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# 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 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."



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 on July 1, 2012.



**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. (SD1)

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