H.B. NO. 1556

A BILL FOR AN ACT

RELATING TO DESECRATION.

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

1 SECTION 1. The legislature finds that television, movies, and social media have depicted Hawaii as an extremely attractive 2 destination for sightseeing and outdoor adventures. Although 3 4 tourism benefits our state by generating economic activity, the 5 legislature recognizes the need to ensure that visitors and residents treat our cultural and historic resources with care 6 7 and respect. In particular, our islands are home to a number of 8 geological and archaeological features that are sacred to Native 9 Hawaiians, including features that are considered places of 10 worship or burial.

11 The purpose of this Act is to increase protection of the 12 State's cultural and historic resources and facilitate 13 enforcement of state law prohibiting acts of desecration by: 14 (1) Reducing the requisite state of mind for the criminal 15 offense of desecration from "intentionally" to 16 "knowingly"; and

17 (2) Simplifying the definition of "desecrate".



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1	SECTION 2. Section 711-1107, Hawaii Revised Statutes, is
2	amended by amending subsections (1) and (2) to read as follows:
3	"(1) A person commits the offense of desecration if the
4	person [intentionally] knowingly desecrates:
5	(a) Any public monument or structure;
6	(b) A place of worship or burial; or
7	(c) In a public place the national flag or any other
8	object of veneration by a substantial segment of the
9	public.
10	(2) "Desecrate" means defacing, damaging, polluting, or
11	otherwise physically mistreating [in a way that the defendant
12	knows will outrage the sensibilities of persons likely to
13	observe or discover the defendant's action.] any monument,
14	structure, place, or object described in subsection (1)."
15	SECTION 3. This Act does not affect rights and duties that
16	matured, penalties that were incurred, and proceedings that were
17	begun before its effective date.
18	SECTION 4. Statutory material to be repealed is bracketed
19	and stricken. New statutory material is underscored.

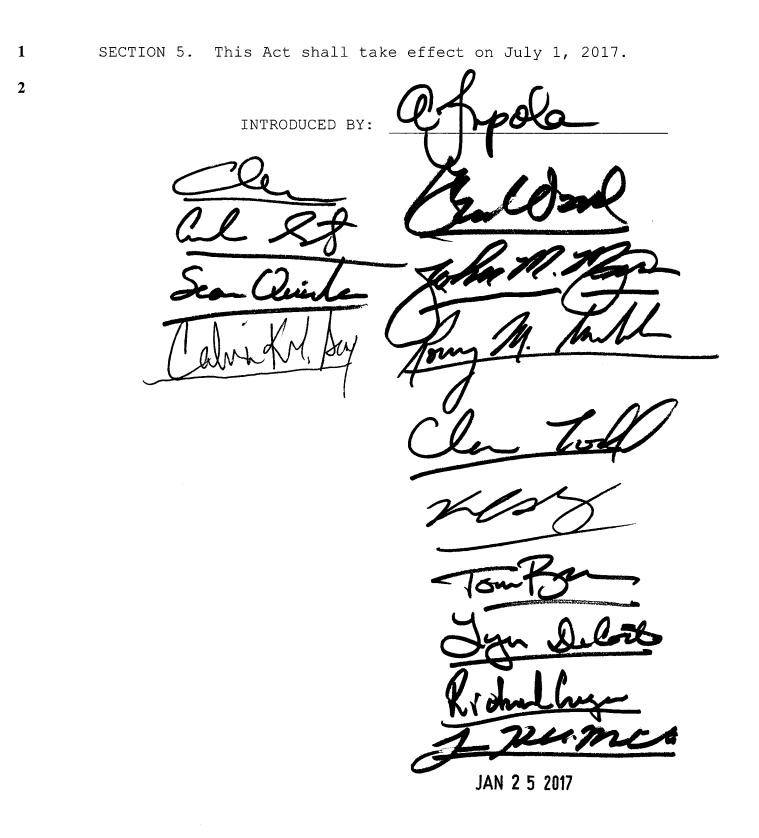


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Report Title:

Penal Code; Desecration; State of Mind; Definition

Description:

Reduces the requisite state of mind for the criminal offense of desecration from "intentionally" to "knowingly". Simplifies the definition of "desecrate".

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

