

JAN 24 2024

A BILL FOR AN ACT

RELATING TO PROMOTING PORNOGRAPHY FOR MINORS.

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

1 SECTION 1. The Legislature finds that there is a need for
2 increased ability to investigate and prosecute those who promote
3 pornography for minors. The Legislature finds that the current
4 offense of promoting pornography for minors does not provide for
5 undercover operations, and undercover operations have proven to
6 be an effective tool in reducing and combating the offense and
7 related sex trafficking offenses.

8 Accordingly, the purpose of this Act is to allow the
9 prosecution of a person who disseminates pornographic material
10 to undercover law enforcement officers who represent themselves
11 as minors under section 712-1215, Hawaii Revised Statutes.

12 SECTION 2. Section 712-1215, Hawaii Revised Statutes, is
13 amended by amending subsection (1) to read as follows:

14 "(1) A person commits the offense of promoting pornography
15 for minors if:

16 (a) Knowing its character and content, the person
17 disseminates to a minor material [~~which~~] that is
18 pornographic for minors; [~~or~~]

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1 (b) Knowing its character and content, the person
2 disseminates material that is pornographic for minors
3 to a law enforcement officer who represents that
4 officer's self as a minor; or

5 [~~b~~] (c) Knowing the character and content of a motion
6 picture film or other performance [which,] that, in
7 whole or in part, is pornographic for minors, the
8 person:

9 (i) Exhibits [~~such~~] the motion picture film or other
10 performance to a minor;

11 (ii) Sells to a minor an admission ticket or pass to
12 premises where there is exhibited or to be
13 exhibited [~~such~~] the motion picture film or other
14 performance; or

15 (iii) Admits a minor to premises where there is
16 exhibited or to be exhibited [~~such~~] the motion
17 picture film or other performance."

18 SECTION 3. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

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

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INTRODUCED BY: *M. N. M.*

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BY REQUEST

S.B. NO. 3037

Report Title:

Penal Code; Promoting Pornography for Minors; Offenses Against Public Health and Morals

Description:

Allows the prosecution of persons who provide pornographic materials to undercover law enforcement officers who represent themselves as minors for purposes of undercover operations.

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

JUSTIFICATION SHEET

DEPARTMENT: Attorney General

TITLE: A BILL FOR AN ACT RELATING TO PROMOTING PORNOGRAPHY FOR MINORS.

PURPOSE: To allow the prosecution of persons who provide pornographic materials to undercover law enforcement officers who represent themselves as minors for purposes of undercover operations. It will allow undercover law enforcement officers to pose as minors on the Internet and other contexts to assist in the apprehension and prosecution of those who disseminate pornographic materials to minors.

MEANS: Amend section 712-1215(1), Hawaii Revised Statutes (HRS).

JUSTIFICATION: The Department of the Attorney General's Internet Crimes Against Children Task Force regularly conducts Operation Keiki Shield operations, where undercover law enforcement officers pose as minors on the internet to identify, locate, arrest, and prosecute offenders who solicit minors to engage in sexual activities on the internet.

According to Operation Keiki Shield undercover officers, offenders often send pornographic materials via the internet to the officers who pose as minors. The current offense of promoting pornography for minors does not provide for undercover operations, so even though the undercover officers are engaging in authorized undercover activities, if they identify an offender who is promoting pornography to a minor, they are unable to charge that conduct.

Therefore, this bill seeks to amend section 712-1215(1), HRS, to provide for undercover operations that involve disseminating pornographic materials to an undercover law

enforcement officer who represents as a minor.

Impact on the public: This bill will have a positive impact on the public with a goal of reducing pornographic materials being distributed to minors.

Impact on the department and other agencies: This bill will greatly assist prosecutions of offenders who disseminate pornographic materials to minors.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: None.

OTHER AFFECTED
AGENCIES: The county police departments, the prosecutors' offices, and the Department of Law Enforcement.

EFFECTIVE DATE: Upon approval.