



NONCONSENSUAL PORNOGRAPHY (NCP)

DEFINITION:

Distribution of sexually explicit images or videos without consent.¹

Hawaii Laws:

Violation of Privacy in the First Degree (HRS §711-1110.9)⁵

A person commits the offense of violation of privacy in the first degree if, except in the execution of a public duty or as authorized by law:

- The person intentionally or knowingly installs or uses, or both, in any private place, without consent of the person or persons entitled to privacy therein, any device for observing, recording, amplifying, or broadcasting another person in a stage of undress or sexual activity in that place; or
- The person knowingly discloses or threatens to disclose an image or video of another identifiable person either in the nude, as defined in section 712-1210, or engaging in sexual conduct, as defined in section 712-1210, without the consent of the depicted person, with intent to harm substantially the depicted person with respect to that person's health, safety, business, calling, career, education, financial condition, reputation, or personal relationships or as an act of revenge or retribution; provided that:
 - This paragraph shall not apply to images or videos of the depicted person made:
 - When the person was voluntarily nude in public or voluntarily engaging in sexual conduct in public; or
 - Pursuant to a voluntary commercial transaction; and
 - Nothing in this paragraph shall be construed to impose liability on a provider of "electronic communication service" or "remote computing service" as those terms are defined in section 803-41, for an image or video disclosed through the electronic communication service or remote computing service by another person.

Penalty: Class C felony; maximum of 5 years in prison.

FACTS:

- 12% of youth have forwarded a sext without consent and 8.4% have received a sext without consent.²
- Most individuals reported being victimized during emerging adulthood (age 18-29).³
- 65% of the perpetrator(s) were a current or ex romantic partner and 23% were a stranger or unsure.⁴

Understanding the Concerns about NCP⁶

- NCP is a form of image-based sexual abuse.
- NCP affects both male and female children emerging to adulthood.
- Nude intimate images or videos of your emerging adult child could get posted on the Internet.
- Images compromised from NCP could be used as a tool to trap unwilling victims into the sex trade.

Protect Your Child from becoming a Target of NCP⁷

- Ask your child what could happen if they send a naked picture of themselves?
- Ask your child what are some ways a private photo sent to one person could be seen by others?
- Explain to your child that any person pressuring them to “sext” isn’t someone they should trust.
- Reinforce expectations and family values regarding sex, relationships, and use of technology.
- Report NCP images or videos of your child to law enforcement or cybertipline.org

If your child is a victim of non-consensual pornography and needs help or advice, call the Cyber Civil Rights Initiative (CCRI) Crisis Hotline 1-844-878-2274.⁸

For more information, go to: [ag.hawaii.gov/cpja/ccp/internet safety](https://ag.hawaii.gov/cpja/ccp/internet%20safety)

Sources:

1. Ruvalcaba, Y., & Eaton, A. A. (2/4/2019) Nonconsensual Pornography Among U.S. Adults: A Sexual Scripts Framework on Victimization, Perpetration, and Health Correlates for Women and Men. *American Psychological Association*. <http://dx.doi.org/10.1037/vio0000233>
2. Ibid.
3. Ibid.
4. Ibid.
5. 711 Hawaii Revised Statutes. Sections 110.9. Hawaii State Legislature. Web.
6. *Cyber Civil Rights Initiative*. University of Miami School of Law. (n.d.) Web.
7. *NetSmartz. Sexting & Sextortion: How to Talk About It*. National Center for Missing and Exploited Children. (n.d.) Web.
8. *Cyber Civil Rights Initiative*. University of Miami School of Law. (n.d.) Web.