
A BILL FOR AN ACT

RELATING TO CHILD TORTURE.

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

SECTION 1. Chapter 709, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§709- Child torture; penalty. (1) A person commits the offense of child torture if the person is a parent or legal guardian of, resides in the same home with, or has recurring access to, a minor and intentionally, knowingly, or recklessly tortures the minor, with intent to cause or knowledge of causing, or in reckless disregard of the substantial and unjustifiable risk of causing, mental anguish to the minor.

(2) As used in this section, "torture" of a minor includes the following:

(a) Inflicting, or threatening to inflict, bodily injury upon the minor;

(b) Threatening the minor with imminent death;



1 (c) Threatening the minor that another person, or a pet,
2 will imminently be subjected to death, serious bodily
3 injury, or substantial bodily injury;

4 (d) Depriving the minor of necessary food, clothing,
5 shelter, or medical care for a grossly unreasonable
6 period of time;

7 (e) Forcing the minor to ingest:

8 (i) Feces;

9 (ii) Toxic substances; or

10 (iii) Any substance in quantities that expose the minor
11 to the risk of bodily injury; and

12 (f) Physically restraining the minor in a manner that
13 interferes substantially with the child's liberty in a
14 grossly unreasonable manner that serves no legitimate
15 parental purpose.

16 (3) As used in this section, "mental anguish" means mental
17 pain and distress that is more than mere worry, anxiety,
18 vexation, resentment, embarrassment, or anger and is of such a
19 nature, duration, and severity that it causes a substantial
20 disruption in the minor's daily routine.

21 (4) Child torture is a class A felony."



1 SECTION 2. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 3. New statutory material is underscored.

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



Report Title:

Honolulu Prosecuting Attorney's Office Package; Criminal
Offenses; Child Torture

Description:

Adds a new section to Chapter 709, HRS, to establish the class A
felony offense of child torture. (SD1)

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not legislation or evidence of legislative intent.*

