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February 9, 2026

HB 1963: RELATING TO IMAGE-BASED SEXUAL VIOLENCE

Chair Marten, Vice-Chair Olds, and Members of the Committee on Human Services and Homelessness:

The Office of the Public Defender (OPD) respectfully submits the following **comments on two specific provisions of HB 1963**. These comments are intended to assist the Legislature in ensuring that the statute is precise, narrowly tailored, and clearly linked to culpable conduct.

1. Definition of “Intimate Image” – Use of the Term “State of Undress”

This measure defines “intimate image” to include any image depicting a person “in the state of undress,” in addition to images depicting nudity or sexual conduct.

The term “state of undress” is not defined in the bill or cross-referenced elsewhere in the Hawaii Revised Statutes. As written, this phrase may be interpreted far more broadly than the conduct the Legislature appears to be targeting. Many ordinary, non-sexual images, such as images of a person in swimwear, athletic clothing, medical settings, or partially dressed in everyday contexts could arguably fall within a “state of undress” depending on interpretation.

Because this definition is foundational to establishing criminal liability for a class B felony, the lack of clarity creates a risk that the statute could sweep in images that are neither inherently intimate nor reasonably understood to be private or sexual in nature. This may lead to inconsistent application, constitutional vagueness concerns, and unintended criminal exposure beyond the bill’s stated purpose.¹

¹ A statute is unconstitutionally overbroad when it affects constitutionally-protected freedom of expression or “reaches a substantial amount of constitutionally-protected conduct[.]” *State v.*

The Legislature may wish to consider clarifying or narrowing this language either by defining “state of undress” with greater specificity or by limiting the definition to images that expose intimate body parts or are clearly intended to be private or sexual, so that the scope of criminal liability aligns more closely with the intended harm.

2. Causation Concerns - “Resulted In” Death of a Minor or Vulnerable Adult

HB 1963 also amends the extended term sentencing statute to apply where the attempted or completed nonconsensual disclosure of an intimate or private image “resulted in the death of the minor or vulnerable adult.”

The OPD understands that this provision is likely intended to address circumstances involving suicide or fatal self-harm following image-based sexual abuse or extortion. However, the phrase “resulted in” does not specify the required causal connection between the defendant’s conduct and the death.

As drafted, the language does not make clear whether the Legislature intends to require a direct and proximate causal link, or whether a more attenuated or indirect connection would suffice. In cases involving suicide or self-harm, causation is often complex and multifactorial, involving mental health conditions, prior trauma, third-party conduct, and intervening events. Without clearer statutory guidance, there is a risk that criminal liability and enhanced sentencing exposure could attach even where the connection between the disclosure and the death is remote or speculative.

The Legislature may wish to clarify whether this provision is intended to require a showing that the disclosure was a substantial factor, proximate cause, or otherwise directly linked to the death, particularly given the severity of the sentencing consequences triggered by this finding. Greater precision would help ensure that liability is appropriately tied to culpable conduct and that this enhancement is applied consistently and fairly.

Thank you for the opportunity to comment on this measure.

Pacquing, 139 Hawai‘i 302, 309, 389 P.3d 897, 904 (2016). A statute is void for vagueness when it does not define a criminal offense with sufficient definiteness so that ordinary people can understand what conduct is prohibited and in a manner that does not encourage arbitrary and discriminatory enforcement. Id. at 314, 389 P.3d 16 909.

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



MARI McCAIG BELLINGER
Chair

CLIFTON Y.S. CHOY
Commissioner

JO KAMAE BYRNE
Commissioner

PAMELA FERGUSON-BREY
Executive Director

LATE

STATE OF HAWAII – Ka MOKU'ĀINA 'O HAWAI'I
CRIME VICTIM COMPENSATION COMMISSION
Ke Komikina Uku Luaahi Kalaima
1164 Bishop Street, Suite 1530
Honolulu, Hawai'i 96813
Telephone: 808 587-1143
FAX 808 587-1146

TESTIMONY ON HOUSE BILL 1963
RELATING TO IMAGE-BASED SEXUAL ABUSE

by

Pamela Ferguson-Brey, Executive Director
Crime Victim Compensation Commission

House Committee on Human Services & Homelessness
Representative Lisa Marten, Chair
Representative Ikaika Olds, Vice Chair

Tuesday, February 10, 2026; 9:30 AM
State Capitol, Conference Room 329 & Videoconference

Good morning, Chair Marten, Vice Chair Olds, and Members of the House Committee on Human Services & Homelessness. Thank you for providing the Crime Victim Compensation Commission (the "Commission") with the opportunity to testify in support of House Bill 1963. HB 1963 prohibits the non-consensual disclosure, or threats of disclosure, of identifiable intimate or private images for purposes of sexual extortion or to cause the victim to engage in acts of self-harm. In addition, HB 1963 provides for an extended term when the victim is a minor or vulnerable adult and the non-consensual disclosure or threat of disclosure results in their bodily injury or death.

