



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-SECOND LEGISLATURE, 2024**

ON THE FOLLOWING MEASURE:

H.B. NO. 1927, RELATING TO INDECENT EXPOSURE.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

DATE: Thursday, February 22, 2024 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 325 and Videoconference

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Albert Cook, Deputy Attorney General or Tricia Nakamatsu, Deputy
Attorney General

Chair Tarnas and Members of the Committee:

The Department of the Attorney General (Department) supports this bill.

This bill would make Indecent Exposure, under section 707-734, Hawaii Revised Statutes (HRS), a misdemeanor if the victim is less than sixteen years of age. Indecent Exposure is currently a petty misdemeanor, regardless of the age of the victim.

The Department 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, as children under sixteen, who cannot legally consent to sexual activity, are more vulnerable and potentially subject to greater harm. Children under sixteen should have more legal protection to prevent them from being exposed to such conduct. Raising the penalty from a petty misdemeanor punishable by up to thirty day in jail and/or a \$1000 fine, to a misdemeanor punishable by up to a year in jail and/or a \$2000 fine would help deter such conduct towards children.

The department respectfully requests the passage of this bill.

Rebecca V. Like
Prosecuting Attorney



Keola Siu
First Deputy
Prosecuting Attorney

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February 20, 2024

RE: HB 1927; RELATING TO INDECENT EXPOSURE

The Office of the Prosecuting Attorney for the County of Kaua'i submits the following testimony in **SUPPORT** of HB 1927.

House Bill 1927 would make Indecent Exposure a misdemeanor if the victim is less than sixteen years of age. Indecent Exposure is currently a petty misdemeanor, regardless of the age of the victim. A misdemeanor is punishable by up to one year in jail and a \$2,000 fine, whereas a petty misdemeanor is punishable by up to 30 days in jail and a \$1,000 fine.

In recent years, our Office has handled several investigations where adult men have exposed their penises to children. Although these incidents did not include physical touching or contact, they amount to child sexual abuse. Child sexual abuse includes the involvement of a child in sexual activity that he or she does not fully comprehend, to which he or she is unable to give informed consent or for which the child is not developmentally prepared.

Child sexual abuse has lasting impacts on development and is associated with long-term health costs. The most common psychological problems associated with child sexual abuse are depression, anxiety, and anger. Other impacts include PTSD, depression, suicide attempts, low self-esteem, fear and nightmares, somatic complaints, withdrawal, attention and concentration problems, and eating disorders.¹

¹ Gilbert R, Widom CS, Browne K, Fergusson D, Webb E, Janson S. Burden and consequences of child maltreatment in high-income countries. *Lancet*. 2009;373:68-81. [http://dx.doi.org/10.1016/S0140-6736\(08\)61706-7](http://dx.doi.org/10.1016/S0140-6736(08)61706-7); Jumper SA. A meta-analysis of the relationship of child sexual abuse to adult psychological adjustment. *Child Abuse Negl*. 1995;19:715-728. [http://dx.doi.org/10.1016/0145-2134\(95\)00029-8](http://dx.doi.org/10.1016/0145-2134(95)00029-8); Paolucci EO, Genuis ML, Violato C. A meta-analysis of the published research on the effects of child sexual abuse. *J Psychol*. 2001;135:17-36. <http://dx.doi.org/10.1080/00223980109603677>; Ligezinska M, Firestone P, Manion IG, McIntyre J, Ensom R, Wells G. Children's emotional and behavioral reactions following the disclosure of extrafamilial sexual abuse: initial effects. *Child Abuse Negl*. 1996;20:111-125. [http://dx.doi.org/10.1016/0145-2134\(95\)00125-5](http://dx.doi.org/10.1016/0145-2134(95)00125-5); Oates RK, O'Toole BI, Lynch DL, Stern A, Cooney G.

The current Indecent Exposure statute fails to account for the lasting trauma these incidents cause for minor victims. For the above reasons, the Office of the Prosecuting Attorney for the County of Kaua'i respectfully submits the above comments in support of the passage of HB 1927. Thank you for the opportunity to testify on this matter.

**DEPARTMENT OF THE PROSECUTING ATTORNEY
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CITY AND COUNTY OF HONOLULU**

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**THE HONORABLE DAVID A. TARNAS, CHAIR
HONORABLE GREGG TAKAYAMA, VICE CHAIR
HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS
Thirty-Second State Legislature
Regular Session of 2024
State of Hawai'i**

February 22, 2024

RE: H.B. 1927; RELATING TO INDECENT EXPOSURE.

Chair Tarnas, Vice Chair Takayama, and members of the House Committee on Judiciary and Hawaiian Affairs, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department") **strongly supports** H.B. 1927.

The purpose of the bill is to raise the criminal penalty for the offense of indecent exposure from a petty misdemeanor to a misdemeanor when the victim is less than sixteen years of age.

The Department recognizes that sexual assault is a serious matter and that victims of sexual assault can suffer trauma for many years. For young children and teenagers, it is especially egregious as they are still in their formative years when cognition and emotional faculties are developing. We also know from our experience that exposure is often the defendant's first unlawful conduct before advancing to other sexual assaults, or is part of the sexual assault.

Thank you for this opportunity to testify on H.B. 1927.

HB-1927

Submitted on: 2/20/2024 10:53:33 AM

Testimony for JHA on 2/22/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Julian	Individual	Support	Written Testimony Only

Comments:

I support this bill. It is very bad to be doing this in public.