

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



GOV. MSG. NO. 1297

EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

July 7, 2026

The Honorable Ronald D. Kouchi
President of the Senate,
and Members of the Senate
Thirty-Third State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Nadine K. Nakamura
Speaker, and Members of the
House of Representatives
Thirty-Third State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Aloha President Kouchi, Speaker Nakamura, and Members of the Legislature:

This is to inform you that on July 7, 2026, the following bill was signed into law:

H.B. NO. 1682, H.D. 1, S.D. 2,
C.D. 1

RELATING TO THE DISCLOSURE OF INTIMATE
IMAGES.
ACT 195

Mahalo,

A handwritten signature in cursive script that reads "Josh Green M.D.".

Josh Green, M.D.
Governor, State of Hawai'i

A BILL FOR AN ACT

RELATING TO THE DISCLOSURE OF INTIMATE IMAGES.

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

1 SECTION 1. The Hawaii Revised Statutes is amended by
2 adding a new chapter to be appropriately designated and to read
3 as follows:

4 "CHAPTER

5 CIVIL REMEDIES FOR UNAUTHORIZED DISCLOSURE OF INTIMATE IMAGES

6 § -1 Definitions. As used in this chapter:

7 "Consent" means affirmative, conscious, and voluntary
8 authorization by an individual with legal capacity to give
9 authorization.

10 "Depicted individual" means an individual whose body is
11 shown in whole or in part in an intimate image. "Depicted
12 individual" includes a deceased individual.

13 "Disclosure" means transfer, publication, or distribution
14 to another person. "Disclose" has a corresponding meaning.

15 "Harm" includes physical harm, economic harm, and emotional
16 distress whether or not accompanied by physical or economic
17 harm.



1 "Identifiable" means recognizable by a person other than
2 the depicted individual:

3 (1) From an intimate image itself; or

4 (2) From an intimate image and identifying characteristic
5 displayed in connection with the intimate image.

6 "Identifying characteristic" means information that may be
7 used to identify a depicted individual.

8 "Individual" means a natural person.

9 "Intimate image" means any digital image, photograph, live
10 or recorded video, or computer-generated image or video that
11 depicts an individual in a state of undress; in the nude as
12 defined in section 712-1210; or engaged in sexual conduct.

13 "Person" means an individual; estate; business or nonprofit
14 entity; public corporation; government or governmental
15 subdivision, agency, or instrumentality; or other legal entity.

16 "Private" means:

17 (1) Created or obtained under circumstances in which a
18 depicted individual had a reasonable expectation of
19 privacy; or

20 (2) Made accessible through theft, bribery, extortion,
21 fraud, false pretenses, voyeurism, or exceeding



1 authorized access to an account, message, file,
2 device, resource, or property.

3 "Sexual conduct" has the same meaning as in section
4 712-1210.

5 § -2 Disclosure of intimate images; civil action. (a)

6 Except as otherwise provided in section -3, a depicted
7 individual who is identifiable and who suffers harm from a
8 person's intentional disclosure or threatened disclosure of a
9 private intimate image without the depicted individual's consent
10 has a cause of action against the person if the person knew or
11 reasonably should have known that the depicted individual had a
12 reasonable expectation that the intimate image would remain
13 private.

14 (b) The following conduct by a depicted individual shall
15 not establish by itself that the depicted individual consented
16 to the disclosure of the intimate image that is the subject of
17 an action under this chapter or that the depicted individual
18 lacked a reasonable expectation of privacy:

19 (1) Consent to creation of the image; or

20 (2) Previous consensual disclosure of the image.



1 (c) A depicted individual who does not consent to the
2 sexual conduct or uncovering of the part of the body depicted in
3 an intimate image of the individual shall retain a reasonable
4 expectation of privacy even if the image was created when the
5 individual was in a public place.

6 § -3 **Liability; exceptions.** (a) A person shall not be
7 liable under this chapter if the person proves that disclosure
8 of, or a threat to disclose, an intimate image was:

9 (1) Made in good faith as part of:

10 (A) Law enforcement activity;

11 (B) A legal proceeding; or

12 (C) Medical education or treatment;

13 (2) Made in good faith in the reporting or investigation
14 of:

15 (A) Unlawful conduct; or

16 (B) Unsolicited and unwelcome conduct;

17 (3) Related to a matter of public concern or public
18 interest; or

19 (4) Reasonably intended to assist the depicted individual.

20 (b) Subject to subsection (c), a defendant who is a
21 parent, legal guardian, or individual with legal custody of a



1 child shall not be liable under this chapter for a disclosure or
2 threatened disclosure of an intimate image of the child.

3 (c) If a defendant asserts an exception to liability under
4 subsection (b), the exception shall not apply if the plaintiff
5 proves the disclosure was:

6 (1) Prohibited by law other than as provided in this
7 chapter; or

8 (2) Made for the purpose of sexual arousal, sexual
9 gratification, humiliation, degradation, or monetary
10 or commercial gain.

11 (d) Disclosure of, or a threat to disclose, an intimate
12 image shall not be a matter of public concern or public interest
13 solely because the depicted individual is a public figure.

14 (e) As used in this section:

15 "Child" means an unemancipated individual who is under
16 eighteen years of age.

17 "Parent" means a biological, foster, or adoptive parent, a
18 parent-in-law, a stepparent, a grandparent, or a grandparent-in-
19 law.

