

JAN 17 2014

A BILL FOR AN ACT

RELATING TO PRIVACY.

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

1 SECTION 1. Section 711-1111, Hawaii Revised Statutes, is
2 amended by amending subsection (1) to read as follows:

3 (1) A person commits the offense of violation of privacy
4 in the second degree if, except in the execution of a public
5 duty or as authorized by law, the person intentionally:

6 (a) Trespasses on property for the purpose of subjecting
7 anyone to eavesdropping or other surveillance in a
8 private place;

9 (b) Peers or peeps into a window or other opening of a
10 dwelling or other structure adapted for sojourn or
11 overnight accommodations for the purpose of spying on
12 the occupant thereof or invading the privacy of
13 another person with a lewd or unlawful purpose, under
14 circumstances in which a reasonable person in the
15 dwelling or other structure would not expect to be
16 observed;



- 1 (c) Trespasses on property for the sexual gratification of
2 the actor;
- 3 (d) Installs or uses, or both, in any private place,
4 without consent of the person or persons entitled to
5 privacy therein, any means or device for observing,
6 recording, amplifying, or broadcasting sounds or
7 events in that place other than another person in a
8 stage of undress or sexual activity;
- 9 (e) Installs or uses outside a private place any device
10 for hearing, recording, amplifying, or broadcasting
11 sounds originating in that place which would not
12 ordinarily be audible or comprehensible outside,
13 without the consent of the person or persons entitled
14 to privacy therein;
- 15 (f) Covertly records or broadcasts an image of another
16 person's intimate area underneath clothing, by use of
17 any device, and that image is taken while that person
18 is in a public place and without that person's
19 consent;
- 20 (g) Intercepts, without the consent of the sender or
21 receiver, a message or photographic image by



1 telephone, telegraph, letter, electronic transmission,
2 or other means of communicating privately; but this
3 paragraph does not apply to:

4 (i) Overhearing of messages through a regularly
5 installed instrument on a telephone party line or
6 an extension; or

7 (ii) Interception by the telephone company, electronic
8 mail account provider, or telephone or electronic
9 mail subscriber incident to enforcement of
10 regulations limiting use of the facilities or
11 incident to other operation and use;

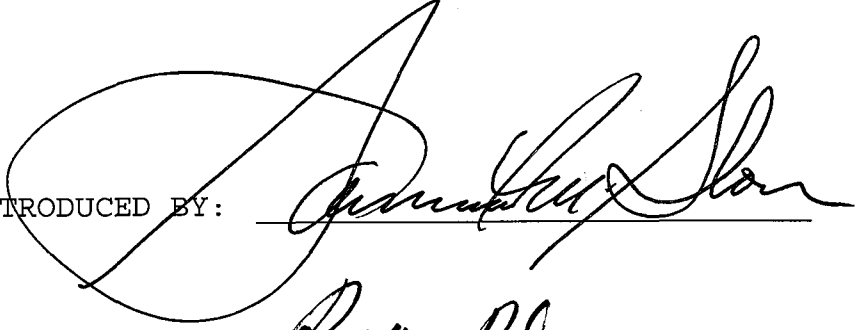


12 (h) Divulges, without the consent of the sender or the
13 receiver, the existence or contents of any message or
14 photographic image by telephone, telegraph, letter,
15 electronic transmission, or other means of
16 communicating privately, if the accused knows that the
17 message or photographic image was unlawfully
18 intercepted or if the accused learned of the message
19 or photographic image in the course of employment with
20 an agency engaged in transmitting it; or



- 1 (i) Knowingly possesses materials created under
- 2 circumstances prohibited in section 711-1110.9[-]; or
- 3 (j) Publishes photographs or recordings by any means of the
- 4 image of another, identifiable person with his or her
- 5 consent who is in a state of full or partial undress in
- 6 any area in which the person being photographed or
- 7 recorded has a reasonable expectation of privacy, and
- 8 subsequently distributes the image taken with the
- 9 intent to cause extreme emotional distress, and the
- 10 other person suffers extreme emotional distress."

11 SECTION 2. Statutory material to be repealed is bracketed
 12 and stricken. New statutory material is underscored.

13 SECTION 3. This Act shall take effect upon its approval.

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 15
 INTRODUCED BY: 



S.B. NO. 2319

Report Title:

Revenge Porn

Description:

Makes it an offense to publish partially nude or fully nude photographs and recordings of a person taken in place where there is a reasonable expectation of privacy intending to cause and causing severe emotional distress to the photographed person.

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

