



**TESTIMONY OF THE STATE ATTORNEY GENERAL  
TWENTY-FIFTH LEGISLATURE, 2009**

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 1021, RELATING TO CHILD ABUSE.

**BEFORE THE:**

HOUSE COMMITTEE ON HUMAN SERVICES

**DATE:** Thursday, February 19, 2009 **TIME:** 8:15 AM

**LOCATION:** State Capitol, Room 329

**TESTIFIER(S):** Mark J. Bennett, Attorney General,  
or Lance M. Goto, Deputy Attorney General

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Chair Mizuno and Members of the Committee:

The Attorney General strongly supports this bill.

The purpose of this bill is to provide greater protection for children by addressing instances of possession of particularly violent or egregious child pornography, and by adding mandatory sentencing provisions for the offenses of promoting child abuse in the second degree and promoting child abuse in the third degree.

Child pornography is a record of the exploitation and actual sexual abuse and assault of innocent and helpless children. In this age of electronic communication and sharing of digital information, child pornography - and the sexual exploitation and assault on which it is based - is a growing problem around the world. Child pornographers and predators can easily share pornographic images of sexually abused children through the Internet.

This problem exists in Hawaii. For example, on November 12, 2008, Christopher Abbott, a former grants manager at the University of Hawaii Medical School, was convicted for possessing child pornography. On his computer, investigators discovered 27 movies and 17 still images of child pornography, all involving real children who had been sexually abused.

This bill amends the offense of promoting child abuse in the second degree to include the possession of particularly violent or egregious child pornography that involves a child under the age of twelve, sadomasochistic abuse of a minor, sexual penetration of a minor, or bestiality involving a minor.

This bill also adds mandatory sentencing provisions for serious child abuse offenses involving the dissemination or possession of child pornography.

We respectfully request passage of this measure.

CHARMAINE TAVARES  
Mayor



BENJAMIN M. ACOB  
Prosecuting Attorney

PETER A. HANANO  
First Deputy Prosecuting Attorney

DEPARTMENT OF THE PROSECUTING ATTORNEY  
COUNTY OF MAUI  
150 S. HIGH STREET  
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February 17, 2009

HONORABLE JOHN M. MIZUNO, CHAIR  
HONORABLE TOM BROWER, VICE CHAIR  
COMMITTEE ON HUMAN SERVICES

HOUSE OF REPRESENTATIVES  
THE TWENTY-FIFTH LEGISLATURE  
REGULAR SESSION OF 2009  
STATE OF HAWAII

TESTIMONY OF BENJAMIN M. ACOB,  
PROSECUTING ATTORNEY FOR THE COUNTY OF MAUI,  
IN SUPPORT OF H.B. NO. 1021  
RELATING TO CHILD ABUSE

The Honorable Chairpersons and Committee Members:

The Department of the Prosecuting Attorney for the County of Maui strongly supports H.B. 1021, Relating to Child Abuse.

We have learned in our law enforcement training, that is a significant connection between possessors of child pornography and those perpetrators who actually commit egregious sexual or violent crimes against children. Unfortunately, due to advances in modern technology such as the internet and digital media, these sexual predators have found it faster and easier to create and disseminate child pornography.

Indeed, passing this bill will provide law enforcement officials with the much needed tools to increase protection of our children. More specifically, this bill proposes the following:

1. Amends Promoting Child Abuse in the Second Degree to include possession of particularly violent or egregious child pornography;
2. Adds mandatory sentencing provisions for serious and felonious child abuse offenses.

Clearly, the proposed amendments are intended to protect our children from these child predators. Both proposals are aimed at not only creating a deterrent effect against mere possession of particularly violent or egregious child pornography, but also designed to seriously punish these sexual predators.

In conclusion, our Department strongly supports H.B. 1021. In order to effectively combat these types crimes against our children, our criminal laws must provide for harsh penalties to coincide with the serious and egregious nature of the criminal conduct.

Thank you for the opportunity to testify.

(H.B. 1021, Relating to Child Abuse)



# THE SEX ABUSE TREATMENT CENTER

*A Program of Kapi'olani Medical Center for Women & Children*

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Philip Hyden, M.D.

Roland Lagareta

Willow Morton

R. Carolyn Wilcox

DATE: February 19, 2009

TO: The Honorable John M. Mizuno, Chair  
The Honorable Tom Brower, Vice Chair  
Committee on Human Services

FROM: Adriana Ramelli, Executive Director  
The Sex Abuse Treatment Center

RE: Support for HB1021  
Relating to Child Abuse

Good morning Representatives Mizuno and Brower and members of the Committee on Human Services. My name is Adriana Ramelli and I am the Executive Director of the Sex Abuse Treatment Center (SATC), a program of the Kapi'olani Medical Center for Women & Children (KMCWC), an affiliate of Hawaii Pacific Health.

