

ACT 9

H.B. NO. 994

A Bill for an Act Relating to the Offense of Promoting Pornography for Minors.

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

SECTION 1. The legislature finds that the prevention of sexual exploitation and abuse of children is a government objective of paramount importance, and this objective extends to blocking dissemination of pornographic materials to children. To improve the ability to prosecute those who promote pornography for minors, Act 244, Session Laws of Hawaii 2024, specifically allowed the prosecution of the offense of promoting pornography for minors through undercover operations.

The legislature further finds that large-scale undercover operations have proven to be an effective tool in reducing and combating offenders who solicit minors to engage in sexual activities on the Internet. Expeditious charging is crucial during these large-scale operations. Main charges brought from these operations, the offenses of electronic enticement of a child under sections 707-756 and 707-757, Hawaii Revised Statutes, and the offense of commercial sexual exploitation of a minor under section 712-1209.1, Hawaii Revised Statutes, can be instituted by written information. Another major charge resulting from undercover operations, the offense of promoting pornography for minors under section 712-1215, Hawaii Revised Statutes, however, is included in the list of offenses that cannot be instituted by written information under section 806-83, Hawaii Revised Statutes.

Accordingly, the purpose of this Act is to enhance the effectiveness of Act 244, Session Laws of Hawaii 2024, by allowing the offense of promoting pornography for minors to be instituted by written information.

SECTION 2. Section 806-83, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Criminal charges may be instituted by written information for a felony when the charge is a class C felony, except under:

- (1) Section 159-28 (bribery related to the Hawaii Meat Inspection Act);

- (2) Section 161-28 (bribery related to the Hawaii Poultry Inspection Act);
- (3) Section 707-712.5 (assault against a law enforcement officer in the first degree);
- (4) Section 707-716 (terroristic threatening in the first degree);
- (5) Section 707-732 (sexual assault in the third degree);
- (6) Section 707-741 (incest);
- (7) Section 707-752 (promoting child abuse in the third degree);
- (8) Section 708-880 (commercial bribery);
- (9) Section 709-904.5 (compensation by an adult of juveniles for crimes);
- (10) Section 710-1026.9 (resisting an order to stop a motor vehicle in the first degree);
- (11) Section 710-1070 (bribery of or by a witness);
- (12) Section 710-1071 (intimidating a witness);
- (13) Section 710-1072.2 (retaliating against a witness);
- (14) Section 710-1073 (bribery of or by a juror);
- (15) Section 710-1075 (jury tampering);
- (16) Section 710-1075.5 (retaliating against a juror);
- (17) Section 711-1106.4 (aggravated harassment by stalking);
- (18) Section 711-1110.9 (violation of privacy in the first degree);
- (19) Section 712-1208 (promoting travel for prostitution);
- (20) Section 712-1209.5 (habitual commercial sexual exploitation);
- ~~[(21) Section 712-1215 (promoting pornography for minors);~~
- ~~[(22)]~~ (21) Section 712-1218 (failure to maintain age verification records of sexual performers);
- ~~[(23)]~~ (22) Section 712-1218.5 (failure to maintain age verification records of sexually exploited individuals); and
- ~~[(24)]~~ (23) Section 712-1219 (failure to affix information disclosing location of age verification records of sexual performers).”

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 and stricken. New statutory material is underscored.

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

(Approved April 10, 2025.)