. 2472 entitled:

"A BILL FOR AN ACT RELATING TO SEXUAL IMAGES PRODUCED BY MINORS,"

begs leave to report as follows:

The purpose of this measure is to address the problem of "sexting", which involves minors taking nude pictures and videos of themselves or other minors, and transmitting the nude images to others by use of a cell phone or other form of electronic communication. Specifically, this bill:

- (1) Prohibits adults from soliciting minors to electronically transmit nude images of minors;
- (2) Prohibits minors from electronically transmitting nude images of themselves or other minors, or soliciting other minors to do so;
- (3) Prohibits persons from possessing a nude image of a minor transmitted by a minor;
- (4) Makes it an affirmative defense that the recipient made reasonable efforts to destroy the minor-transmitted nude image of a minor; and



- (5) Establishes penalties for promoting minor-produced sexual images in the first degree, and promoting minor-produced sexual images in the second degree.

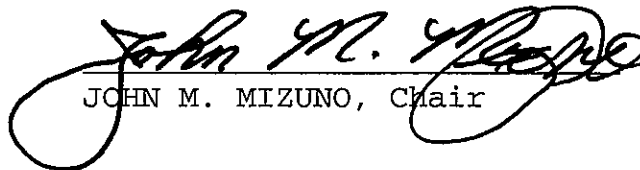
The Department of the Attorney General and a concerned individual supported the measure. The American Civil Liberties Union of Hawaii opposed the measure.

Your Committee respectfully notes that the measure has the potential to create a mixed population of offenders, including high school students. Your Committee notes that the judicial system should have discretion on applying the law to high school students, especially high school seniors, who are near 18 years of age, or older by a few months. Depending on their ages, high school seniors may face less severe or more severe penalties despite being in the same graduating class.

Your Committee has amended this measure by making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2472, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2472, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Human Services,

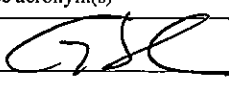
  
JOHN M. MIZUNO, Chair



State of Hawaii  
House of Representatives  
The Twenty-sixth Legislature

HSCR 499-12

**Record of Votes of the Committee on Human Services**

Bill/Resolution No.: <b>HB 2472</b>	Committee Referral: <b>HUS, JUD</b>	Date: <b>Feb 6, 2012</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
HUS Members	Ayes	Ayes (WR)	Nays	Excused
1. MIZUNO, John M. (C)	✓			
2. JORDAN, Jo (VC)	✓			
3. BELATTI, Della Au				✓
4. HANOHANO, Faye P.	✓			
5. LEE, Chris	✓			
6. MORIKAWA, Dee	✓			
7. WOOLEY, Jessica				✓
8. YAMANE, Ryan I.	✓			
9. CHING, Corinne W.L.				✓
10. PINE, Kymberly Marcos	✓			
<b>TOTAL (10)</b>	<b>7</b>			<b>3</b>
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: small;">committee acronym(s)</div>				
Vice Chair's or designee's signature: _____ 				
Distribution:    Original (White) – Committee    Duplicate (Yellow) – Chief Clerk's Office    Duplicate (Pink) – HMSO				