

JAN 23 2026

# A BILL FOR AN ACT

RELATING TO IMAGE-BASED SEXUAL ABUSE.

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

SECTION 1. The legislature finds that image-based sexual abuse is a form of technology-facilitated abuse that involves the nonconsensual use of intimate or private images to control, manipulate, or harm a victim. Online predators, often motivated by money, power, control, or sexual gratification, use online platforms to anonymously perpetrate image-based sexual abuse, targeting vulnerable individuals to meet the perpetrator's demands for money, sexual acts, and additional intimate or private images, which can include images of self-harm.

Financial blackmail schemes involving sexual extortion through the nonconsensual disclosure of intimate or private images result in tragic and, at times, fatal results for the victims of these schemes and may cause victims to experience significant harm, including depression, fear, anxiety, damage to reputation, social isolation, financial devastation, and suicide.

The legislature further finds that offender accountability is necessary to shine the light on those who would hide behind



1 computers, mobile phones, or other electronic devices to prey  
2 upon vulnerable individuals in the community.

3 Accordingly, the purpose of this Act is to establish the  
4 felony offense of nonconsensual disclosure of intimate or  
5 private images.

6 SECTION 2. Chapter 711, Hawaii Revised Statutes, is  
7 amended by adding a new section to part I to be appropriately  
8 designated and to read as follows:

9 "§711- Nonconsensual disclosure of intimate or private  
10 images. (1) A person commits the offense of nonconsensual  
11 disclosure of intimate or private images if:

12 (a) The person intentionally or knowingly discloses or  
13 threatens to disclose an intimate or private image or  
14 video of another identifiable person without consent  
15 and with the intent to compel or attempt to compel the  
16 person depicted in the intimate or private image or  
17 video:

18 (i) To do or refrain from doing any act against the  
19 person's will;

20 (ii) To provide additional intimate or private images;

21 (iii) To engage in sexual acts;



1           (iv) To engage in acts of self-harm; or

2           (v) For anything of value; or

3       (b) The person intentionally or knowingly discloses or  
4       threatens to disclose an intimate or private image or  
5       video of another identifiable person without consent  
6       and:

7           (i) The person depicted in the intimate or private  
8           image is a minor or vulnerable adult and the  
9           person committing the offense is an adult; or

10          (ii) The person depicted in the intimate or private  
11          image suffers bodily injury or death as a result  
12          of the nonconsensual disclosure of the intimate  
13          or private image.

14       (2) Nonconsensual disclosure of intimate or private images  
15       is a class B felony.

16       (3) For the purposes of this section:

17       "Bodily injury" has the same meaning as in section 707-700.

18       "Intimate image" means any digital image, photograph, or  
19       live or recorded video that depicts a person in the state of  
20       undress; nude as defined in section 712-1210; or engaged in  
21       sexual conduct as defined in section 712-1210.



1 "Minor" means any person under the age of eighteen years.

2 "Private image" means any digital image, photograph, or  
3 live or recorded video that depicts a person committing acts of  
4 self-harm, self-mutilation, or other self-injury that results in  
5 bodily injury.

6 "Self harm" means bodily injury, substantial bodily injury  
7 as defined in 707-700, serious bodily injury as defined in  
8 section 707-700, or death.

9 "Vulnerable adult" has the same meaning as in section  
10 346-222."

11 SECTION 3. Section 706-662, Hawaii Revised Statutes, is  
12 amended to read as follows:

13 **"§706-662 Criteria for extended terms of imprisonment. A**  
14 **defendant who has been convicted of a felony may be subject to**  
15 **an extended term of imprisonment under section 706-661 if it is**  
16 **proven beyond a reasonable doubt that an extended term of**  
17 **imprisonment is necessary for the protection of the public and**  
18 **that the convicted defendant satisfies one or more of the**  
19 **following criteria:**

20 (1) The defendant is a persistent offender in that the  
21 defendant has previously been convicted of two or more



felonies committed at different times when the  
defendant was twenty-one years of age or older;

(2) The defendant is a professional criminal in that:

(a) The circumstances of the crime show that the  
defendant has knowingly engaged in criminal  
activity as a major source of livelihood; or

(b) The defendant has substantial income or resources  
not explained to be derived from a source other  
than criminal activity;

(3) The defendant is a dangerous person in that the  
defendant has been subjected to a psychiatric or  
psychological evaluation that documents a significant  
history of dangerousness to others resulting in  
criminally violent conduct, and this history makes the  
defendant a serious danger to others. Nothing in this  
section precludes the introduction of victim-related  
data to establish dangerousness in accord with the  
Hawaii rules of evidence;

(4) The defendant is a multiple offender in that:



(a) The defendant is being sentenced for two or more felonies or is already under sentence of imprisonment for any felony; or

(b) The maximum terms of imprisonment authorized for each of the defendant's crimes, if made to run consecutively, would equal or exceed in length the maximum of the extended term imposed or would equal or exceed forty years if the extended term imposed is for a class A felony;

(5) The defendant is an offender against the elderly, the handicapped, or a minor eight years of age or younger in that:

(a) The defendant attempts or commits any of the following crimes: murder, manslaughter, a sexual offense that constitutes a felony under chapter 707, robbery, felonious assault, burglary, or kidnapping; and

(b) The defendant, in the course of committing or attempting to commit the crime, inflicts serious or substantial bodily injury upon a person who has the status of being:



- (i) Sixty years of age or older;
  - (ii) Blind, a paraplegic, or a quadriplegic; or
  - (iii) Eight years of age or younger; and
- the person's status is known or reasonably should be known to the defendant;

(6) The defendant is a hate crime offender in that:

- (a) The defendant is convicted of a crime under chapter 707, 708, or 711; and
- (b) The defendant intentionally selected a victim or, in the case of a property crime, the property that was the object of a crime, because of hostility toward the actual or perceived race, religion, disability, ethnicity, national origin, gender identity or expression, or sexual orientation of any person. For purposes of this subsection, "gender identity or expression" includes a person's actual or perceived gender, as well as a person's gender identity, gender-related self-image, gender-related appearance, or gender-related expression, regardless of whether that gender identity, gender-related self-image,



gender-related appearance, or gender-related  
expression is different from that traditionally  
associated with the person's sex at birth; ~~[or]~~

(7) The defendant is convicted under section 707-702.5 and  
the defendant did not remain at the scene of the crime  
and render reasonable assistance to an injured person,  
including acts and omissions in violation of section  
291C-12~~[+]~~; or

(8) The defendant is an offender against a minor eighteen  
years of age or younger or a vulnerable adult, as  
defined under section 346-22, in that:

(a) The defendant attempts to or commits the offense  
of nonconsensual disclosure of intimate or  
private images under section 711- ; and

(b) The attempted commission or commission of  
nonconsensual disclosure of the intimate or  
private image resulted in the death of the minor  
or vulnerable adult."

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





# S.B. NO. 2844

1       SECTION 5. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

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

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INTRODUCED BY: Michelle N. Andari



# S.B. NO. 2844

**Report Title:**

Nonconsensual Disclosure of Intimate or Private Images

**Description:**

Establishes the nonconsensual disclosure of intimate or private images as a criminal offense. Amends the criteria for an extended term of imprisonment to include an offender whose act of attempting to commit or committing the nonconsensual disclosure of intimate or private images against a minor or vulnerable adult resulted in the victim's death.

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

