

STAND. COM. REP. NO.

814

Honolulu, Hawaii

FEB 28 2025

RE: S.B. No. 281  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Third State Legislature  
Regular Session of 2025  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 281 entitled:

"A BILL FOR AN ACT RELATING TO TORTURE,"

begs leave to report as follows:

The purpose and intent of this measure is to define and prohibit the offense of torture.

Your Committee received testimony in support of this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu, Honolulu Police Department, Office of the Prosecuting Attorney of the County of Hawai'i, one member of the Kaua'i County Council, and one individual.

Your Committee received testimony in opposition to this measure from the Office of the Public Defender.

Your Committee finds that many forms of cruel and degrading sadism are inadequately addressed by existing criminal law. Some acts occur during aggravated kidnappings or following repeated assaults, while other acts, such as starvation or electrocution, may inflict immense suffering without technically causing bodily injury. This measure will protect the most vulnerable members in the State's communities from torture.



Your Committee notes that, in some instances, parents or guardians may inadvertently fail to provide a minor or vulnerable person necessary food, water, or clothing due to poverty. Your Committee further notes that the measure, as written, may be construed to include administering necessary medication prescribed by a physician to a minor or a vulnerable person as torture.

Accordingly, your Committee has amended this measure by:

- (1) Requiring a person to knowingly, rather than recklessly, cause serious bodily injury or substantial bodily injury to another person, where the actor has previously engaged in a pattern or practice of physically abusing the other person to be guilty of the offense of torture;
- (2) Deleting language that would have included the act of knowingly depriving a minor or vulnerable person of necessary food, water, or clothing as torture;
- (3) Clarifying that a person who knowingly forces a minor or vulnerable person to ingest mind-altering drugs that have not been prescribed by a physician for the minor or vulnerable person on three or more occasions within a period of two years is guilty of the offense of torture;
- (4) Clarifying that "pattern or practice" requires two or more acts within a period of two years with a common state of mind; and
- (5) 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. 281, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 281, 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



