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## A BILL FOR AN ACT

RELATING TO PORNOGRAPHY.

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

1           SECTION 1. Section 712-1210, Hawaii Revised Statutes, is  
2 amended by adding a new definition to be appropriately inserted  
3 and to read as follows:

4           "In loco parentis" means a situation in which a person who  
5 is a non-parent or legal guardian of a minor stands in place of  
6 a parent when:

7           (1) The person assumes the obligations incidental to  
8 parental relations without legally adopting the minor;

9           or

10          (2) The person voluntarily performs duties that are  
11 parental in nature to generally provide for the

12 minor."

13          SECTION 2. Section 712-1215, Hawaii Revised Statutes, is  
14 amended by amending subsection (2) to read as follows:

15          "(2) Subsection (1) does not apply to:



1        (a)    [~~a~~] A parent, guardian, or other person in loco  
2                    parentis to the minor or to a sibling of the minor~~[7]~~i  
3                    or

4        (b)    [~~te~~] To a person who commits any act specified therein  
5                    in the person's capacity and within the scope of the  
6                    person's employment as a member of the staff of any  
7                    public library~~[7]~~ or of any school."

8                    SECTION 3. This Act does not affect rights and duties that  
9                    matured, penalties that were incurred, and proceedings that were  
10                    begun before its effective date.

11                    SECTION 4. Statutory material to be repealed is bracketed  
12                    and stricken. New statutory material is underscored.

13                    SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:  \_\_\_\_\_

JAN 18 2018



# H.B. NO. 1851

**Report Title:**

Penal Code; Obscenity; In Loco Parentis; Definition; Promoting Pornography for Minors; School Staff

**Description:**

Adds a definition for "in loco parentis" to chapter 712, HRS. Clarifies that the offense of promoting pornography for minors does not apply to a person who acts within the person's capacity and scope of employment as a member of the staff of any school.

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