

Honolulu, Hawaii

March 30, 2012

RE: S.B. No. 2222
S.D. 2
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 Judiciary, to which was referred S.B. No. 2222, S.D. 2, 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 cellular 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.



The Department of the Attorney General, the Department of the Prosecuting Attorney of the County of Maui, and two individuals supported this measure. The Office of the Public Defender and the American Civil Liberties Union of Hawaii opposed this measure.

Your Committee has amended this measure by changing the effective date to January 7, 2059, to facilitate further discussion.

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

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



GILBERT KEITH-AGARAN, Chair



