
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,
2 and social media have depicted Hawaii as an extremely attractive
3 destination for sightseeing and outdoor adventures. Although
4 tourism benefits our state by generating economic activity, the
5 legislature recognizes the need to ensure that visitors and
6 residents treat our cultural and historic resources with care
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".



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 Statutory material to be repealed is bracketed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.



1 SECTION 5. This Act shall take effect on July 1, 2017.

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INTRODUCED BY:

Chpola

Chen

Donald

Chafetz

Sean Quinlan

John M. Ryan

Calvin M. Say

Rory M. Smith

Chen Todd

Wesley

Tom Ryan

Jean DeLoe

Richard Lujan

J. P. Mc...

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H.B. NO. 1556

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".

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