

Honolulu, Hawaii

**MAR 27**, 2024

RE: S.B. No. 3037  
S.D. 1  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-Second State Legislature  
Regular Session of 2024  
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred S.B. No. 3037, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PROMOTING PORNOGRAPHY FOR MINORS,"

begs leave to report as follows:

The purpose of this measure is to allow the prosecution of persons who provide pornographic materials to undercover law enforcement officers who represent themselves as minors for the purposes of undercover operations.

Your Committee received testimony in support of this measure from the Department of the Attorney General; Department of the Prosecuting Attorney of the City and County of Honolulu; Honolulu Police Department; and three individuals. Your Committee received testimony in opposition to this measure from Office of the Public Defender.

Your Committee finds that 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. Your Committee



further finds that because the existing offense of promoting pornography for minors only allows for prosecution if the pornographic material is sent to an actual minor, undercover officers engaged in authorized Operation Keiki Shield operations are unable to charge offenders even when the offender falsely believes they are sending pornographic material to an actual minor and not an undercover officer posing as a minor. Your Committee believes that expanding the offense of promoting pornography for minors to include offenders who send pornographic material to an officer posing as a minor because they believe the officer is in fact a minor will greatly assist in the prosecution of offenders who disseminate pornographic materials to minors.

Your Committee has amended this measure by:

- (1) Inserting a savings clause;
- (2) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3037, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3037, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary &  
Hawaiian Affairs,



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DAVID A. TARNAS, Chair



