
A BILL FOR AN ACT

RELATING TO PUBLIC ORDER.

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

1 SECTION 1. Section 711-1110.9, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§711-1110.9 Violation of privacy in the first degree.**

4 (1) A person commits the offense of violation of privacy in the
5 first degree if, except in the execution of a public duty or as
6 authorized by law~~[, the]~~:

7 (a) The person intentionally or knowingly installs or
8 uses, or both, in any private place, without consent
9 of the person or persons entitled to privacy therein,
10 any device for observing, recording, amplifying, or
11 broadcasting another person in a stage of undress or
12 sexual activity in that place~~[,]~~; or

13 (b) The person knowingly discloses an image or video of
14 another identifiable person either in the nude, as
15 defined in section 712-1210, or engaging in sexual
16 conduct, as defined in section 712-1210, without the
17 consent of the depicted person, with intent to harm
18 substantially the depicted person with respect to that



1 person's health, safety, business, calling, career,
2 financial condition, reputation, or personal
3 relationships; provided that:

4 (i) This paragraph shall not apply to images or
5 videos of the depicted person made:

6 (A) When the person was voluntarily nude in
7 public or voluntarily engaging in sexual
8 conduct in public; or

9 (B) Pursuant to a voluntary commercial
10 transaction; and

11 (ii) Nothing in this paragraph shall be construed to
12 impose liability on a provider of "electronic
13 communication service" or "remote computing
14 service" as those terms are defined in section
15 803-41, for an image or video disclosed through
16 the electronic communication service or remote
17 computing service by another person.

18 (2) Violation of privacy in the first degree is a class C
19 felony. In addition to any penalties the court may impose, the
20 court may order the destruction of any recording made in
21 violation of this section."



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

4 SECTION 3. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

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



Report Title:

Violation of Privacy in the First Degree; Disclosure of an Image or Video of Another with the Intent to Harm

Description:

Expands the offense of violation of privacy in the first degree to include knowingly disclosing an image or video of another identifiable person either in the nude or engaging in sexual conduct without the consent of the depicted person with intent to harm substantially the depicted person. (HB1750 CD1)

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