The SATC strongly supports HB1021 to amend the offense of promoting child abuse in the second degree to include the possession of particularly violent child pornography, and adds mandatory sentencing provisions for serious child abuse offenses.

The creation and use of child pornography tragically exploits the young and has profound impacts on child victims and society. Sadly, there has been a proliferation of child pornography in recent years due to the escalating growth in online communication and use of digital media. This is particularly sobering given the connection between possession of child pornography and committing child sexual abuse. A 2005 study by the National Center for Missing and Exploited Children (NCMEC) found that 40% of arrestees were "dual offenders" – they sexually victimized children and possessed child pornography. Of those offenders, many possessed particularly violent pornography, 80% had images explicitly showing sexual penetration of minors and 21% had images depicting bondage, rape and torture.

Children who are used to create pornography, particularly violent forms, can suffer devastating impacts such as genital and other physical injuries, exposure to sexually transmitted diseases and a host of serious psychological and behavior disorders, often lasting into adulthood. Unfortunately, as the porn industry continues to expand, we can expect more extreme and violent forms of child pornography to surface to meet increasing worldwide demand.

HB1021 sends a strong message that possessing particularly violent or egregious child pornography is a grave offense and those guilty of it will be dealt with harshly. Also importantly, this bill includes mandatory sentencing provisions for serious child abuse offense involving the dissemination or possession of child pornography. We urge you to pass this important bill. Our children's safety is at stake.

Testimony on behalf of the  
Office of the Public Defender, State of Hawai`i  
to the House Committee on Human Services

February 19, 2009

RE: H.B. No. 1021: Relating to Child Abuse

Chair Mizuno and Members of the Committee:

H.B. No. 1021 seeks to raise the penalty for possession of 10 or more photographs, at least one of which depicts certain specified types of child pornography, to Promoting Child Abuse 2°, a class B felony. We oppose passage of this bill because the current statutory scheme of Promoting Child Abuse punishes more heavily those who distribute child pornography as opposed to those who merely possess such items.

We believe that the current statutory structure is appropriate because those who disseminate and distribute child pornography do more to perpetuate the reprehensible industry than those who possess it. Therefore, such law violators should be punished more heavily.

The bill also imposes mandatory jail sentences for both Promoting Child Abuse in the 2° and 3°. It is our firm belief that discretion in imposing a sentence should be in the hands of the court. Judges are in the best position to fashion a just sentence in these and other cases.

Thank you for the opportunity to comment on this bill.

## **brower2-Jenna**

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**From:** Dara Carlin, M.A. [breaking-the-silence@hotmail.com]  
**Sent:** Tuesday, February 17, 2009 10:01 PM  
**To:** HUS testimony  
**Subject:** HB1021 to be heard Wednesday, February 18th at 8:15am in Room 329 by the Committee on Human Services

**Importance:** High

**Categories:** Red Category

TO: Representative John Mizuno, Chair  
Representative Tom Brower, Vice Chair  
Members of the Committee on Human Services

FROM: Dara Carlin, M.A.  
881 Akiu Place  
Kailua, HI 96734  
(808) 218-3457

DATE: February 18, 2009

RE: Support for HB1021

Please support HB1021 that supports mandatory sentences for serious child abuse offenses, especially as related to child pornography and exploitation. One of the scariest phenomena I see is when children see the system fail them in terms of accountability for wrongs perpetrated against them. Crimes of this nature should be held to the highest standard of the law because they are crimes against a child that ruin an irreplaceable innocence. Trying to maintain childhood innocence these days is an active struggle for parents - we don't need crimes such as child pornography and child abuse being minimized because it conveys that the perpetrator's rights supersede the child victim's birthrights to safety, protection and nurturance.

Thank you for your time and consideration.

Most respectfully,

**Dara Carlin, M.A.**  
Independent Domestic Violence Survivor Advocate

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**brower2-Jenna**

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**From:** guy yatsushiro [redacted@yahoo.com]  
**Sent:** Wednesday, February 18, 2009 8:09 AM  
**To:** HUSTestimony  
**Subject:** LATE TESTIMONY! HB1021: Wednesday, 02/18/09, to be heard at 8:15am, Room 329

**Categories:** Red Category

TO: Representative John Mizuno, Chair  
> Representative Tom Brower, Vice Chair  
> Human Services Committee Members  
>

FROM: Guy Yatsushiro, M.D.  
> 1914 South King Street, Suite 201  
> Honolulu, HI 96826  
> (808) 946-7159  
>

RE: Support for HB1021  
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DATE: 02/18/09  
>  
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Good Morning. Child pornography is so egregious, you really couldn't do enough to punish an offender in my opinion. Please support this measure. Thank you.  
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Guy Yatsushiro, M.D.  
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