

ACT 214

H.B. NO. 73

A Bill for an Act Relating to the Hawaii Penal Code.

*Be It Enacted* by the Legislature of the State of Hawaii:

SECTION 1. Section 707-733, Hawaii Revised Statutes, is amended to read as follows:

**“§707-733 Sexual assault in the fourth degree.** (1) A person commits the offense of sexual assault in the fourth degree if:

- (a) The person knowingly subjects another person to sexual contact by compulsion or causes another person to have sexual contact with the actor by compulsion; [or]
- (b) The person knowingly exposes the person’s genitals to another person [to whom the actor is not married] under circumstances in which the actor’s conduct is likely to [place] alarm the other person or put the other person in fear of bodily injury[.]; or
- (c) The person knowingly trespasses on property for the purpose of subjecting another person to surreptitious surveillance for the sexual gratification of the actor.

(2) Sexual assault in the fourth degree is a misdemeanor.

(3) Whenever a court sentences a defendant for an offense under this section, the court may order the defendant to submit to a pre-sentence mental and medical examination pursuant to section 706-603.”

SECTION 2. Section 707-734, Hawaii Revised Statutes, is amended to read as follows:

“§707-734 [Sexual assault in the fifth degree.] Indecent exposure. (1) A person commits the offense of [sexual assault in the fifth degree] indecent exposure if, the person intentionally exposes the person’s genitals to a person to whom the person is not married under circumstances in which the [person’s] actor’s conduct is likely to cause affront [or alarm].

(2) [Sexual assault in the fifth degree] Indecent exposure is a petty misdemeanor.”

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved June 6, 1991.)