

---

---

# A BILL FOR AN ACT

RELATING TO THE PENAL CODE.

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

1           SECTION 1. The purpose of this Act is to amend part III of  
2 chapter 708, Hawaii Revised Statutes, to include a new offense  
3 relating to intentionally or knowingly damaging property holding  
4 cultural or historical significance to Native Hawaiians.

5           SECTION 2. Section 708-800, Hawaii Revised Statutes, is  
6 amended by adding a new definition to be appropriately inserted  
7 and to read as follows:

8           "Property of another holding cultural or historical  
9 significance to Native Hawaiians" means any property of another  
10 that is a tangible object, structure, or real property of  
11 cultural or historical significance to Native Hawaiians as  
12 determined by experts in traditional Native Hawaiian customs and  
13 practices in the district where the property is located."

14           SECTION 3. Chapter 708, Hawaii Revised Statutes, is  
15 amended by adding a new section to part III to be appropriately  
16 designated and to read as follows:



1           "§708- Criminal property damage to property of another  
 2 holding historical significance to Native Hawaiians. (1) A  
 3 person commits the offense of criminal property damage to  
 4 property of another holding historical significance to Native  
 5 Hawaiians if the person intentionally or knowingly destroys or  
 6 causes substantial physical damage to the property of another  
 7 holding historical significance to Native Hawaiians.

8           (2) Criminal property damage to property of another  
 9 holding historical significance to Native Hawaiians is a  
 10 violation.

11           (3) A person convicted under this section shall be  
 12 required to attend a mandatory training program on the  
 13 historical significance of certain property to Native Hawaiians.  
 14 The training program shall be a minimum of \_\_\_\_\_ hours, and  
 15 shall be administered by \_\_\_\_\_.

16           (4) In addition to the training program pursuant to  
 17 subsection (3), a person convicted under this section who is a  
 18 public employee shall also be censured under rules adopted by  
 19 the department or agency that employs the public employee. For  
 20 the purposes of this section, "public employee" means any person  
 21 subject to chapter 78."



1 SECTION 4. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun before its effective date.

4 SECTION 5. New statutory material is underscored.

5 SECTION 6. This Act shall take effect on July 1, 2050.



**Report Title:**

Penal Code; Criminal Property Damage; Property Holding Cultural or Historical Significance to Native Hawaiians

**Description:**

Establishes the offense of criminal property damage to property of another holding historical significance to Native Hawaiians. Requires a mandatory training for any person committing this offense. Requires public employees who commit this offense to be censured from the department that employs them. (SB2863 HD1)

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

