

JAN 24 2024

A BILL FOR AN ACT

RELATING TO INDECENT EXPOSURE.

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

1 SECTION 1. The legislature finds that indecent exposure,
2 which is the intentional exposure of a person's genitals to
3 another under circumstances in which the person's conduct is
4 likely to cause affront, is a form of sexual violence. Sexual
5 violence, when perpetrated upon minors, has been correlated with
6 higher levels of depression, guilt, shame, self-blame, eating
7 disorders, somatic concerns, anxiety, dissociative patterns,
8 repression, denial, sexual problems, and relationship problems.

9 The legislature further finds that the existing criminal
10 statute penalizing indecent exposure fails to account for the
11 additional harm and trauma that occurs when a person
12 intentionally exposes the person's genitals to a minor.

13 The purpose of this Act is to raise the criminal penalty
14 for the offense of indecent exposure from a petty misdemeanor to
15 a misdemeanor if the victim is less than sixteen years of age.

16 SECTION 2. Section 707-734, Hawaii Revised Statutes, is
17 amended to read as follows:



1 "**§707-734 Indecent exposure.** (1) A person commits the
2 offense of indecent exposure if, the person intentionally
3 exposes the person's genitals to a person to whom the person is
4 not married under circumstances in which the actor's conduct is
5 likely to cause affront.

6 (2) [~~Indecent~~] Except as provided in subsection (3),
7 indecent exposure is a petty misdemeanor.

8 (3) Indecent exposure is a misdemeanor if the victim is
9 less than sixteen years of age. The state of mind requirement
10 for the offense is not applicable to the fact that the victim
11 was less than sixteen years of age. A person is strictly liable
12 with respect to the attendant circumstance that the victim was
13 less than sixteen years of age."

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

17 SECTION 4. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.



S.B. NO. 2971

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

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INTRODUCED BY: _____

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S.B. NO. 2971

Report Title:

Hawaii Penal Code; Criminal Offense; Indecent Exposure; Less Than Sixteen Years of Age; Strict Liability

Description:

Raises the criminal penalty for the offense of indecent exposure from a petty misdemeanor to a misdemeanor if the victim is less than sixteen years of age. Provides that the state of mind requirement is not applicable to the fact that the victim is less than sixteen years of age and that the actor is strictly liable with respect to the attendant circumstance that the victim was less than sixteen years of age.

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