

Honolulu, Hawaii

APR 26 2012

RE: S.B. No. 2221
S.D. 1
H.D. 1
C.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 2221, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CHILD ABUSE,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to provide greater protection for children by addressing instances of possession of particularly violent or egregious child pornography. Specifically, this measure amends the offense of promoting child abuse in the second degree to include possession of thirty or more images of child pornography where the content of at least one image contains a minor younger than the age of twelve, sadomasochistic abuse of a minor, or bestiality involving a minor.

Your Committee on Conference finds that child pornography is a permanent record of the actual sexual abuse, exploitation, and assault of innocent and helpless children. Your Committee on



Conference further finds that Hawaii's child pornography laws should be strengthened and should distinguish between the various forms of child pornography. Currently, possession of any form of child pornography is covered under the offense of promoting child abuse in the third degree, but a violation is only a class C felony. This measure will amend the offense of promoting child abuse in the second degree, a class B felony, to include particularly violent or egregious child pornography.

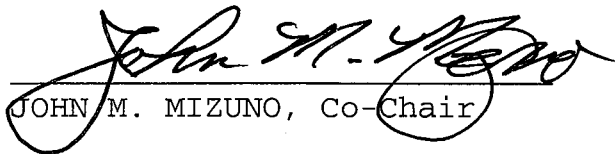
Your Committee on Conference has amended this measure by changing the effective date from January 7, 2059, to upon approval.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 2221, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 2221, S.D. 1, H.D. 1, C.D. 1.

Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE


JOHN M. MIZUNO, Co-Chair


SUZANNE CHUN OAKLAND, Chair


GILBERT KEITH-AGARAN, Co-Chair


MAILE SHIMABUKURO, Co-Chair



Record of Votes of a Conference Committee

Bill / Concurrent Resolution No.: SB 2221, SD 1, HD 1	Date/Time: 4/26/12 4:17pm
---	-------------------------------------

The recommendation of the House and Senate managers is to pass with amendments (CD).



The Committee is reconsidering its previous decision.

<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure	<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.
---	---

Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
CHUN OAKLAND, Suzanne, Chr.	✓				MIZUNO, John M., Co-Chr.	✓			
SHIMABUKURO, Maile S.L., Co-Chr.	✓				KEITH-AGARAN, Gilbert S.C., Co-Chr.	✓			
IHARA, Les, Jr.	✓				CABANILLA, Rida T.R.				✓
SLOM, Sam	✓				JORDAN, Jo	✓			
					PINE, Kimberly Marcos				✓
TOTAL	4	0	0	0	TOTAL	3	0	0	2

A = Aye WR = Aye with Reservations N = Nay E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
---	--

Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature: 
---	---

Distribution: **Original** **Yellow** **Pink** **Goldenrod**
 File with Conference Committee Report House Clerk's Office Senate Clerk's Office Drafting Agency