The Commission provides compensation for violent crime victims to pay un-reimbursed expenses for crime-related losses due to physical or mental injury or death. Many victims of violent crime could not afford to pay their medical bills, receive needed mental health or rehabilitative services, or bury a loved one if compensation were not available from the Commission. The Commission collaborates with victim advocates and victim service providers in supporting victim-centered policy and legislation.

Online sexual extortion is one of the fastest growing crimes in our country. Sexual extortion is a form of sexual violence where perpetrators use the threat of release of intimate images to force victims into sexual acts to extort money or valuables or to harm or kill themselves.

The harm from non-consensual distribution of intimate images is a recognized form of technology-facilitated sexual violence and has a profound impact on victims. Victims often experience depression, suicidal thoughts, shame and self-blame.

Of particular concern are cases where groups of online predators identify vulnerable youth with the intent to get them to harm or kill themselves. Over 30 cases across the country have resulted in the targeted minor committing suicide.

Without explicit prohibitions against this type of predatory behavior, there is no way to hold these offenders accountable and to protect individuals, vulnerable adults, and children.

The Commission urges the legislature to pass House Bill 1963. Thank you for providing the Commission with the opportunity to testify today.

A BILL FOR AN ACT

RELATING TO IMAGE-BASED SEXUAL ABUSE.

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 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



- 1 felonies committed at different times when the
2 defendant was twenty-one years of age or older;
- 3 (2) The defendant is a professional criminal in that:
- 4 (a) The circumstances of the crime show that the
5 defendant has knowingly engaged in criminal
6 activity as a major source of livelihood; or
- 7 (b) The defendant has substantial income or resources
8 not explained to be derived from a source other
9 than criminal activity;
- 10 (3) The defendant is a dangerous person in that the
11 defendant has been subjected to a psychiatric or
12 psychological evaluation that documents a significant
13 history of dangerousness to others resulting in
14 criminally violent conduct, and this history makes the
15 defendant a serious danger to others. Nothing in this
16 section precludes the introduction of victim-related
17 data to establish dangerousness in accord with the
18 Hawaii rules of evidence;
- 19 (4) The defendant is a multiple offender in that:



- 1 (a) The defendant is being sentenced for two or more
2 felonies or is already under sentence of
3 imprisonment for any felony; or
- 4 (b) The maximum terms of imprisonment authorized for
5 each of the defendant's crimes, if made to run
6 consecutively, would equal or exceed in length
7 the maximum of the extended term imposed or would
8 equal or exceed forty years if the extended term
9 imposed is for a class A felony;
- 10 (5) The defendant is an offender against the elderly, the
11 handicapped, or a minor eight years of age or younger
12 in that:
- 13 (a) The defendant attempts or commits any of the
14 following crimes: murder, manslaughter, a sexual
15 offense that constitutes a felony under chapter
16 707, robbery, felonious assault, burglary, or
17 kidnapping; and
- 18 (b) The defendant, in the course of committing or
19 attempting to commit the crime, inflicts serious
20 or substantial bodily injury upon a person who
21 has the status of being:



- 1 (i) Sixty years of age or older;
- 2 (ii) Blind, a paraplegic, or a quadriplegic; or
- 3 (iii) Eight years of age or younger; and
- 4 the person's status is known or reasonably should
- 5 be known to the defendant;
- 6 (6) The defendant is a hate crime offender in that:
 - 7 (a) The defendant is convicted of a crime under
 - 8 chapter 707, 708, or 711; and
 - 9 (b) The defendant intentionally selected a victim or,
 - 10 in the case of a property crime, the property
 - 11 that was the object of a crime, because of
 - 12 hostility toward the actual or perceived race,
 - 13 religion, disability, ethnicity, national origin,
 - 14 gender identity or expression, or sexual
 - 15 orientation of any person. For purposes of this
 - 16 subsection, "gender identity or expression"
 - 17 includes a person's actual or perceived gender,
 - 18 as well as a person's gender identity, gender-
 - 19 related self-image, gender-related appearance, or
 - 20 gender-related expression, regardless of whether
 - 21 that gender identity, gender-related self-image,



