



EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

June 20, 2014

GOV. MSG. NO. 1217

The Honorable Donna Mercado Kim,
President
and Members of the Senate
Twenty-Seventh State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

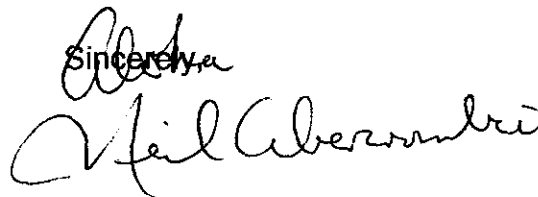
The Honorable Joseph M. Souki,
Speaker and Members of the
House of Representatives
Twenty-Seventh State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Kim, Speaker Souki, and Members of the Legislature:

This is to inform you that on June 20, 2014, the following bill was signed into law:

HB1750 HD1 SD1 CD1

RELATING TO PUBLIC ORDER
ACT 116 (14)

Sincerely,


NEIL ABERCROMBIE
Governor, State of Hawaii

A BILL FOR AN ACT

RELATING TO PUBLIC ORDER.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 711-1110.9, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§711-1110.9 Violation of privacy in the first degree.**

4 (1) A person commits the offense of violation of privacy in the
5 first degree if, except in the execution of a public duty or as
6 authorized by law[~~—the~~]:

7 (a) The person intentionally or knowingly installs or
8 uses, or both, in any private place, without consent
9 of the person or persons entitled to privacy therein,
10 any device for observing, recording, amplifying, or
11 broadcasting another person in a stage of undress or
12 sexual activity in that place[~~—~~]; or

13 (b) The person knowingly discloses an image or video of
14 another identifiable person either in the nude, as
15 defined in section 712-1210, or engaging in sexual
16 conduct, as defined in section 712-1210, without the
17 consent of the depicted person, with intent to harm
18 substantially the depicted person with respect to that



1 person's health, safety, business, calling, career,
2 financial condition, reputation, or personal
3 relationships; provided that:

4 (i) This paragraph shall not apply to images or
5 videos of the depicted person made:

6 (A) When the person was voluntarily nude in
7 public or voluntarily engaging in sexual
8 conduct in public; or

9 (B) Pursuant to a voluntary commercial
10 transaction; and

11 (ii) Nothing in this paragraph shall be construed to
12 impose liability on a provider of "electronic
13 communication service" or "remote computing
14 service" as those terms are defined in section
15 803-41, for an image or video disclosed through
16 the electronic communication service or remote
17 computing service by another person.

18 (2) Violation of privacy in the first degree is a class C
19 felony. In addition to any penalties the court may impose, the
20 court may order the destruction of any recording made in
21 violation of this section."



1 SECTION 2. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 3. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 4. This Act shall take effect upon its approval.

APPROVED this 20 day of JUN, 2014



GOVERNOR OF THE STATE OF HAWAII

