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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; provided that this section shall not  
11 apply to any representation of a person made:

12           (a) When the person represented was voluntarily nude or  
13 engaging in an act of sexual conduct in public; or

14           (b) Pursuant to a voluntary commercial transaction.

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

18           (3) As used in this section:



1       "Nude" means unclothed or in attire, including sheer or  
2 see-through attire, so as to expose to view any portion of the  
3 pubic hair, anus, cleft of the buttocks, genitals, or any  
4 portion of the female breast below the top of the areola.

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

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

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

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

19       SECTION 3. New statutory material is underscored.

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



**Report Title:**

Offenses Against Public Order; Unlawful Distribution of Sexual Representation

**Description:**

Establishes 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. (HB1750 HD1)

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

