

STAND. COM. REP. NO.

2463

Honolulu, Hawaii

MAR 01 2012

RE: S.B. No. 2221

S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 2221 entitled:

"A BILL FOR AN ACT RELATING TO CHILD ABUSE,"

begs leave to report as follows:

The purpose and intent of this measure is to address a
weakness in the State's child pornography laws and provide greater
protection for children by addressing instances of possession of
particularly violent or egregious child pornography.
Specifically, this measure amends the offense of promoting child
abuse in the second degree to include possession of thirty or more
images of child pornography, where the content of at least one
image contains a minor younger than the age of twelve,
sadoomasochistic abuse of a minor, or bestiality involving a minor.

Your Committee received testimony in support of this measure
from the Department of the Attorney General and two private
individuals.

Your Committee finds that child pornography is a permanent
record of the actual sexual abuse, exploitation, and assault of
innocent and helpless children. However, Hawaii's child
pornography laws are weak and do not distinguish between the
various forms of child pornography. Currently, possession of any
form of child pornography is covered under the offense of
promoting child abuse in the third degree, but a violation is only
a class C felony. This measure strengthens Hawaii's child
pornography laws by amending the offense of promoting child abuse

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in the second degree, a class B felony, to include particularly violent or egregious child pornography.

Your Committee has amended this measure by inserting an effective date of July 1, 2050, to ensure further discussion.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2221, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2221, S.D. 1.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,

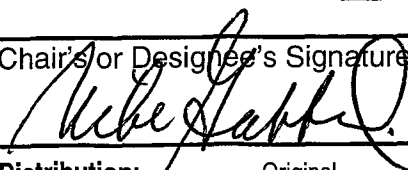


CLAYTON HEE, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB2221	Committee Referral: HMS, JDL	Date: 2-22-12		
<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
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile (VC)				✓
GABBARD, Mike	✓			
IHARA, Jr., Les				✓
SLOM, Sam	✓			
TOTAL	3	—	—	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designer'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