

JAN 20 2012

A BILL FOR AN ACT

RELATING TO SEXUAL IMAGES PRODUCED BY MINORS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 712, Hawaii Revised Statutes, is
2 amended by adding to two new sections to part II to be
3 appropriately designated and to read as follows:

4 "§712- Promoting minor-produced sexual images in the
5 first degree. (1) A person, eighteen years of age or older,
6 commits the offense of promoting minor-produced sexual images in
7 the first degree if the person intentionally or knowingly
8 commands, requests, or encourages a minor to use a computer,
9 cell phone, or any other device capable of electronic data
10 transmission or distribution, to transmit to any person a nude
11 photograph or video of a minor.

12 (2) For purposes of this section, a "minor" means any
13 person under eighteen years of age.

14 (3) Promoting minor-produced sexual images in the first
15 degree is a class C felony.

16 §712- Promoting minor-produced sexual images in the
17 second degree. (1) A minor commits the offense of promoting
18 minor-produced sexual images in the second degree if the minor:



1 (a) Knowingly uses a computer, cell phone, or any other
2 device capable of electronic data transmission or
3 distribution, to transmit or distribute to another
4 person a nude photograph or video of a minor or the
5 minor's self; or

6 (b) Intentionally or knowingly commands, requests, or
7 encourages another minor to use a computer, cell
8 phone, or any other device capable of electronic data
9 transmission or distribution, to transmit to any
10 person a nude photograph or video of a minor or the
11 minor's self.

12 (2) A person, of any age, commits the offense of promoting
13 minor-produced sexual images in the second degree if the person
14 knowingly possesses a nude photograph or video of a minor
15 transmitted or distributed in violation of subsection (1). It
16 is an affirmative defense under this subsection that the person
17 took reasonable steps to destroy or eliminate the nude
18 photograph or video of a minor.

19 (3) For purposes of this section, a "minor" means any
20 person under eighteen years of age.

21 (4) Promoting minor-produced sexual images in the second
22 degree is a misdemeanor."



S.B. NO. 2222

1 SECTION 2. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun, before the effective date of this Act.

4 SECTION 3. New statutory material is underscored.

5 SECTION 4. This Act shall take effect upon its approval.

6

INTRODUCED BY:

[Handwritten Signature]



S.B. NO. 2222

Report Title:

Sexual Images Produced by Minors

Description:

Prohibits adults from soliciting minors to electronically transmit nude images of minors; prohibits minors from electronically transmitting nude images of themselves or other minors, or soliciting other minors to do so; prohibits persons from possessing a nude image transmitted by a minor, but makes it an affirmative defense that the recipient made reasonable efforts to destroy the transmitted nude image.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

