

STAND. COM. REP. NO.

3033

Honolulu, Hawaii

MAR 21 2018

RE: H.B. No. 1850
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1850, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PORNOGRAPHY,"

begs leave to report as follows:

The purpose and intent of this measure is to clarify that the exemption for parents, guardians, and other persons in loco parentis to the offense of promoting pornography for minors specifically applies to legal guardians.

Your Committee received testimony in support of this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu and Honolulu Police Department.

Your Committee finds that the purpose of this measure is to strengthen the statutory language regarding promoting pornography for minors and to close unintended loopholes therein. For that reason, this measure clarifies that the exemption to the offense for guardians of a minor specifically applies to legal guardians only. Your Committee further finds that removing "other person[s] in loco parentis" from the exemption would further strengthen the language regarding promoting pornography to minors by explicitly limiting the exemption to parents and legal guardians.

Your Committee has amended this measure by:



- (1) Removing "other person[s] in loco parentis" from the exemption to the offense of promoting pornography for minors;
- (2) Inserting an effective date of July 1, 2035, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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. 1850, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1850, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

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

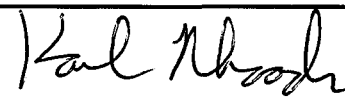


BRIAN T. TANIGUCHI, Chair



The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:*	Committee Referral:	Date:
HB 1850, HD1	JDC	3/13/18
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____		
The Recommendation is:		
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310
<input type="checkbox"/> Recommit 2313		
Members	Aye	Aye (WR)
Nay	Excused	
TANIGUCHI, Brian T. (C)	✓	
RHOADS, Karl (VC)	✓	
GABBARD, Mike	✓	
KIM, Donna Mercado	✓	
THIELEN, Laura H.	✓	
TOTAL	5	0
0	0	0
Recommendation:		
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature:		
		
Distribution:		
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency
Goldenrod Committee File Copy		

*Only one measure per Record of Votes