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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



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

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

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

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

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

20 (2) Violation of privacy in the first degree is a class C  
21 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 shall be sealed and remain confidential."

5 SECTION 2. 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 3. Statutory material to be repealed is bracketed  
9 and stricken. New statutory material is underscored.

10 SECTION 4. This Act shall take effect on July 1, 2035.



**Report Title:**

Violation of Privacy in the First Degree; Revenge or Retribution

**Description:**

Amends the offense of violation of privacy in the first degree to prohibit threats or acts to disclose an image or video. Requires that any recording or image made or disclosed be sealed and remain confidential. Effective 7/1/2035. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

