

STAND. COM. REP. NO. **2320**

Honolulu, Hawaii

**FEB 13 2014**

RE: S.B. No. 2375  
S.D. 1

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

Madam:

Your Committee on Technology and the Arts, to which was referred S.B. No. 2375 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to protect a person from having a sexual representation distributed without the person's consent by establishing a misdemeanor criminal offense of unlawful distribution of sexual representation.

Your Committee received testimony in support of this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu; Pacific Alliance to Stop Slavery; IMUAlliance; and two individuals.

Your Committee finds that rapidly accelerating technology has made it easy to access and disseminate intimate images, videos, and recordings. Unfortunately, after a relationship ends, individuals sometimes try to hurt their former partner by publishing intimate images or recordings on the Internet. These acts violate the privacy of an individual whose image is distributed or made available through the Internet and can cause emotional distress, physical harm, academic challenges, and workplace difficulties. Currently, there is no criminal offense that covers these acts; therefore, this measure will impose meaningful consequences on perpetrators who distribute private images with the intent to substantially harm the depicted person.



Your Committee has amended this measure by deleting its contents and inserting language that amends section 711-1110.9, Hawaii Revised Statutes, to establish the act of knowingly disclosing an image of another identifiable person in the nude or engaging in sexual activity, without the depicted person's consent, with intent to substantially harm the depicted person with respect to that person's health, safety, business, calling, career, financial condition, reputation, or personal relationships, as an offense of violation of privacy in the first degree.

As affirmed by the record of votes of the members of your Committee on Technology and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2375, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2375, S.D. 1, and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on  
behalf of the members of the  
Committee on Technology and the  
Arts,



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GLENN WAKAI, Chair



The Senate  
 Twenty-Seventh Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Technology and the Arts**  
**TEC**

Bill / Resolution No.:* <i>SB 2375</i>	Committee Referral: <i>TEC, JDL</i>	Date: <i>2/4/14</i>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
WAKAI, Glenn (C)	/			
NISHIHARA, Clarence K. (VC)	/			
IHARA, Jr., Les	/			
TOKUDA, Jill N.	/			
SLOM, Sam				/
<b>TOTAL</b>	<i>4</i>			<i>1</i>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Clarence K. Nishihara</i>				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes