
A BILL FOR AN ACT

RELATING TO PRIVACY.

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

1 SECTION 1. The legislature finds that image-based sexual
2 abuse is a form of technology-facilitated abuse that involves
3 the nonconsensual use of intimate or private images to control,
4 manipulate, or harm a victim. Online predators, often motivated
5 by money, power, control, or sexual gratification, use online
6 platforms to anonymously perpetrate image-based sexual abuse,
7 targeting vulnerable individuals to meet the perpetrator's
8 demands for money, sexual acts, and additional intimate or
9 private images, which can include images of self-harm.
10 Financial blackmail schemes involving sexual extortion through
11 the nonconsensual disclosure of intimate or private images
12 result in tragic and, at times, fatal results for the victims of
13 these schemes and may cause victims to experience significant
14 harm, including depression, fear, anxiety, damage to reputation,
15 social isolation, financial devastation, and suicide.

16 The legislature further finds that offender accountability
17 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 of
14 another identifiable person without the consent of the
15 depicted person, with intent to compel or attempt to
16 compel the depicted person:

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

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

20 (iii) To engage in sexual acts;

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



- 1 (v) For anything of value; or
- 2 (vi) To affect any family court proceeding in which
- 3 the depicted person is a party;
- 4 (b) The person intentionally or knowingly discloses or
- 5 threatens to disclose an intimate or private image of
- 6 another identifiable person without the consent of the
- 7 depicted person, and the depicted person:
- 8 (i) Is a minor or vulnerable adult and the person
- 9 committing the offense is an adult; or
- 10 (ii) Suffers bodily injury; or
- 11 (c) The person intentionally or knowingly discloses or
- 12 threatens to disclose an intimate or private image of
- 13 another identifiable person without the consent of the
- 14 depicted person, and the nonconsensual disclosure of
- 15 the intimate or private image was the proximate cause
- 16 of the death of the depicted person.
- 17 (2) Nonconsensual disclosure of intimate or private images
- 18 shall be a class B felony.
- 19 (3) For the purposes of this section:
- 20 "Affect" means to influence or produce a change.
- 21 "Bodily injury" has the same meaning as in section 707-700.



1 "Family court proceeding" means any proceeding involving:

2 (a) A child custody or child support proceeding under
3 chapter 571;

4 (b) An annulment, divorce, or separation under chapter
5 580;

6 (c) A temporary restraining order under section 586-4; or

7 (d) A protective order under section 586-5.5.

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

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

14 "Private image" means any digital image, photograph,
15 computer-generated image or video, or live or recorded video
16 that depicts a person committing acts of self-harm, self-
17 mutilation, or other self-injury that results in bodily injury.

18 "Self-harm" means bodily injury; substantial bodily injury,
19 as defined in 707-700; serious bodily injury, as defined in
20 section 707-700; or death.



1 "Vulnerable adult" has the same meaning as in section
2 346-222."

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

5 "**§706-662 Criteria for extended terms of imprisonment.** A
6 defendant who has been convicted of a felony may be subject to
7 an extended term of imprisonment under section 706-661 if it is
8 proven beyond a reasonable doubt that an extended term of
9 imprisonment is necessary for the protection of the public and
10 that the convicted defendant satisfies one or more of the
11 following criteria:

12 (1) The defendant is a persistent offender in that the
13 defendant has previously been convicted of two or more
14 felonies committed at different times when the
15 defendant was twenty-one years of age or older;

16 (2) The defendant is a professional criminal in that:
17 (a) The circumstances of the crime show that the
18 defendant has knowingly engaged in criminal
19 activity as a major source of livelihood; or



- 1 (b) The defendant has substantial income or resources
2 not explained to be derived from a source other
3 than criminal activity;
- 4 (3) The defendant is a dangerous person in that the
5 defendant has been subjected to a psychiatric or
6 psychological evaluation that documents a significant
7 history of dangerousness to others resulting in
8 criminally violent conduct, and this history makes the
9 defendant a serious danger to others. Nothing in this
10 section precludes the introduction of victim-related
11 data to establish dangerousness in accord with the
12 Hawaii rules of evidence;
- 13 (4) The defendant is a multiple offender in that:
- 14 (a) The defendant is being sentenced for two or more
15 felonies or is already under sentence of
16 imprisonment for any felony; or
- 17 (b) The maximum terms of imprisonment authorized for
18 each of the defendant's crimes, if made to run
19 consecutively, would equal or exceed in length
20 the maximum of the extended term imposed or would



1 equal or exceed forty years if the extended term
2 imposed is for a class A felony;

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

6 (a) The defendant attempts or commits any of the
7 following crimes: murder, manslaughter, a sexual
8 offense that constitutes a felony under chapter
9 707, robbery, felonious assault, burglary, or
10 kidnapping; and

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

- 15 (i) Sixty years of age or older;
- 16 (ii) Blind, a paraplegic, or a quadriplegic; or
- 17 (iii) Eight years of age or younger; and

18 the person's status is known or reasonably should
19 be known to the defendant;

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



- 1 (a) The defendant is convicted of a crime under
2 chapter 707, 708, or 711; and
- 3 (b) The defendant intentionally selected a victim or,
4 in the case of a property crime, the property
5 that was the object of a crime, because of
6 hostility toward the actual or perceived race,
7 religion, disability, ethnicity, national origin,
8 gender identity or expression, or sexual
9 orientation of any person. For purposes of this
10 subsection, "gender identity or expression"
11 includes a person's actual or perceived gender,
12 as well as a person's gender identity, gender-
13 related self-image, gender-related appearance, or
14 gender-related expression, regardless of whether
15 that gender identity, gender-related self-image,
16 gender-related appearance, or gender-related
17 expression is different from that traditionally
18 associated with the person's sex at birth; [~~or~~]
- 19 (7) The defendant is convicted under section 707-702.5 and
20 the defendant did not remain at the scene of the crime
21 and render reasonable assistance to an injured person,



1 including acts and omissions in violation of section
2 291C-12[-]; or

3 (8) The defendant is an offender against a minor eighteen
4 years of age or younger or a vulnerable adult, as
5 defined under section 346-222, in that:

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

9 (b) The attempted commission or commission of the
10 nonconsensual disclosure of the intimate or
11 private image was the proximate cause of the
12 death of the minor or vulnerable adult."

13 SECTION 4. 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 5. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 6. This Act shall take effect on July 1, 2026.



Report Title:

Nonconsensual Disclosure of Intimate or Private Images; Felony
Offense; Penal Code; Minors; Vulnerable Adults

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 defendants whose act of
attempting to commit or committing the offense of nonconsensual
disclosure of intimate or private images against a minor or
vulnerable adult was the proximate cause of the victim's death.
(CD1)

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not legislation or evidence of legislative intent.*