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

4 (7) The defendant is convicted under section 707-702.5 and
5 the defendant did not remain at the scene of the crime
6 and render reasonable assistance to an injured person,
7 including acts and omissions in violation of section
8 291C-12[-]; or

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

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

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

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

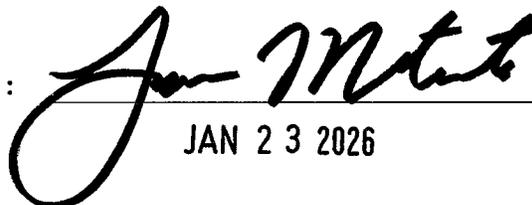


1 SECTION 5. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

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

4

INTRODUCED BY:



JAN 23 2026



H.B. NO. 1963

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.



HB-1963

Submitted on: 2/6/2026 10:18:01 AM

Testimony for HSH on 2/10/2026 9:30:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---|---------------------------|------------------------|
| Terri Lum | Hawaii State Chapter of Childrens Justice Centers | Support | Written Testimony Only |

Comments:

Aloha Representatives Marten and Olds and Members of the Committee on Human Services and Homelessness,

On behalf of the Hawai'i State Chapter of Children's Justice Centers, I would like to express our strong support of HB1963, Relating to Image Based Sexual Abuse. Over the past 10 years, we have seen a significant increase in technology facilitated sex crimes of children. Research demonstrates that these crimes are as traumatizing and damaging as sex crimes committed in person. The sharing of information and sex abuse images is instantaneous and not easily removed, leading to children being severely impacted. This bill can help hold offenders accountable for these crimes and promote justice for child victims.

Thank you for this opportunity to testify on this bill.

Sincerely, Terri Lum, LSW

Coordinator, Hawai'i State Chapter of CJs



To: House Human Services & Homelessness Committee
Re: Testimony in SUPPORT of HB 1963

Dear Chair Marten, Vice Chair Olds, and the Members of House Human Services & Homelessness Committee,

Members of AAUW of Hawai'i thank you for this opportunity to testify in support of HB 1963, which (1) establishes the nonconsensual disclosure of intimate or private images as a criminal offense and (2) 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.

Image-based abuse survivors often suffer from “depression, fear and anxiety as well as damage to reputations, job loss and social isolation. Some survivors have died by suicide after discovering deepfake videos were made with their likeness. No matter what form the abuse takes, it has a devastating effect on survivors that can last for years.” See <https://www.joyfulheartfoundation.org/our-work/policy-and-advocacy/image-based-abuse-initiative/> (retrieved Feb. 6, 2026).

It was found that as of 2023 “98% of deepfake visuals are pornographic in nature, and 99% target women.” See <https://www.securityhero.io/state-of-deepfakes/> (retrieved Feb. 6, 2026). According to University of Virginia School of Law Prof. Danielle Citron, there are at least 9,500 sites ‘devoted to non-consensual intimate imagery.’”

Thus, HB 1963 is necessary to protect the public.

Sincerely,

Sandy Ma

AAUW of Hawai'i Public Policy Committee

The American Association of University Women (AAUW) of Hawai'i is an all-volunteer, statewide chapter of a national organization with close to 4,000 members and supporters across all four counties - Hawai'i, Honolulu, Kaua'i, and Maui. AAUW has state chapters in all 50 states and our mission is to advance gender equity through education and advocacy. Economic security for women is our goal.



Date: February 8, 2026

To: Rep. Lisa Martens, Chair
Rep Ikaika Olds, Vice Chair
Members of the House Committee on Human Services and Homelessness

From: Lynn Costales Matsuoka, Executive Director
The Sex Abuse Treatment Center
A Program of Kapi'olani Medical Center for Women & Children

RE: Testimony on HB 1963
Relating to Image Based Sexual Abuse

Hearing: February 10, 2026, Conference Room 329, 9:30 am

Good Morning Chair Martens, Vice Chair Olds and Members of the House Committee on Human Services and Homelessness. The Sex Abuse Treatment Center is grateful for the opportunity to provide strong **support** in favor of HB 1963.

This bill addresses what is commonly known as sextortion, the disclosure or threat of a disclosure of an intimate image unless the victim meets the demand of the predator.

