
A BILL FOR AN ACT

RELATING TO VIOLATION OF PRIVACY.

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

1 SECTION 1. The legislature finds that the proliferation of
2 digital photography and videography, while overall beneficial to
3 society, has also armed those seeking to do harm with an
4 additional tool to injure others by violating their privacy. The
5 legislature finds that some individuals have sought to harm
6 others by distributing compromising photos or videos of the
7 other party, who originally consented with the understanding
8 that such materials would remain private.

9 Typically, the perpetrator's goal is to harm the other
10 party and cause serious emotional distress. The legislature
11 also finds that this form of harm is becoming a growing problem
12 in the State as well as other jurisdictions. The legislature
13 further finds these acts should be penalized regardless of
14 whether the photographs or videos are in digital or traditional
15 format, and regardless of whether they are distributed using
16 electronic or more traditional means.

17 SECTION 2. Section 711-1110.9, Hawaii Revised Statutes, is
18 amended by amending subsection (1) to read as follows:

HB HMIA 2014-36-03



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

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

10 (b) The person photographs or records by any means the
11 image of the intimate body parts of another
12 identifiable person, under circumstances where the
13 parties agree or understand that the image shall
14 remain private, and the person who photographed or
15 recorded the image subsequently distributes through
16 any means the image taken, with intent to cause
17 serious emotional distress, and the depicted person
18 suffers serious emotional distress. For purposes of
19 this paragraph, "intimate body part" means any portion
20 of the genitals, and in the case of a female, also
21 includes any portion of the breasts below the top of



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1 the areola, that is either uncovered or visible
 2 through less than fully opaque clothing."

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

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

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INTRODUCED BY: *Bob Lukumbe*

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Report Title:

Violation of Privacy

Description:

Broadens the offense of violation of privacy in the first degree to include distributing, where there has been an agreement or understanding that the image shall remain private, images of the intimate body parts of another with intent to cause serious emotional distress.

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