



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2025**

ON THE FOLLOWING MEASURE:

H.B. NO. 994, RELATING TO THE OFFENSE OF PROMOTING PORNOGRAPHY FOR MINORS.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

DATE: Wednesday, February 19, 2025 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Albert Cook, Deputy Attorney General

Chair Tarnas and Members of the Committee:

The Department of the Attorney General (Department) strongly supports this bill and offers the following comments.

The purpose of this bill is to enhance the effectiveness of Act 244, Session Laws of Hawaii 2024 (Act 244), by allowing a charge for the offense under section 712-1215, Hawaii Revised Statutes (HRS), Promoting Pornography for Minors, to be instituted by written information.

The Department of the Attorney General's Internet Crimes Against Children Task Force, in collaboration with various federal and county law enforcement agencies, regularly conducts undercover operations where undercover law enforcement officers pose as minors on the Internet to identify, locate, arrest, and prosecute offenders who solicit minors on the Internet to engage in sexual activities.

Undercover officers often receive pornographic materials during these operations, and in response, the Legislature passed Act 244, specifically extending the criminal offense of Promoting Pornography for Minors to persons who disseminate pornographic materials to an undercover law enforcement officer who poses as a minor. Act 244 will be instrumental in holding offenders accountable, however, expeditious charging is crucial during these large-scale operations. In addition to the offense of Promoting Pornography for Minors, individuals arrested during these operations are

commonly charged with the offenses of Electronic Enticement of a Child (sections 707-756 and 707-757, HRS) and Commercial Sexual Exploitation of a Minor (section 712-1209.1, HRS), both of which can be instituted by way of written information. Therefore, to enhance the effectiveness of Act 244, this bill seeks to amend section 806-83(a), HRS, to allow a charge of Promoting Pornography for Minors to be instituted via written information.

We respectfully ask the Committee to pass this bill. Thank you for the opportunity to provide comments on this bill.

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OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY IN SUPPORT OF HOUSE BILL 994

A BILL FOR AN ACT
RELATING TO THE OFFENSE OF PROMOTING PORNOGRAPHY FOR MINORS

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Representative David A. Tarnas, Chair
Representative Mahina Poepoe, Vice Chair

Wednesday, February 19, 2024 at 2:00 p.m.
Via Videoconference
State Capitol Conference Room 325
415 South Beretania Street

Honorable Chair Tarnas, Vice-Chair Poepoe and Members of the Committee on Judiciary and Hawaiian Affairs. The County of Hawai'i, Office of the Prosecuting Attorney submits the following testimony in support of House Bill No. 994.

HB 994 was drafted with the intent to authorize the offense of Promoting Pornography for Minors to be instituted by written information. This bill aims to address the issue of child sexual exploitation and the harmful effects of pornography on minors. The prevention of sexual exploitation and abuse of children must be one of our society's most urgent priorities. This bill seeks to enhance our ability to protect children from those who exploit and abuse them, especially through the dissemination of pornography.

The legislature's findings in Act 244 (Session Law of 2024), recognizing the importance of using undercover operations to prosecute those promoting pornography for minors, are a necessary step forward. Law enforcement operations have proven to be an effective tool in reducing the prevalence of offenders who target children for digital sexual exploitation.

Our Office regularly participates in "Operation Keiki Shield," a state-federal-local collaborative initiative focused on identifying and arresting offenders who commit internet-facilitated sex crimes against minors and rescuing victims of child sexual exploitation and abuse. Operation Keiki Shield includes members of numerous law enforcement agencies, including the Hawai'i Police Department ("HPD"), Hawai'i County Office of the Prosecuting Attorney, Department of the Attorney General, Internet Crimes Against Children's ("ICAC") Task Force, Homeland Security Investigations, the United States Secret Service, the Federal Bureau of Investigation, Honolulu Police Department, Maui Police Department, and Kaua'i Police

Department. These operations have led to significant arrests and have deterred further illegal activity.

By allowing this offense to be initiated by written information, prosecutors can act in an efficient manner to charge offenders during undercover operations. This process is crucial to prevent further harm to vulnerable minors and to send a clear message that these offenses will not be tolerated.

This bill addresses a critical gap in our legal framework and enhances the ability to protect children from sexual exploitation. For the foregoing reasons, the County of Hawai'i, Office of the Prosecuting Attorney supports the passage of House Bill No. 994. Thank you for the opportunity to testify on this matter.

**DEPARTMENT OF THE PROSECUTING ATTORNEY
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CITY AND COUNTY OF HONOLULU**

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**THE HONORABLE DAVID A. TARNAS, CHAIR
HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS
Thirty-Third State Legislature
Regular Session of 2025
State of Hawai'i**

February 18, 2025

**RE: H.B. 994; RELATING TO THE OFFENSE OF PROMOTING PORNOGRAPHY
FOR MINORS.**

Chair Tarnas, Vice Chair Poepoe, and members of the House Committee on Judiciary and Hawaiian Affairs, the Department of the Prosecuting Attorney for the City and County of Honolulu submits the following testimony in **strong support** of H.B. 994.

H.B. 994 permits the prosecution to charge Promoting Pornography for Minors by written information. This offense is already defined by law as a Class C felony.¹ Information charging requires a judge to review both a sworn declaration and attached exhibits supporting the charge.²

Progressively exposing children to pornography is one method used by child molesters to groom victims.³ During sting operations, predators sometimes transmit pornography to undercover officers, believing the officer is actually a child. Sting cases are often charged by information to ensure swift and efficient prosecution of identified predators. This bill would enhance current efforts to intercept child molesters intent on harming real children.

The Department strongly urges passage of H.B. 994.

Thank you for the opportunity to testify.

¹ HRS § 712-1215(3).

² HRS § 806-84 (declaration and exhibits); § 806-85 (probable review by judge).

³ See, e.g., Diana E.H. Russell & Natalie J. Purcell, *Exposure to Pornography as a Cause of Child Sexual Victimization* in HANDBOOK OF CHILDREN, CULTURE, AND VIOLENCE 59-84 (Nancy E. Dowd, et al. eds., 2006)

HB-994

Submitted on: 2/16/2025 8:18:26 PM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ruth Love	Individual	Support	Written Testimony Only

Comments:

Thank you for protecting our children.

Mrs Ruth Love

HB-994

Submitted on: 2/18/2025 4:15:46 PM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dara Carlin, M.A.	Individual	Support	Written Testimony Only

Comments:

Stand in Support