



GOV. MSG. NO. 1133

EXECUTIVE CHAMBERS  
HONOLULU

DAVID Y. IGE  
GOVERNOR

June 7, 2021

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

The Honorable Scott K. Saiki,  
Speaker and Members of the  
House of Representatives  
Thirty First 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 June 7, 2021, the following bill was signed into law:

SB0413 SD1 HD1 CD1

RELATING TO VIOLATION OF PRIVACY.  
**ACT 033 (21)**

Sincerely,

DAVID Y. IGE  
Governor, State of Hawai'i

# A BILL FOR AN ACT

RELATING TO VIOLATION OF PRIVACY.

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

SECTION 1. Section 853-4, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) This chapter shall not apply when:

(1) The offense charged involves the intentional, knowing, reckless, or negligent killing of another person;

(2) The offense charged is:

(A) A felony that involves the intentional, knowing, or reckless bodily injury, substantial bodily injury, or serious bodily injury of another person; or

(B) A misdemeanor or petty misdemeanor that carries a mandatory minimum sentence and that involves the intentional, knowing, or reckless bodily injury, substantial bodily injury, or serious bodily injury of another person;

provided that the prohibition in this paragraph shall not apply to offenses described in section 709-906(18);



- 1           (3) The offense charged involves a conspiracy or  
2           solicitation to intentionally, knowingly, or  
3           recklessly kill another person or to cause serious  
4           bodily injury to another person;
- 5           (4) The offense charged is a class A felony;
- 6           (5) The offense charged is nonprobationable;
- 7           (6) The defendant has been convicted of any offense  
8           defined as a felony by the Hawaii Penal Code or has  
9           been convicted for any conduct that if perpetrated in  
10          this State would be punishable as a felony;
- 11          (7) The defendant is found to be a law violator or  
12          delinquent child for the commission of any offense  
13          defined as a felony by the Hawaii Penal Code or for  
14          any conduct that if perpetrated in this State would  
15          constitute a felony;
- 16          (8) The defendant has a prior conviction for a felony  
17          committed in any state, federal, or foreign  
18          jurisdiction;
- 19          (9) A firearm was used in the commission of the offense  
20          charged;



- 1       (10)   The defendant is charged with the distribution of a  
2           dangerous, harmful, or detrimental drug to a minor;
- 3       (11)   The defendant has been charged with a felony offense  
4           and has been previously granted deferred acceptance of  
5           guilty plea or no contest plea for a prior offense,  
6           regardless of whether the period of deferral has  
7           already expired;
- 8       (12)   The defendant has been charged with a misdemeanor  
9           offense and has been previously granted deferred  
10          acceptance of guilty plea or no contest plea for a  
11          prior felony, misdemeanor, or petty misdemeanor for  
12          which the period of deferral has not yet expired;
- 13      (13)   The offense charged is:
- 14           (A)   Escape in the first degree;
- 15           (B)   Escape in the second degree;
- 16           (C)   Promoting prison contraband in the first degree;
- 17           (D)   Promoting prison contraband in the second degree;
- 18           (E)   Bail jumping in the first degree;
- 19           (F)   Bail jumping in the second degree;
- 20           (G)   Bribery;
- 21           (H)   Bribery of or by a witness;



- 1 (I) Intimidating a witness;
- 2 (J) Bribery of or by a juror;
- 3 (K) Intimidating a juror;
- 4 (L) Jury tampering;
- 5 (M) Promoting prostitution;
- 6 (N) Abuse of family or household member except as
- 7 provided in paragraph (2) and
- 8 section 709-906(18);
- 9 (O) Sexual assault in the second degree;
- 10 (P) Sexual assault in the third degree;
- 11 (Q) A violation of an order issued pursuant to
- 12 chapter 586;
- 13 (R) Promoting child abuse in the second degree;
- 14 (S) Promoting child abuse in the third degree;
- 15 (T) Electronic enticement of a child in the first
- 16 degree;
- 17 (U) Electronic enticement of a child in the second
- 18 degree;
- 19 (V) Prostitution pursuant to section 712-1200(1)(b);
- 20 (W) Street solicitation of prostitution under
- 21 section 712-1207(1)(b);



1 (X) Solicitation of prostitution near schools or  
2 public parks under section 712-1209;

3 (Y) Habitual solicitation of prostitution under  
4 section 712-1209.5; [~~or~~]

5 (Z) Solicitation of a minor for prostitution under  
6 section 712-1209.1;

7 (AA) Violation of privacy in the first degree under  
8 section 711-1110.9; or

9 (BB) Violation of privacy in the second degree under  
10 section 711-1111(1)(d), (e), (f), (g), or (h);

11 (14) The defendant has been charged with:

12 (A) Knowingly or intentionally falsifying any report  
13 required under chapter 11, part XIII with the  
14 intent to circumvent the law or deceive the  
15 campaign spending commission; or

16 (B) Violating section 11-352 or 11-353; or

17 (15) The defendant holds a commercial driver's license and  
18 has been charged with violating a traffic control law,  
19 other than a parking law, in connection with the  
20 operation of any type of motor vehicle."



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

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

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

APPROVED this   07   day of   JUN   , 2021





GOVERNOR OF THE STATE OF HAWAII

**THE SENATE OF THE STATE OF HAWAI‘I**

Date: April 27, 2021  
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate  
of the Thirty-First Legislature of the State of Hawai‘i, Regular Session of 2021.

  
President of the Senate

  
Clerk of the Senate



SB No. 413, SD 1, HD 1, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: April 27, 2021  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-First Legislature of the State of Hawaii, Regular Session of 2021.



Scott K. Saiki  
Speaker  
House of Representatives



Brian L. Takeshita  
Chief Clerk  
House of Representatives