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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 amending the definition of "pornographic for minors"  
3 to read as follows:

4           "Pornographic for minors". Any material or performance is  
5 "pornographic for minors" if:

6           (1) It is primarily devoted to explicit and detailed  
7 narrative accounts of sexual excitement, sexual  
8 conduct, or sadomasochistic abuse; and:

9           (a) It is presented in such a manner that the average  
10 person applying contemporary community standards,  
11 would find that, taken as a whole, it appeals to  
12 [a minor's] the prurient interest; and

13           (b) Taken as a whole, it lacks serious literary,  
14 artistic, political, or scientific value; or

15           (2) It contains any photograph, drawing, or similar visual  
16 representation of any person of the age of puberty or  
17 older revealing such person with less than a fully



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1           opaque covering of his or her genitals and pubic area,  
2           or depicting such person in a state of sexual  
3           excitement or engaged in acts of sexual conduct or  
4           sadomasochistic abuse; and:

5           (a) It is presented in such a manner that the average  
6           person, applying contemporary community  
7           standards, would find that, taken as a whole, it  
8           appeals to [~~a minor's~~] the prurient interest; and

9           (b) Taken as a whole, it lacks serious literary,  
10          artistic, political, or scientific value."

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

14          SECTION 3. Statutory material to be repealed is bracketed  
15          and stricken. New statutory material is underscored.

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

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



JAN 18 2018



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**Report Title:**

Penal Code; Obscenity; Pornography; Definition

**Description:**

Clarifies that the prurient interest referenced in the definition of "pornographic for minors" does not relate specifically to the minor.

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

