

JAN 21 2026

A BILL FOR AN ACT

RELATING TO PRIVACY.

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

1 SECTION 1. Chapter 711, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§711- Nonconsensual distribution of an intimate image.

5 (1) A person commits the offense of nonconsensual distribution
6 of an intimate image if the person:

7 (a) Intentionally disseminates an intimate image of
8 another person and:

9 (i) The reckless disclosure of the intimate image
10 reveals the identity of the depicted person,
11 including through:

12 (A) Any accompanying or subsequent information
13 or material related to the visual material;

14 or

15 (B) Information or material provided by a third
16 party in response to the disclosure of the
17 visual material;



1 (ii) The person disseminating the intimate image fails
2 to obtain affirmative consent from the person
3 depicted in the intimate image; and
4 (iii) The image was obtained or created under
5 circumstances in which the person disseminating
6 the image knew or reasonably should have known
7 the person depicted in the intimate image had a
8 reasonable expectation of privacy; or
9 (b) Intentionally disseminates any digitally forged
10 intimate image of another person and:
11 (i) The disclosure of the visual material reveals the
12 identity of the depicted person, including
13 through:
14 (A) Any accompanying or subsequent information
15 or material related to the image; or
16 (B) Information or material provided by a third
17 party in response to the disclosure of the
18 image; and
19 (ii) The person disseminating the image fails to
20 obtain affirmative consent from the person
21 depicted to disseminate the image.



1 (2) Any dissemination of multiple intimate images or
2 digitally forged intimate images of the same individual as part
3 of a common act shall constitute a single offense.

4 (3) The fact that the identifiable individual:

5 (a) Provided consent for the creation of the intimate
6 image; or

7 (b) Disclosed the intimate image to another individual,
8 shall not establish that the identifiable individual provided
9 consent for the dissemination of the intimate image.

10 (4) Absent affirmative consent to disseminate, intimate
11 content creators shall have a reasonable expectation that
12 individuals who view their content shall not record or
13 disseminate it.

14 (5) This section shall not apply to:

15 (a) A law enforcement officer if the intimate image was
16 created by the law-enforcement officer pursuant to a
17 lawful criminal investigation; and
18 (b) The provider of an electronic communication service or
19 remote computing service for an image or video
20 disclosed through the electronic communication service
21 or remote computing service by another person.



1 (6) Notwithstanding section 701-108, a prosecution for
2 nonconsensual distribution of an intimate image shall be subject
3 to the following periods of limitation:

4 (a) For a misdemeanor, the later of the following:

5 (i) Within five years of the commission of the
6 offense; or

7 (ii) Within three years of the date the victim
8 discovers the offense or, by the exercise of due
9 diligence, reasonably should have discovered the
10 offense; or

11 (b) For a felony, the later of the following:

12 (i) Within seven years of the commission of the
13 offense; or

14 (ii) Within three years of the date the victim
15 discovers the offense or, by the exercise of due
16 diligence, reasonably should have discovered the
17 offense.

18 (7) Nonconsensual distribution of an intimate image is:

19 (a) A misdemeanor for the first offense and a class C
20 felony for the second or subsequent offense; or



1 (b) If the person committed the offense with the intent to
2 cause physical, mental, economic, or reputational harm
3 to the individual portrayed in the intimate image for
4 the purpose of profit or pecuniary gain, nonconsensual
5 distribution of an intimate image is a class C felony
6 for the first offense and a class B felony for the
7 second or subsequent offense.

8 (8) For the purposes of this section:

9 "Digitally forged intimate image" means any intimate image
10 of an identifiable individual that:
11 (a) Appears to a reasonable person to be indistinguishable
12 from an authentic visual depiction of the individual;
13 and
14 (b) Is generated or substantially modified using machine-
15 learning techniques or any other computer-generated or
16 machine-generated means to falsely depict an
17 individual's appearance or conduct, regardless of
18 whether the visual depiction indicates, through a
19 label or some other form of information published with
20 the visual depiction, that the visual depiction is not
21 authentic.



1 "Electronic communication service" has the same meaning as
2 defined in section 803-41.

3 "Intimate image" means any still or videographic image that
4 depicts:

5 (a) Wholly or partially uncovered genitals, pubic area,
6 anus, or post-pubescent female nipple or areola of an
7 individual;

8 (b) The display or transfer of semen or vaginal secretion;
9 or

10 (c) Sexually explicit conduct.

11 "Remote computing service" has the same meaning as defined
12 in section 803-41."

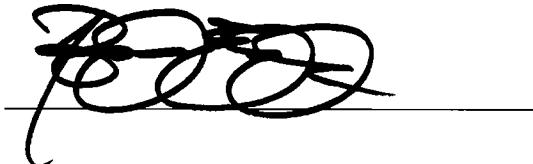
13 SECTION 2. This Act does not affect rights and duties that
14 matured, penalties that were incurred, and proceedings that were
15 begun before its effective date.

16 SECTION 3. New statutory material is underscored.

17 SECTION 4. This Act shall take effect upon its approval.

18

INTRODUCED BY:



S.B. NO. 2135

Report Title:

Intimate Image; Nonconsensual Distribution; Criminal Offense

Description:

Establishes the offense of nonconsensual distribution of an intimate image.

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

