

ACT 244

S.B. NO. 3037

A Bill for an Act Relating to Promoting Pornography for Minors.

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

SECTION 1. The legislature finds that there is a need for increased ability to investigate and prosecute those who promote pornography for minors. The legislature further finds that the current offense of promoting pornography for minors does not provide for undercover operations, and undercover operations have proven to be an effective tool in reducing and combating the offense and related sex trafficking offenses.

Accordingly, the purpose of this Act is to allow the prosecution of a person who disseminates pornographic material to undercover law enforcement officers who represent themselves as minors under the offense of promoting pornography for minors.

SECTION 2. Section 712-1215, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

“(1) A person commits the offense of promoting pornography for minors if:

- (a) Knowing its character and content, the person disseminates to a minor material [~~which~~] that is pornographic for minors; ~~or~~
- (b) Knowing its character and content, the person disseminates material that is pornographic for minors to a law enforcement officer who represents that officer’s self as a minor; or
- ~~(b)~~ (c) Knowing the character and content of a motion picture film or other performance [~~which,~~] that, in whole or in part, is pornographic for minors, the person:
 - (i) Exhibits [~~such~~] the motion picture film or other performance to a minor;
 - (ii) Sells to a minor an admission ticket or pass to premises where there is exhibited or to be exhibited [~~such~~] the motion picture film or other performance; or
 - (iii) Admits a minor to premises where there is exhibited or to be exhibited [~~such~~] the motion picture film or other performance.”

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved July 9, 2024.)