

ACT 95

H.B. NO. 1852

A Bill for an Act Relating to Pornography.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 712-1210, Hawaii Revised Statutes, is amended by amending the definition of “pornographic for minors” to read as follows:

““Pornographic for minors”. Any material or performance is “pornographic for minors” if:

- (1) It is primarily devoted to explicit and detailed narrative accounts of sexual excitement, sexual conduct, or sadomasochistic abuse; and:
 - (a) It is presented in such a manner that the average person applying contemporary community standards, would find that, taken as a whole, it appeals to [~~a minor's~~] the prurient interest; and
 - (b) Taken as a whole, it lacks serious literary, artistic, political, or scientific value; or
- (2) It contains any photograph, drawing, or similar visual representation of any person of the age of puberty or older revealing such person with less than a fully opaque covering of his or her genitals and pubic area, or depicting such person in a state of sexual excitement or engaged in acts of sexual conduct or sadomasochistic abuse; and:
 - (a) It is presented in such a manner that the average person, applying contemporary community standards, would find that, taken as a whole, it appeals to [~~a minor's~~] the prurient interest; and
 - (b) Taken as a whole, it lacks serious literary, artistic, political, or scientific value.”

SECTION 2. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

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 Statutory material to be repealed is bracketed and stricken.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

SECTION 4. This Act shall take effect on July 1, 2018.

(Approved June 29, 2018.)