

Honolulu, Hawaii
February 27, 2014

RE: H.B. No. 1750
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1750 entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC ORDER,"

begs leave to report as follows:

The purpose of this measure is to establish the criminal offense of unlawful distribution of sexual representation to prohibit the unconsented reproduction, distribution, exhibition, publication, transmission, or other dissemination of a representation of a nude person or of a person engaging in sexual conduct.

The Pacific Alliance to Stop Slavery and two concerned citizens testified in support of this measure. The Department of the Attorney General, Department of the Prosecuting Attorney of the City and County of Honolulu, and IMUAlliance provided comments.

Your Committee notes that without a malice element, the application of the offense created under this measure is potentially very broad and could have unintended consequences. Given the possible reach of the proposed offense, it may raise constitutional concerns under the First Amendment. Your Committee respectfully requests that as this measure moves through the Legislature that further discussion take place concerning whether such concern is warranted, and whether further limits should be placed on the offense to ensure that it is more narrowly drawn.

HB1750 HD1 HSCR JUD HMS 2014-2145



Your Committee has amended this measure by excluding those representations taken voluntarily in public or commercially from the scope of this measure.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1750, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1750, H.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,

Karl Rhoads

KARL RHOADS, Chair



