

JAN 15 2025

A BILL FOR AN ACT

RELATING TO TORTURE.

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

1 SECTION 1. The legislature finds that many forms of cruel
2 and degrading sadism are inadequately addressed by the current
3 criminal law. Some acts occur during aggravated kidnappings or
4 following repeated assaults. Other acts, such as starvation or
5 electrocution, may inflict immense suffering without technically
6 causing bodily injury. The common denominator for torture is
7 the pervasive physical and psychological control exercised over
8 the victim by the abuser.

9 Accordingly, the purpose of this Act is to prohibit torture
10 in the State.

11 SECTION 2. Chapter 707, Hawaii Revised Statutes, is
12 amended by adding a new section to be appropriately designated
13 and to read as follows:

14 "§707- Torture. (1) Any person who:

15 (a) Knowingly causes serious bodily injury to another
16 person within the actor's custody or physical control;



1 (b) Recklessly causes serious bodily injury or substantial
2 bodily injury to another person, and the actor has
3 previously engaged in a pattern or practice of
4 physically abusing the other person; or

5 (c) Knowingly subjects a minor or vulnerable person to any
6 of the following acts, or to any substantially similar
7 act, on three or more occasions within a period of two
8 years:

9 (i) Strangling the minor or vulnerable person;

10 (ii) Biting, branding, burning, cutting, or
11 electrocuting the minor or vulnerable person;

12 (iii) Suspending the minor or vulnerable person by the
13 wrists, ankles, arms, legs, hair, or other part
14 of the body;

15 (iv) Depriving the minor or vulnerable person of
16 necessary food, water, or clothing;

17 (v) Restricting basic and necessary bodily functions
18 required for the personal hygiene of the minor or
19 vulnerable person;

20 (vi) Forcing the minor or vulnerable person to remain
21 in an area unsuitable for human habitation, such



1 as areas where urine or feces are actively
2 present;
3 (vii) Forcing the minor or vulnerable person to ingest
4 mind-altering drugs, non-potable water, urine,
5 excrement, or poison; or
6 (viii) Exposing the minor or vulnerable person to
7 extreme temperatures without adequate clothing;
8 is guilty of the offense of torture.

9 (2) Proof that the victim suffered pain is not an element
10 of a violation of subsection (1)(c) of this offense.

11 (3) For purposes of this section, the following
12 definitions apply:

13 "Custody or physical control" means the forcible
14 restriction of a person's movements or the forcible confinement
15 of the person so as to interfere with that person's liberty,
16 without that person's consent or without lawful authority.

17 "Minor" means a person under the age of eighteen years.

18 "Pattern or practice" means two or more acts within a
19 period of two years.

20 "Vulnerable person" means a family or household member as
21 defined in section 709-906, an incompetent person as defined in



1 section 709-905, or a handicapped person as defined in
2 section 706-662(5).

3 (4) Torture is a class A felony."

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

7 SECTION 4. If any provision of this Act, or the
8 application thereof to any person or circumstance, is held
9 invalid, the invalidity does not affect other provisions or
10 applications of the Act that can be given effect without the
11 invalid provision or application, and to this end the provisions
12 of this Act are severable.

13 SECTION 5. New statutory material is underscored.

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

15
INTRODUCED BY:


By Request



S.B. NO. 281

Report Title:

Honolulu Prosecuting Attorney Package; Criminal Offenses; Penal Code; Torture; Prohibition

Description:

Defines and prohibits the offense of torture.

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