



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
TWENTY-SIXTH LEGISLATURE, 2012**

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 2467, H.D. 1, RELATING TO CHILD ABUSE.

**BEFORE THE:**

HOUSE COMMITTEE ON JUDICIARY

**DATE:** Thursday, February 16, 2012                      **TIME:** 2:40 p.m.

**LOCATION:** State Capitol, Room 325

**TESTIFIER(S):** David M. Louie, Attorney General, or  
Lance M. Goto, Deputy Attorney General

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Chair Keith-Agaran and Members of the Committee:

The Department of the Attorney General strongly supports this bill.

The purpose of this bill is to address a weakness in our child pornography laws and provide greater protection for children, by addressing instances of possession of particularly violent or egregious child pornography.

Child pornography is a permanent record of the actual sexual abuse and assault of innocent and helpless children. In this age of electronic communication and sharing of digital information, child pornography – and the sexual exploitation and assault on which it is based – is a growing problem around the world. Child pornographers and predators can easily share pornographic images of sexually abused children through the Internet.

Hawaii laws currently do not distinguish between the various forms of child pornography. Possession of any form of child pornography is just a class C felony offense. Some other jurisdictions provide for a more serious offense and greater potential punishment for the possession of certain egregious forms of child pornography.

This bill amends the offense of promoting child abuse in the second degree (section 707-751), a class B felony, to include the possession of particularly violent or egregious child pornography that involves a child under the age of twelve, sadomasochistic abuse of a minor, or bestiality involving a minor.

We respectfully request passage of this bill.

## TESTIMONY OF MAILI UTU-ALO

Aloha Speaker Say and all distinguished Members involved with HB2467 HD1 (hereafter 2467):

My name is Maili Utu-Alo and I'm here to testify in strong support of 2467. I'm an MSW student at UH-Manoa, and am also a State public servant for nearly 15 years with the Department of Public Safety. However, I'm here today, most importantly, as a concerned Grama with three minor grandkids.

As a loving Grama, it is my "kuleana" to stand before you today and testify in full support of this amendment to make sure that we are proactive in keeping our children safe from sexual exploitation.

These sex crimes against children are getting way out of hand, and it's not only a major problem, worldwide, but it's also a major problem here on our islands. Statistics from the National Center for Missing and Exploited Children show that 1 out of 5 girls and 1 out of 10 boys end up being sexually assaulted before reaching adulthood; and, less than 35% of these horrible incidents are actually reported to authorities.

These numbers suggest that our biggest problem with respect to child sex crimes is that an overwhelming number of these crimes go unrecognized and under-reported. I believe that our law enforcement cannot effectively perform their duties against these child sex predators when we have vague or soft criminal laws, loopholes, etc. that are essentially reactive rather than proactive against sexual exploitation of children.

In closing, 2467 is a good proactive response and we certainly need more proactive legislation to provide even more protection of our precious children. The argument that these sicko, sex predators are only committing a "victimless" crime when they're in the comforts of their own homes and merely viewing child porn, including the violent or the egregious materials addressed in 2467, with no intentions of sharing it, DOES NOT STAND with any merit. Protecting our children against these sick predators is a compelling interest that must be served so that these predators may never ever directly or indirectly commit sex crimes against our children.

Thank you for allowing me to testify on this important matter.

s/Maili Utu-Alo  
dated: 2/15/2012

**Kj Ng**  
**2/6/12**  
**Mrs. Carreon**

### **Child Abuse**

To whom it may concern,

I am writing to you to ask about H.B. NO. 2467 the bill that covers child abuse. In this bill it states that child pornography is a second degree offense containing to child abuse. Also it is very short and only explains the types of child pornography. Yet there are many different types of child abuse that I think the state should cover.

Child abuse is much like domestic abuse. This is because there is neither an excuse for child abuse or domestic abuse. Also when parents hit their kids to set an example it is good, but I also think there should be limit. Some examples are open palm slaps and nothing to the head. This is because it could cause brain damage and hurt them for the rest of that child's life. Lastly studies shows that abuse is an influence and the more you as a child is beaten the more you will beat your kids.

The final reason for me bringing this bill up is how little it actually explains. It covers the different levels of child pornography which is from making it to having it. Also the age of child abuse should be raised to at least 15. This is due to the fact that it says it only covers minors who is under the age of twelve but a lot of child abuse keeps happening till they are 15 or older because this is when they can finally stand up for themselves.

Truly,  
KevinJason Ng