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# A BILL FOR AN ACT

RELATING TO INDECENT EXPOSURE.

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

1           SECTION 1. The legislature finds that indecent exposure,  
2 which is the intentional exposure of a person's genitals to  
3 another under circumstances in which the person's conduct is  
4 likely to cause affront, is a form of sexual violence. Sexual  
5 violence, when perpetrated upon minors, has been correlated with  
6 higher levels of depression, guilt, shame, self-blame, eating  
7 disorders, somatic concerns, anxiety, dissociative patterns,  
8 repression, denial, sexual problems, and relationship problems.

9           The legislature further finds that the existing criminal  
10 statute penalizing indecent exposure fails to account for the  
11 additional harm and trauma that occurs when a person  
12 intentionally exposes the person's genitals to a minor.

13           The purpose of this Act is to raise the criminal penalty  
14 for the offense of indecent exposure from a petty misdemeanor to  
15 a misdemeanor if the person to whom the genitals were exposed is  
16 less than sixteen years of age at the time of the offense.



1 SECTION 2. Section 707-734, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 **"§707-734 Indecent exposure.** (1) A person commits the  
4 offense of indecent exposure if~~[7]~~ the person intentionally  
5 exposes the person's genitals to [a] another person to whom the  
6 ~~[person]~~ actor is not married under circumstances in which the  
7 actor's conduct is likely to cause affront.

8 (2) ~~[Indecent]~~ Except as provided in subsection (3),  
9 indecent exposure is a petty misdemeanor.

10 (3) Indecent exposure is a misdemeanor if the person to  
11 whom the genitals were exposed is less than sixteen years of age  
12 at the time of the offense. The state of mind requirement for  
13 the offense is not applicable to the fact that the person  
14 exposed was less than sixteen years of age. A person is  
15 strictly liable with respect to the attendant circumstance that  
16 the person exposed was less than sixteen years of age."

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

20 SECTION 4. Statutory material to be repealed is bracketed  
21 and stricken. New statutory material is underscored.



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



**Report Title:**

Hawaii Penal Code; Criminal Offense; Indecent Exposure; Less Than Sixteen Years of Age; Strict Liability

**Description:**

Raises the criminal penalty for the offense of indecent exposure from a petty misdemeanor to a misdemeanor if the person to whom the genitals were exposed is less than sixteen years of age at the time of the offense. Provides that the state of mind requirement is not applicable to the fact that the person exposed is less than sixteen years of age and that the actor is strictly liable with respect to the attendant circumstance that the person exposed was less than sixteen years of age. (SD1)

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

