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# A BILL FOR AN ACT

RELATING TO PUBLIC ORDER.

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

1 SECTION 1. Section 711-1110.9, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 **"§711-1110.9 Violation of privacy in the first degree.**

4 (1) A person commits the offense of violation of privacy in the  
5 first degree if, except in the execution of a public duty or as  
6 authorized by law[~~7~~the]:

7 (a) The person intentionally or knowingly installs or  
8 uses, or both, in any private place, without consent  
9 of the person or persons entitled to privacy therein,  
10 any device for observing, recording, amplifying, or  
11 broadcasting another person in a stage of undress or  
12 sexual activity in that place[-]; or

13 (b) The person knowingly discloses an image or video of  
14 another identifiable person either in the nude, as  
15 defined in section 712-1210, or engaging in sexual  
16 contact, as defined in section 707-700, without the  
17 consent of the depicted person, with intent to harm  
18 substantially the depicted person with respect to that



1           person's health, safety, business, calling, career,  
2           financial condition, reputation, or personal  
3           relationships.

4   This section shall not apply to images, videos, or conduct  
5   voluntarily disclosed in public or commercial settings.

6           (2) Nothing in this section shall be construed to impose  
7   liability on an "electronic communication service" or a "remote  
8   computing service" as those terms are defined in section 803-41.

9           ~~[(2)]~~ (3) Violation of privacy in the first degree is a  
10 class C felony. In addition to any penalties the court may  
11 impose, the court may order the destruction of any recording  
12 made in violation of this section."

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

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 Statutory material to be repealed is bracketed  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

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



**Report Title:**

Violation of Privacy in the First Degree; Disclosure of an Image or Video of Another with the Intent to Harm

**Description:**

Establishes as an offense of violation of privacy in the first degree the act of knowingly disclosing an image or video of another identifiable person either in the nude or engaging in sexual contact without the consent of the depicted person with intent to harm substantially the depicted person. (SD1)

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