STAND. COM. REP. NO. 2304

Honolulu, Hawaii

FOB 17

, 2006

RE: S.B. No. 2647

Honorable Robert Bunda President of the Senate Twenty-Third State Legislature Regular Session of 2006 State of Hawaii

Sir:

Your Committee on Education and Military Affairs, to which was referred S.B. No. 2647 entitled:

"A BILL FOR AN ACT RELATING TO THE SALE OF INDECENT MATERIALS,"

begs leave to report as follows:

The purpose of this measure is to prohibit the knowing or reckless display or offer for sale of any sexually explicit matter, between the hours of 6 a.m. and 6 p.m. within 500 feet of the real property comprising a school.

Your Committee received testimony in support of this measure from the Koolauloa Neighborhood Board No. 28.

Your Committee finds that this measure is similar to an existing law prohibiting the promotion of a controlled substance in, on, or near schools and public parks. The area encompassing school property is frequented by students who are impressionable. The display of visible sexually explicit matter should not be condoned.

Your Committee was informed in testimony that the genesis of this measure is a "family store" located in a neighborhood on Oahu that sells pornographic magazines. Your Committee finds that this is totally inappropriate for a family store, or any store in a neighborhood setting near a school.

Your Committee defers to the Committee on Judiciary and Hawaiian Affairs to determine the first amendment constitutional



issues raised by this measure, if any, particularly with regard to overbreadth issues and content regulation.

As affirmed by the record of votes of the members of your Committee on Education and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2647 and recommends that it pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

Respectfully submitted on behalf of the members of the Committee on Education and Military Affairs,

NORMAN SAKAMOTO, Chai

The Senate Twenty-Third Legislature State of Hawaii

Record of Votes of the Committee on Education and Military Affairs (Bills and Resolutions)

Measure:*	Committee Referral:		Date:		
53 2647	EDM,	JHW	دن	-115/0	× .
The committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is to:					
Pass, unamended Pass, with amendments Hold Recommit (2312) (2311) (2310) (2313)					
Members		Ayes	Ayes(WR)	Nays	Excused
SAKAMOTO, Norman (C)		V,			
HOOSER, Gary L. (VC)		V			
CHUN OAKLAND, Suzanne					
NISHIHARA, Clarence K.		V			
TSUTSUI, Shan S.		V			
HOGUE, Bob	- 14.5. <u></u>	1/			
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		1964 - 4			
TOTAL		5			/
Recommendation:					
Adopted			Not Adopted		
Chair's or Designee's Signature:					
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^{*}Do <u>not</u> list more than one measure per Record of Votes.