What starts off often as an innocent encounter online, predators quickly build trust with the victim, to the point where innocent exchanges, becomes a sharing of nude or intimate photos. Once the predator is in possession of those intimate images, threats of public disclosure are made on condition the victim meets the predator's demands. These demands can include money, sex acts, additional sexual images or images of self harm. For some, the inability to meet the demands of the predator becomes so overwhelming. Plagued with feelings of shame, embarrassment and ultimately desperation have led to tragic results, with some taking their own lives.

According to the National Center for Missing and Exploited Children (NCMEC) reports of financial sextortion doubled, from 10,731 reports in 2022 to over 26,000 in 2023. The FBI has issued public service announcements, warning of these schemes and the importance to get help should someone fall victim to online predators. (See FBI PSA, Alert #I-030625-PSA, Maar 6, 2025).

This bill does more than address sextortion head on. It goes further to allow the prosecution to pursue extended sentences when the extortion results in suicide. According to a USA Today article dated 2/25/25, sextortion has been connected to at least 30 deaths of teen boys by suicide since 2021. In one case, the victim pled with predator, "I'm only 15, Why are you doing this to me?" Within minutes, this young boy took his life after being unable to meet the predators' demands. In another instance the

teen received hundreds of text messages pressuring him to meet demands for further money or engage in self harm. These predators isolate their victims, and are relentless in their demands, leaving their victims little time to seek help from a trusted adult. In these instances and many others, the teen is left feeling alone, hopeless and believing there are no other choices.

While the cases reported by USA Today span across the US mainland, it could easily happen here. Like sexual violence, this crime does not discriminate by age, race, or gender. Anyone who engages online can become a victim. While we are unaware of any cases resulting in death, there have been cases, locally where children have recorded themselves engaging in self harm, to include burning themselves, and in other cases, engaging in sexual acts in an attempt to meet the demands of the predator. A recent news report of a teen on Hawaii island was sentenced as a youthful offender for multiple counts of child pornography and other offenses. The police investigation revealed that the offender was part of an online group that stalked, harassed and bullied teenagers.

Sadly, Hawai'i is not immune to these predatory behaviors, and this bill is an opportunity to further protect not only our youth, but to also provide law enforcement the tools to hold online predators accountable. We respectfully seek this Committee's support in passing this important legislation.

Thank you for your consideration.

Hawaii Women's Coalition

February 8, 2026

Position: **SUPPORT** of **HB1963**, Relating to Image-Based Sexual Abuse

To: Representative Lisa Marten, Chair
Representative Ikaika Olds, Vice Chair
Members of the House Committee on Human Services & Homelessness

From: Llasmin Chaine, Co-Chair, Hawaii Women's Coalition

Re: Testimony in SUPPORT of HB1963, Relating to Image-Based Sexual Abuse

Hearing: Tuesday, February 10, 2026, 9:30 a.m.
Conference Room 329, State Capitol

On behalf of the Hawaii Women's Coalition, a catalyst coalition for progressive, social, economic, and political change regarding critical issues facing Hawaii's women and girls, I would like to thank the Committee for hearing this bill and express our strong support of HB1963. The Coalition thanks the Legislature for taking these important steps to address image-based abuse.

Non-consensual disclosure of intimate images is a growing problem in Hawaii and across the nation. This form of technology facilitated sexual abuse, involves the use of an individual's intimate images to harm, control or manipulate them into engaging in harmful conduct to protect themselves against the threat or actual distribution of an intimate or private image. The images can be photographs, videos, digitally generated synthetic images or videos, or both.

While commonly referred to as sextortion, these crimes are not always motivated by sex, but power and control over a victim to meet the demands of the perpetrator, who perpetrates with anonymity. Victims are often overwhelmed by shame, fear, isolation, anxiety, depression and trust issues, while under constant threat of release of their own intimate image becoming public.

We ask the Legislature to create a statute that addresses image-based abuse specifically covering the use of someone's own image to extort money, sexual favors or acts of self-harm, and a sentencing enhancement provision, at the prosecutor's discretion, for those cases that result in the death of the victim.

We appreciate the Legislature's commitment to addressing this urgent issue and urge the passage of HB1963. Thank you for the opportunity to testify on this important matter.



