
A BILL FOR AN ACT

RELATING TO PORNOGRAPHY.

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

1 SECTION 1. Section 712-1210, Hawaii Revised Statutes, is
2 amended by adding a new definition to be appropriately inserted
3 and to read as follows:

4 "In loco parentis" means a situation in which a person who
5 is a non-parent or legal guardian of a minor stands in place of
6 a parent when:

7 (1) The person assumes the obligations incidental to
8 parental relations without legally adopting the minor;

9 or

10 (2) The person voluntarily performs duties that are
11 parental in nature to generally provide for the
12 minor."

13 SECTION 2. Section 712-1215, Hawaii Revised Statutes, is
14 amended by amending subsection (2) to read as follows:

15 "(2) Subsection (1) does not apply to [a]:

16 (a) A parent, guardian, or other person in loco parentis
17 to the minor or to a sibling of the minor[7]; or [te]



1 (b) To a person who commits any act specified therein in
2 the person's capacity and within the scope of the
3 person's employment as a member of the staff of any
4 public library~~[-]~~ or of any school."

5 SECTION 3. This Act does not affect rights and duties that
6 matured, penalties that were incurred, and proceedings that were
7 begun before its effective date.

8 SECTION 4. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 5. This Act shall take effect on July 1, 2025.



Report Title:

Penal Code; Obscenity; In Loco Parentis; Promoting Pornography
for Minors; School Staff

Description:

Defines "in loco parentis" for purposes of exemption under
Hawaii's obscenity laws. Clarifies that the offense of
promoting pornography for minors does not apply to a person who
acts within the person's capacity and scope of employment as a
member of the staff of any school. (HB1851 HD1)

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