

Honolulu, Hawaii

April 24, 2014

RE: H.B. No. 1750
H.D. 1
S.D. 1
C.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Sir and Madam:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 1750, H.D. 1, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC ORDER,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to expand the offense of Violation of Privacy in the First Degree to include knowingly disclosing an image or video of another identifiable person either in the nude or engaging in sexual contact without the consent of the depicted person with intent to harm substantially the depicted person.

Your Committee on Conference has amended this measure by:

- (1) Replacing the term "sexual contact" with "sexual conduct," which expands the range of sexual activities included in the prohibition;

HB1750 CD1 HCCR HMS 2014-3448



- (2) Clarifying that the exemptions to this offense provide immunity for:
- (A) The distribution of images or videos made of the depicted person while voluntarily nude or voluntarily engaging in sexual conduct in public, or pursuant to a voluntary commercial transaction; and
 - (B) The providers of electronic communication service or remote computing service for images or videos disclosed through the service by another person; and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 1750, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1750, H.D. 1, S.D. 1, C.D. 1.

Respectfully submitted on behalf
of the managers:

ON THE PART OF THE SENATE



CLAYTON HEE, Chair



MAILE S.L. SHIMABUKURO, Co-Chair

ON THE PART OF THE HOUSE



KARL RHOADS, Chair



