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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. Chapter 711, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "~~§711-~~       Unlawful distribution of sexual representation.

5       (1) A person commits the offense of unlawful distribution of  
6 sexual representation if a person, without the consent of the  
7 person represented, intentionally or knowingly reproduces,  
8 distributes, exhibits, publishes, transmits, or otherwise  
9 disseminates a representation of a nude person or of a person  
10 engaging in sexual conduct.

11       (2) In addition to any other penalty that the court may  
12 impose, the court may order the destruction of any  
13 representation used to commit a violation of this section.

14       (3) As used in this section:

15       "Nude" means unclothed or in attire, including but not  
16 limited to sheer or see-through attire, so as to expose to view  
17 any portion of the pubic hair, anus, cleft of the buttocks,



1 genitals or any portion of the female breast below the top of  
2 the areola.

3 "Representation" means any photographic image, video  
4 recording, or sound recording that the defendant acquired with  
5 the consent of the person represented.

6 "Sexual conduct" means acts of masturbation, sexual  
7 intercourse, or any touching of the sexual or other intimate  
8 parts of any person, whether directly or through the clothing or  
9 other material intended to cover the sexual or other intimate  
10 parts, for the purpose of sexual stimulation or gratification.

11 (4) Unlawful distribution of sexual representation is a  
12 misdemeanor; provided that a person convicted under this section  
13 shall be subject to a fine of not less than \$1,000."

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

17 SECTION 3. New statutory material is underscored.

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

19 *Cindy Evans*

INTRODUCED BY:

*Karen Anderson*

*Clara*

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# H.B. NO. 1750

**Report Title:**

Offenses Against Public Order; Nonconsensual Distribution of Sexual Recordings

**Description:**

Establishes a criminal offense for distributing without permission a sexual recording made or obtained with the consent of the person represented in the recording.

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

