



EXECUTIVE CHAMBERS  
HONOLULU

DAVID Y. IGE  
GOVERNOR

July 5, 2018

**GOV. MSG. NO. 1215**

The Honorable Ronald D. Kouchi,  
President  
and Members of the Senate  
Twenty-Ninth State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,  
Speaker and Members of the  
House of Representatives  
Twenty-Ninth State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 5, 2018, the following bill was signed into law:

HB2134 HD1 SD1 CD1

RELATING TO VIOLATION OF PRIVACY  
**ACT 114 (18)**

Sincerely,

DAVID Y. IGE  
Governor, State of Hawai'i

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# A BILL FOR AN ACT

RELATING TO VIOLATION OF PRIVACY.

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

13           (b) The person knowingly discloses or threatens to  
14 disclose an image or video of another identifiable  
15 person either in the nude, as defined in section 712-  
16 1210, or engaging in sexual conduct, as defined in  
17 section 712-1210, without the consent of the depicted  
18 person, with intent to harm substantially the depicted



1 person with respect to that person's health, safety,  
2 business, calling, career, education, financial  
3 condition, reputation, or personal relationships [-] or  
4 as an act of revenge or retribution; provided that:

5 (i) This paragraph shall not apply to images or  
6 videos of the depicted person made:

7 (A) When the person was voluntarily nude in  
8 public or voluntarily engaging in sexual  
9 conduct in public; or

10 (B) Pursuant to a voluntary commercial  
11 transaction; and

12 (ii) Nothing in this paragraph shall be construed to  
13 impose liability on a provider of "electronic  
14 communication service" or "remote computing  
15 service" as those terms are defined in section  
16 803-41, for an image or video disclosed through  
17 the electronic communication service or remote  
18 computing service by another person.

19 (2) Violation of privacy in the first degree is a class C  
20 felony. In addition to any penalties the court may impose, the



1 court may order the destruction of any recording made in  
2 violation of this section.

3 (3) Any recording or image made or disclosed in violation  
4 of this section and not destroyed pursuant to subsection (2)  
5 shall be sealed and remain confidential."

6 SECTION 2. This Act does not affect rights and duties that  
7 matured, penalties that were incurred, and proceedings that were  
8 begun before its effective date.

9 SECTION 3. Statutory material to be repealed is bracketed  
10 and stricken. New statutory material is underscored.

11 SECTION 4. This Act shall take effect on July 1, 2018.

APPROVED this 05 day of JUL, 2018



GOVERNOR OF THE STATE OF HAWAII



HB No. 2134, HD 1, SD 1, CD 1

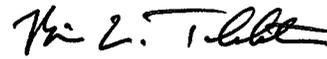
THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 1, 2018  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Twenty-Ninth Legislature of the State of Hawaii, Regular Session of 2018.



Scott K. Saiki  
Speaker  
House of Representatives



Brian L. Takeshita  
Chief Clerk  
House of Representatives

**THE SENATE OF THE STATE OF HAWAI'I**

Date: May 1, 2018  
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the  
Senate of the Twenty-ninth Legislature of the State of Hawai'i, Regular Session of 2018.

  
President of the Senate

  
Clerk of the Senate