

Honolulu, Hawaii  
March 18, 2016

RE: S.B. No. 2312  
S.D. 1  
H.D. 1

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Eighth State Legislature  
Regular Session of 2016  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2312, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE PENAL CODE,"

begs leave to report as follows:

The purpose of this measure is to amend the definition of the term "sexual conduct" as that term is used in the penal code for the offenses of promoting child abuse in the first, second, and third degrees and for offenses related to obscenity. The amendments made by this measure align this term, as used in state law, more closely with the terminology used in federal law by expanding the definition of sexual conduct to include specific types of conduct. The measure also removes unnecessary and archaic language regarding sexual orientation.

The Department of the Attorney General, Hawaii State Commission on the Status of Women, Honolulu Police Department, Hawai'i State Democratic Women's Caucus, The Sex Abuse Treatment Center, Planned Parenthood Votes Northwest and Hawaii, Hawaii Women's Coalition, American Association of University Women, Hawaii, and one concerned individual testified in support of the measure.

Your Committee has amended this measure by making it effective upon its approval.



As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2312, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2312, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,



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KARL RHOADS, Chair



H82R 1124-16

## Record of Votes of the Committee on Judiciary

Bill/Resolution No.: SB 2312, SDI		Committee Referral: JUD		Date: 3/10/16
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to:				
<input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold				
<input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. RHOADS, Karl (C)	✓			
2. SAN BUENAVENTURA, Joy A. (VC)	✓			
3. BELATTI, Della Au				✓
4. BROWER, Tom	✓			
5. CREAGAN, Richard P.	✓			
6. HASHEM, Mark J.				✓
7. KAWAKAMI, Derek S.K.				✓
8. LEE, Chris	✓			
9. MORIKAWA, Dee	✓			
10. NAKASHIMA, Mark M.	✓			
11. TAKAYAMA, Gregg	✓			
12. WOODSON, Justin H.				✓
13. McDERMOTT, Bob				✓
14. THIELEN, Cynthia	✓			
TOTAL (14)	9			5
The recommendation is:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: [Signature]				
Distribution: Original (White) – Committee    Duplicate (Yellow) – Chief Clerk's Office    Duplicate (Pink) – HMSO				