February 8, 2026

Position: **SUPPORT** of **HB1963**, Relating to Image-Based Sexual Abuse

To: Representative Lisa Marten, Chair
Representative Ikaika Olds, Vice Chair
Members of the House Committee on Human Services & Homelessness

From: Llasmin Chaîne, LSW, Executive Director, Hawaii State Commission on the Status of Women

Re: Testimony in SUPPORT of HB1963, Relating to Image-Based Sexual Abuse

Hearing: Tuesday, February 10, 2026, 9:30 a.m.
Conference Room 329, State Capitol

The Commission on the Status of Women is dedicated to advancing the rights, safety, and wellbeing of women and girls in Hawaii. Thank you for hearing this important bill. We stand in **support of HB1963**, as it aligns with our [mission](#) and addresses the serious harms caused by the nonconsensual disclosure of intimate or private images, a form of abuse that disproportionately affects women and can have devastating personal, professional, and psychological consequences.

This bill strengthens legal protections by establishing a criminal offense for nonconsensual disclosure of intimate images, which is often used as a tool for harassment, coercion, and control, particularly in cases involving domestic violence or power imbalances. By criminalizing this behavior, HB1963 aligns with best practices in victim protection and supports the broader goal of fostering a safer, more respectful digital and physical environment for all individuals, especially those most vulnerable to exploitation.

The bill's provision for enhanced sentencing in cases where the victim is a minor or vulnerable adult and the offense results in death reflects a necessary recognition of the heightened risks faced by these populations. This approach is consistent with research indicating that the impacts of image-based abuse can be especially severe for young people and those with diminished capacity to protect themselves or seek recourse.

We appreciate the Legislature's commitment to addressing this urgent issue and **urge the passage of HB1963**.

Thank you for this opportunity to submit testimony.



February 10, 2026

Members of the House Committee on Human Services & Homelessness:

Chair Lisa Marten
Vice Chair Ikaika Olds
Rep. Terez Amato
Rep. Daisy Hartsfield
Rep. Sue L. Keohokapu-Lee Loy
Rep. Gregg Takayama
Rep. Jenna Takenouchi
Rep. David Alcos III
Rep. Diamond Garcia

Re: HB1963 Relating to Image-Based Sexual Abuse

Dear Chair Marten, Vice Chair Olds, and Members of the House Committee on Human Services & Homelessness:

The Hawai'i State Coalition Against Domestic Violence (HSCADV) mission is to unite Hawai'i to end all forms of domestic violence. We are a statewide partnership of domestic violence programs and shelters.

On behalf of HSCADV and our 20 member programs, we submit testimony **in support of HB1963**.

This bill addresses what is commonly known as sextortion, the disclosure or threat of a disclosure of an intimate image, unless the victim meets the demand of the predator.

What often starts as an innocent online encounter quickly escalates, with predators building trust with the victim to the point where innocent exchanges turn into sharing nude or intimate photos. Once the predator is in possession of those intimate images, threats of public disclosure are made on the condition that the victim meets the predator's demands. These demands can include money, sex acts, additional sexual images, or images of self-harm. For some, the inability to meet the predator's demands becomes so overwhelming.

Plagued by feelings of shame, embarrassment, and ultimately desperation, some have taken their own lives. According to the National Center for Missing and Exploited Children (NCMEC), reports of financial sextortion doubled, from 10,731 reports in 2022 to over 26,000 in 2023.

The FBI has issued public service announcements, warning of these schemes and the importance of getting help should someone fall victim to online predators. (See FBI PSA, Alert #I-030625-PSA, Maar 6, 2025).

This bill does more than address sextortion head-on. It goes further to allow the prosecution to pursue extended sentences when the extortion results in suicide.

According to a USA Today article dated 2/25/25, sextortion has been connected to at least 30 deaths of teen boys by suicide since 2021. In one case, the victim pleaded with the predator, "I'm only 15, Why are you doing this to me?" Within minutes, this young boy took his life after being unable to meet the predators' demands. In another instance, the teen received hundreds of text messages pressuring him to meet demands for further money or engage in self-harm. These predators isolate their victims and are relentless in their demands, leaving their victims little time to seek help from a trusted adult. In these instances and many others, the teen is left feeling alone, hopeless, and believing there are no other choices.

While the cases reported by USA Today span the US mainland, this crime could easily happen here. Like sexual violence, this crime does not discriminate by age, race, or gender. Anyone who engages online can become a victim. While we are unaware of any cases resulting in death, there have been local cases in which children have recorded themselves engaging in self-harm, including burning themselves, and in other cases, engaging in sexual acts in an attempt to meet the demands of the predator. A recent news report on Hawai'i Island detailed a teen who was sentenced as a youthful offender for multiple counts of child pornography and other offenses. The police investigation revealed that the offender was part of an online group that stalked, harassed, and bullied teenagers.