20 § -4 **Plaintiff's privacy.** In an action under this
21 chapter:

1 (1) The court may exclude or redact other identifying
2 characteristics of the plaintiff from all pleadings
3 and documents filed, under applicable state law or
4 procedural rule;

5 (2) A plaintiff to whom paragraph (1) applies shall file
6 with the court and serve on the defendant a
7 confidential information form that includes the
8 excluded or redacted plaintiff's name and other
9 identifying characteristics; and

10 (3) The court may make further orders as necessary to
11 protect the identity and privacy of a plaintiff.

12 **§ -5 Disclosure of intimate images; civil remedies. (a)**

13 In an action under this chapter, a prevailing plaintiff may
14 recover:

15 (1) The greater of:

16 (A) Economic and noneconomic damages proximately
17 caused by the defendant's disclosure or
18 threatened disclosure, including damages for
19 emotional distress whether or not accompanied by
20 other damages; or



- 1 (B) Statutory damages not to exceed \$10,000 against
2 each defendant found liable under this chapter
3 for all disclosures and threatened disclosures by
4 the defendant of which the plaintiff knew or
5 reasonably should have known when filing the
6 action or which became known during the pendency
7 of the action; provided that in determining the
8 amount of statutory damages under this
9 subparagraph, consideration shall be given to the
10 age of the parties at the time of the disclosure
11 or threatened disclosure, the number of
12 disclosures or threatened disclosures made by the
13 defendant, the breadth of the distribution of the
14 intimate image by the defendant, and other
15 exacerbating or mitigating factors;
- 16 (2) An amount equal to any monetary gain made by the
17 defendant from disclosure of the intimate image;
- 18 (3) An amount equal to any actual costs incurred by the
19 plaintiff in retrieving and requesting removal of
20 distributed intimate images; and



1 (4) Punitive damages as allowed under any state law other
2 than as provided in this chapter.

3 (b) In an action under this chapter, the court shall order
4 a non-prevailing defendant to:

5 (1) Cease and desist from further disclosing the intimate
6 image;

7 (2) Destroy or delete, or return to the prevailing
8 plaintiff, the original and all copies of the intimate
9 image in the defendant's possession, custody, or
10 control; and

11 (3) Identify all persons to whom the defendant disclosed
12 the intimate image.

13 (c) In an action under this chapter, the court may award a
14 prevailing plaintiff:

15 (1) Reasonable attorneys' fees and costs; and

16 (2) Additional relief, including injunctive relief.

17 (d) This chapter shall not affect a right or remedy
18 available under any state law other than as provided in this
19 chapter.

20 § -6 Statute of limitations. (a) An action brought by
21 a depicted individual under section -2(a) for unauthorized



1 disclosure, where the depicted individual was an adult on the
2 date of disclosure, shall not be brought later than eight years
3 from the date the disclosure was discovered or should have been
4 discovered with the exercise of reasonable diligence.

5 (b) An action brought by a depicted individual under
6 section -2(a) for a threat to disclose, where the depicted
7 individual was an adult on the date of the threat to disclose,
8 shall not be brought later than eight years from the date of the
9 threat to disclose.

10 (c) Subject to section 657-1.8(a)(2), an action brought by
11 a depicted individual under section -2(a), where the depicted
12 individual was a minor on the date of the disclosure or threat
13 to disclose, shall not be brought later than:

14 (1) Thirty-two years after the eighteenth birthday of the
15 depicted individual; or

16 (2) Five years after the date the depicted individual
17 discovers or reasonably should have discovered that
18 psychological injury or illness occurring after the
19 depicted individual's eighteenth birthday was caused
20 by the unauthorized disclosure,

21 whichever occurs later.



1 § -7 **Deceased depicted individuals; rights.** (a) For a
2 depicted individual who is deceased, or upon the death of a
3 depicted individual, all rights of the depicted individual under
4 this chapter shall vest in the estate of the deceased depicted
5 individual.

6 (b) The rights vested in the estate pursuant to subsection
7 (a) may be exercised by the personal representative of the
8 estate in accordance with chapter 560.

9 (c) If no personal representative has been appointed, any
10 person authorized under chapter 560 to petition for appointment
11 of a personal representative may petition the court for
12 appointment for the limited purpose of exercising the rights
13 under this chapter.

14 § -8 **Construction.** (a) This chapter shall be construed
15 to be consistent with the Communications Decency Act of 1996,
16 title 47 United States Code section 230.

17 (b) This chapter shall not be construed to alter the law
18 on sovereign immunity.

19 § -9 **Severability.** If any provision of this chapter or
20 the application thereof to any person or circumstance is held
21 invalid, the invalidity does not affect other provisions or



1 applications of the chapter that can be given effect without the
2 invalid provision or application, and to this end the provisions
3 of this chapter are severable."

4 SECTION 2. 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 3. This Act shall take effect upon its approval.



H.B. NO. 1682
H.D. 1
S.D. 2
C.D. 1

APPROVED this 7th day of July, 2026

A handwritten signature in black ink, appearing to read "Josh Green", with a stylized flourish at the end.

GOVERNOR OF THE STATE OF HAWAII

HB No. 1682, HD 1, SD 2, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 6, 2026
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Third Legislature of the State of Hawaii, Regular Session of 2026.



Nadine K. Nakamura
Speaker
House of Representatives

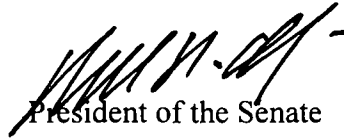


Brian L. Takeshita
Chief Clerk
House of Representatives

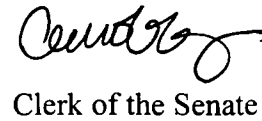
THE SENATE OF THE STATE OF HAWAI'I

Date: May 1, 2026
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-Third Legislature of the State of Hawai'i, Regular Session of 2026.



President of the Senate



Clerk of the Senate