

STAND. COM. REP. NO. 2763

Honolulu, Hawaii

FEB 29 2024

RE: S.B. No. 3037
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 S.B. No. 3037 entitled:

"A BILL FOR AN ACT RELATING TO PROMOTING PORNOGRAPHY FOR MINORS,"

begs leave to report as follows:

The purpose and intent of this measure is to allow the prosecution of persons who provide pornographic materials to undercover law enforcement officers who represent themselves as minors for purposes of undercover operations.

Your Committee received testimony in support of this measure from the Department of the Attorney General, Honolulu Police Department, and Rainbow Family 808.

Your Committee finds that the Department of the Attorney General's Internet Crimes Against Children Task Force regularly conducts Operation Keiki Shield operations, where undercover law enforcement officers pose as minors on the Internet to identify, locate, arrest, and prosecute offenders who solicit minors to engage in sexual activities on the Internet. According to Operation Keiki Shield officers, offenders often send pornographic materials via the Internet to the officers who pose as minors. The current offense of promoting pornography for minors does not provide for undercover operations, so even though the undercover officers are engaging in authorized undercover activities, if they



identify an offender who is promoting pornography to a minor, they are unable to charge that conduct. This measure allows for the prosecution of persons who provide pornographic materials to undercover law enforcement officers who represent themselves as minors, which will reduce the amount of pornographic materials being distributed to minors.

Your Committee has amended this measure by 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 S.B. No. 3037, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3037, 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:
SB 3037	JDC	02/15/24

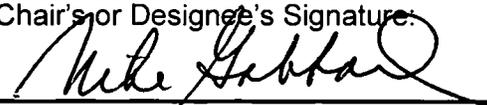
The Committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

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	5	—	—	—

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature:


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*Only one measure per Record of Votes