
A BILL FOR AN ACT

RELATING TO CHILD TORTURE.

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

1 SECTION 1. Chapter 709, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§709- Child torture; penalty. (1) A person commits
5 the offense of child torture if the person is a parent or legal
6 guardian of, resides in the same home with, or has recurring
7 access to, a minor and intentionally, knowingly, or recklessly
8 tortures the minor, with intent to cause or knowledge of
9 causing, or in reckless disregard of the substantial and
10 unjustifiable risk of causing, mental anguish to the minor.

11 (2) As used in this section, "torture" of a minor includes
12 the following:

13 (a) Inflicting, or threatening to inflict, bodily injury
14 upon the minor;

15 (b) Threatening the minor with imminent death;



- 1 (c) Threatening the minor that another person, or a pet,
2 will imminently be subjected to death, serious bodily
3 injury, or substantial bodily injury;
- 4 (d) Depriving the minor of necessary food, clothing,
5 shelter, or medical care for a grossly unreasonable
6 period of time;
- 7 (e) Forcing the minor to ingest:
 - 8 (i) Feces;
 - 9 (ii) Toxic substances; or
 - 10 (iii) Any substance in quantities that expose the minor
11 to the risk of bodily injury; and
- 12 (f) Physically restraining the minor in a manner that
13 interferes substantially with the child's liberty in a
14 grossly unreasonable manner that serves no legitimate
15 parental purpose.
- 16 (3) As used in this section, "mental anguish" means mental
17 pain and distress that is more than mere worry, anxiety,
18 vexation, resentment, embarrassment, or anger and is of such a
19 nature, duration, and severity that it causes a substantial
20 disruption in the minor's daily routine.
- 21 (4) Child torture is a class A felony."



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. New statutory material is underscored.

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



Report Title:

Honolulu Prosecuting Attorney's Office Package; Criminal
Offenses; Child Torture

Description:

Adds a new section to Chapter 709, HRS, to establish the class A
felony offense of child torture. (SD1)

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not legislation or evidence of legislative intent.*