Sadly, Hawai'i is not immune to these predatory behaviors, and this bill is an opportunity to further protect not only our youth but also to provide law enforcement with the tools to hold online predators accountable. **We respectfully seek this Committee's support in passing this important legislation.**

Thank you for the opportunity to testify on this important matter.

Sincerely,
Angelina Mercado, Executive Director

To: Honorable Rep. Lisa Marten, Chair
Honorable Rep. Ikaika Olds, Vice Chair.
Member, House Committee on Human Services & Homelessness

From: Lauryn Toki

Re: HB 1963

Date: Tuesday, February 10, 2026
09:30am Conference room 329

Aloha Chair Marten, Vice Chair Olds, and Committee Members:

My name is Lauryn Toki, and I am a Master of Social Work student at the University of Hawaii at Manoa. I am writing in support of HB 1963, which establishes the felony offense of nonconsensual disclosure of intimate or private images.

Image based sexual abuse is a serious and growing form of harm, especially in a time when so much of our lives take place online. The nonconsensual sharing of threatening to share images is often used as a tool for control, coercion, and exploitation. Victims may experience fear, anxiety, depression, social isolation, and long-lasting damage to their mental health and sense of safety.

HB 1963 clearly recognizes that this type of abuse is not just a private issue, but a form of violence and manipulation. The bill makes it illegal to intentionally disclose or threaten to disclose intimate or private images without consent in order to force someone to comply with demands, provide something of value, engage in sexual acts, or cause harm to themselves. This language reflects the real ways perpetrators use these images to exploit victims.

I am especially concerned about the impact of image-based sexual abuse on youth and vulnerable adults. Young people may not fully understand the risks of digital spaces, and predators often target individuals who are already vulnerable. By establishing the offense as a class B felony, HB 1963 sends a message that Hawaii takes this harm seriously and will hold offenders accountable.

From a social work perspective, this bill supports prevention, accountability, and survivor safety. Laws like HB 1963 help protect individuals from further trauma while creating clearer consequences for those who use technology to cause harm.

Everyone deserves to feel safe and respected both online and offline. No one should live in fear of having their private images used against them.

For these reasons, I respectfully urge the committee to pass HB 1963.

Mahalo for your time and consideration.

Sincerely,
Lauryn Toki
Master of Social Work Student
University of Hawaii at Manoa

LATE

HB-1963

Submitted on: 2/9/2026 3:25:01 PM

Testimony for HSH on 2/10/2026 9:30:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Barbara J. Service | Individual | Support | Written Testimony Only |

Comments:

re: HB1963 Non-consensual Disclosure of Intimate Images

Such disclosure is sexual abuse by offenders motivated by money power and/or control.

It must be stopped. Sexual abuse in any form leaves lifelong scars and is the scourge of our society.

Mahalo for the opportunity to testify.

Barbara J. Service MSW

Child Welfare Supervisor (ret.)

Passionate Kupuna advocate

Cecilia Wang, MD, FACS
General Surgery and Surgical Critical Care

LATE

House Committee on Human Services and Homelessness

Hearing Date/Time: Tuesday, February, 10, 2026 at 9:30 am
Hawaii State Capitol, room 329 and videoconference

HB 1963 Relating to Image-Based Sexual Abuse

Good morning, Chair Marten, Vice Chair Olds, and Members of the House Committee on Human Services and Homelessness.

I respectfully submit testimony in **SUPPORT of HB1963** which establishes the nonconsensual disclosure of intimate or private images as a criminal offense.

Greatest appreciation is extended to the Hawaii Women's Legislative Caucus for introducing this Bill. It reflects something our laws need to say clearly that sharing of nonconsensual intimate or private images is a serious criminal offense. When anyone is exploited through sexual images, the harm does not stop at the moment the image is created. Every time that content is promoted or shared, the victim is harmed again.

As a physician, I have cared for multiple victims of abuse and trafficking over the years. In Hawai'i, I volunteer with Ho'ola Na Pua, whose mission is to provide support for survivors and to end child sex trafficking statewide. Child sex trafficking remains a serious and persistent problem in Hawai'i. It is most prevalent on the Big Island, where the average age of first exploitation is reported to be around eight years old.

Thank you for the opportunity to submit testimony. I respectfully urge you to pass this bill.