

Honolulu, Hawaii

APR 04 2024

RE: H.B. No. 1927
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1927, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO INDECENT EXPOSURE,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Raise the criminal penalty for the offense of indecent exposure from a petty misdemeanor to a misdemeanor if the victim is less than sixteen years of age; and
- (2) Provide that the state of mind requirement is not applicable to the fact that the victim is less than sixteen years of age and that the actor is strictly liable with respect to the attendant circumstance that the victim was less than sixteen years of age.

Your Committee received testimony in support of this measure from the Department of the Attorney General, Department of the Prosecuting Attorney of the City and County of Honolulu, Office of the Prosecuting Attorney of the County of Hawai'i, and two individuals.

Your Committee received testimony in opposition to this measure from the Office of the Public Defender, Friends of Little



Beach Maui, American Association of Nude Recreation, and one individual.

Your Committee finds that sexual assault is a serious matter and that victims of sexual assault can suffer trauma for many years. Additionally, children under the age of sixteen, who cannot legally consent to sexual activity, are more vulnerable and potentially subject to greater harm. Your Committee believes that children under sixteen should have more legal protection to prevent exposure to inappropriate sexual conduct. This measure is intended to deter harmful sexual conduct towards children by raising the penalty for the offense of indecent exposure when the victim is less than sixteen years of age.

Your Committee has amended this measure by:

- (1) Replacing the term "victim" with the term "person to whom the genitals were exposed" or "person exposed";
- (2) Clarifying that the person to whom the genitals were exposed must be less than sixteen years of age at the time of the offense for indecent exposure to be a misdemeanor;
- (3) Making it effective upon its approval;
- (4) Amending section 1 to reflect its amended purpose; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1927, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1927, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.



Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:*	Committee Referral:	Date:
HB 1927 HD1	JDC	03 14 24

The Committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)	✓			
ELEFANTE, Brandon J.C.	✓			
SAN BUENAVENTURA, Joy A.		✓		
AWA, Brenton	✓			
TOTAL	4	1	—	—

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature:


Distribution: Original Yellow Pink Goldenrod
 File with Committee Report Clerk's Office Drafting Agency Committee File Copy

*Only one measure per Record of Votes