

JAN 15 2014

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# A BILL FOR AN ACT

RELATING TO VIOLATION OF PRIVACY.

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

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

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

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

12           (b) The person photographs or records by any means the  
13           image of the intimate body parts of another  
14           identifiable person, under circumstances where the  
15           parties agree or understand that the image shall  
16           remain private, and the person who photographed or  
17           recorded the image subsequently distributes the image  
18           taken, with intent to cause serious emotional



1           distress, and the depicted person suffers serious  
2           emotional distress. For purposes of this paragraph,  
3           "intimate body part" means any portion of the  
4           genitals, and in the case of a female, also includes  
5           any portion of the breasts below the top of the  
6           areola, that is either uncovered or visible through  
7           less than fully opaque clothing."

8           SECTION 2. Statutory material to be repealed is bracketed  
9 and stricken. New statutory material is underscored.

10           SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: *Jim Merando*  
BY REQUEST

# S.B. NO. 2096

**Report Title:**

Honolulu Prosecutor's Package; Violation of Privacy

**Description:**

Broadens the offense of violation of privacy in the first degree to include distributing images of the intimate body parts of another, with intent to cause serious emotional distress.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

