

STAND. COM. REP. NO.

2745

Honolulu, Hawaii

FEB 21 2024

RE: S.B. No. 2251  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Second State Legislature  
Regular Session of 2024  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2251 entitled:

"A BILL FOR AN ACT RELATING TO INDECENT EXPOSURE,"

begs leave to report as follows:

The purpose and intent of this measure is to increase the criminal penalty for the offense of indecent exposure from a petty misdemeanor to a misdemeanor if the victim is less than sixteen years of age.

Your Committee received testimony in support of this measure from the Department of the Attorney General, Office of the Prosecuting Attorney of the County of Kaua'i, Office of the Prosecuting Attorney of the County of Hawaii, and one individual.

Your Committee received testimony in opposition to this measure from the Office of the Public Defender, Friends of Little Beach Maui, and three individuals.

Your Committee finds that, in recent years, county prosecutors have handled several investigations where adult men have exposed their genitals to children. Despite not including physical touching or contact, this type of abuse has long lasting impacts on development and is associated with long-term health costs and psychological problems, including depression, anxiety, anger, post traumatic stress disorder, suicide attempts, low self-



esteem, fear, nightmares, somatic complaints, withdrawal, attention and concentration problems, and eating disorders. Your Committee believes that intentionally exposing one's genitals to a child under the age of sixteen under circumstances likely to cause affront warrants a higher penalty than doing so to those over sixteen years old because children under sixteen, who cannot consent to sexual activity, are more vulnerable and potentially subject to greater harm. This measure will provide children under sixteen with more legal protection and deter this form of abuse.

Your Committee has amended this measure by:

- (1) Replacing the term "victim" with the term "person to whom the genitals were exposed" or "person exposed"; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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 S.B. No. 2251, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2251, S.D. 1, and be placed on the calendar for Third Reading.

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



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KARL RHOADS, Chair



The Senate  
 Thirty-Second Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary**  
**JDC**

Bill / Resolution No.:* <b>SB 2251</b>	Committee Referral: <b>JDC</b>	Date: <b>02/09/24</b>
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The Committee is reconsidering its previous decision on this measure.  
 If so, then the previous decision was to: \_\_\_\_\_

The Recommendation is:

Pass, unamended 2312    
  Pass, with amendments 2311    
 Hold 2310    
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)				✓
ELEFANTE, Brandon J.C.	✓			
SAN BUENAVENTURA, Joy A.		✓		
AWA, Brenton				✓
<b>TOTAL</b>	<b>2</b>	<b>1</b>		<b>2</b>

Recommendation:    
 Adopted    
 Not Adopted

Chair's or Designee's Signature:  


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**\*Only one measure per Record of Votes**