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# A BILL FOR AN ACT

RELATING TO PUBLIC ORDER.

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

1       SECTION 1. Section 711-1110.9, Hawaii Revised Statutes, is  
2 amended to read as follows:

3       "**§711-1110.9 Violation of privacy in the first degree.**

4       (1) A person commits the offense of violation of privacy in the  
5 first degree if, except in the execution of a public duty or as  
6 authorized by law[~~7~~]:

7       (a)    [~~the~~] The person intentionally or knowingly installs  
8               or uses, or both, in any private place, without  
9               consent of the person or persons entitled to privacy  
10              therein, any device for observing, recording,  
11              amplifying, or broadcasting another person in a stage  
12              of undress or sexual activity in that place[~~7~~]; or

13       (b)    The person knowingly discloses an image of another  
14               identifiable person in the nude as defined by section  
15               712-1210, or of another identifiable person engaging  
16               in sexual activity, without the depicted person's  
17               consent, with intent to substantially harm the  
18               depicted person with respect to that person's health,



1        safety, business, calling, career, financial  
2        condition, reputation, or personal relationships.  
3        This section shall not apply to images voluntarily  
4        disclosed in public or commercial settings.

5        (2) Violation of privacy in the first degree is a class C  
6        felony. In addition to any penalties the court may impose, the  
7        court may order the destruction of any recording made in  
8        violation of this section."

9        SECTION 2. This Act does not affect rights and duties that  
10        matured, penalties that were incurred, and proceedings that were  
11        begun before its effective date.

12        SECTION 3. Statutory material to be repealed is bracketed  
13        and stricken. New statutory material is underscored.

14        SECTION 4. This Act shall take effect upon its approval.



**Report Title:**

Offenses Against Public Order; Nonconsensual Distribution of  
Sexual Recordings

**Description:**

Establishes a criminal offense for disclosing or distributing an  
image of another identifiable person in the nude or engaging in  
sexual activity, with the intent to substantially harm the  
depicted person and without the depicted person's consent.  
(SD1)

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not legislation or evidence of legislative intent.*

