

Honolulu, Hawaii

March 2, 2018

RE: H.B. No. 1851
H.D. 2

Honorable Scott K. Saiki
Speaker, House of Representatives
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1851, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PORNOGRAPHY,"

begs leave to report as follows:

The purpose of this measure, as received by your Committee, is to:

- (1) Define "in loco parentis" for purposes of exemption from the offense of promoting pornography for minors under Hawaii's obscenity laws; and
- (2) Clarify that the offense of promoting pornography for minors does not apply to a person who acts within the person's capacity and scope of employment as a member of the staff of any school.

For the purposes of a public hearing on this bill, your Committee circulated H.B. No. 1851, H.D. 2 PROPOSED (Proposed Draft), and notified the public that it would be accepting testimony on the Proposed Draft, which defines "in loco parentis" for purposes of exemption under Hawaii's obscenity law and does not include language regarding persons acting within the scope of employment at a school.



The Department of the Attorney General and City and County of Honolulu Department of the Prosecuting Attorney provided comments on the measure as received by your Committee.

The Honolulu Police Department testified in support of the Proposed Draft. The Department of the Attorney General supported the intent of the Proposed Draft. The Department of Education provided comments.

Your Committee considered the merits of both H.B. No. 1851, H.D. 1, as received by your Committee, and the Proposed Draft and, upon careful consideration, adopted the Proposed Draft.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1851, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1851, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



SCOTT Y. NISHIMOTO, Chair



