

Honolulu, Hawaii

APR 26 2012

RE: S.B. No. 2222  
S.D. 2  
H.D. 1  
C.D. 1

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

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

Sirs:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 2222, S.D. 2, H.D. 1, entitled:

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

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

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, by prohibiting:

- (1) Adults from soliciting minors to electronically transmit nude images of minors;



- (2) Minors from electronically transmitting nude images of themselves or other minors, or soliciting other minors to do so; and
- (3) A person from possessing a nude image transmitted by a minor, but making it an affirmative defense that the recipient made reasonable efforts to destroy the transmitted nude image.

Your Committee on Conference finds that the electronic transmission of youth-produced sexual pictures and videos, frequently referred to as "sexting", is a growing problem, particularly because the images can be shared with many people almost instantaneously. Once transmitted, the original transmitter has very limited ability to control or prevent further dissemination. Your Committee on Conference further finds that the images may be used as a commodity for exchange, and the threatened dissemination of these images may be used as leverage against the subject to force the subject to engage in behaviors that may cause embarrassment, at minimum, and possible mental or emotional harm.

Your Committee on Conference also notes concerns regarding the severity of the penalties under this measure and has amended this measure accordingly by:

- (1) Reducing the offense of promoting minor-produced sexual images in the first degree to a misdemeanor;
- (2) Reducing the offense of promoting minor-produced sexual images in the second degree to a petty misdemeanor; and
- (3) Inserting an effective date of upon approval.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 2222, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 2222, S.D. 2, H.D. 1, C.D. 1.



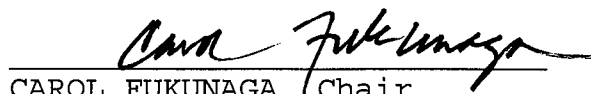
Respectfully submitted on behalf  
of the managers:

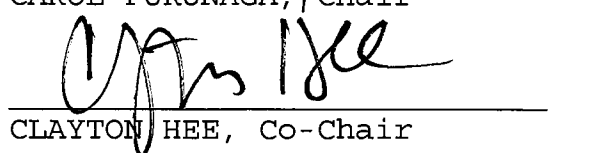
ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE

  
\_\_\_\_\_  
JOHN M. MIZUNO, Co-Chair

  
\_\_\_\_\_  
GILBERT KEITH-AGARAN, Co-Chair

  
\_\_\_\_\_  
CAROL FUKUNAGA, Chair

  
\_\_\_\_\_  
CLAYTON HEE, Co-Chair



Record of Votes of a Conference Committee

Bill / Concurrent Resolution No.: <b>SB 2222, SD 2, HD 1</b>	Date/Time: <b>4/26/12, 3:30pm</b>
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The recommendation of the House and Senate managers is to pass with amendments (CD).

The Committee is reconsidering its previous decision.

<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure	<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.
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Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
FUKUNAGA, Carol, Chr.	✓				MIZUNO, John M., Co-Chr.	✓			
HEE, Clayton, Co-Chr.	✓				KEITH-AGARAN, Gilbert S.C., Co-Chr.	✓			
SLOM, Sam				✓	CABANILLA, Rida T.R.				✓
					JORDAN, Jo	✓			
					PINE, Kymberly Marcos	✓			
<b>TOTAL</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>TOTAL</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>1</b>

A = Aye      WR = Aye with Reservations      N = Nay      E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
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Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature: 
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**Distribution:**      **Original**      **Yellow**      **Pink**      **Goldenrod**  
 File with Conference Committee Report      House Clerk's Office      Senate Clerk's Office      Drafting Agency