



GOV. MSG. NO. 1299

EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

July 3, 2023

The Honorable Ronald D. Kouchi
President of the Senate,
and Members of the Senate
Thirty-Second State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki
Speaker, and Members of the
House of Representatives
Thirty-Second State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 3, 2023, the following bill was signed into law:

SB739 HD1

RELATING TO DESECRATION.
ACT 196

Sincerely,

Josh Green, M.D.
Governor, State of Hawai'i

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 the State by generating economic activity, the
5 legislature recognizes the need to ensure that visitors and
6 residents treat cultural and historic resources with care and
7 respect. Importantly, the 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. Notwithstanding, in late 2022, a tourist
11 filmed himself urinating and making a vulgar hand gesture atop
12 Mauna Kea, a mountain of sacred reverence to Native Hawaiians.
13 Even more recently, during the 2023 eruption of Kilauea, a man
14 photographed himself urinating near the Kilauea viewing site and
15 posted it to social media. These events highlight the
16 continuing need to protect Hawaii's cultural and historic
17 resources.



1 The purpose of this Act is to increase protection of the
2 State's cultural and historic resources and facilitate
3 enforcement of state law prohibiting acts of desecration by:

- 4 (1) Expanding the requisite state of mind for the criminal
5 offense of desecration to include "knowingly"; and
6 (2) Simplifying the definition of "desecrate".

7 SECTION 2. Section 711-1107, Hawaii Revised Statutes, is
8 amended by amending subsections (1) and (2) to read as follows:

9 "(1) A person commits the offense of desecration if the
10 person intentionally or knowingly desecrates:

- 11 (a) Any public monument or structure;
12 (b) A place of worship or burial; or
13 (c) In a public place, the national flag or any other
14 object of veneration by a substantial segment of the
15 public.

16 (2) [~~"Desecrate"~~] As used in this section, "desecrate"
17 means defacing, damaging, polluting, or otherwise physically
18 mistreating [~~in a way that the defendant knows will outrage the~~
19 ~~sensibilities of persons likely to observe or discover the~~
20 ~~defendant's action.~~] any monument, structure, place, or object
21 described in subsection (1)."



1 SECTION 3. 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 4. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 5. This Act shall take effect on July 1, 2023.

7

APPROVED this 3rd day of July, 2023



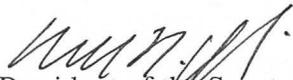
GOVERNOR OF THE STATE OF HAWAII



THE SENATE OF THE STATE OF HAWAI‘I

Date: April 19, 2023
Honolulu, Hawai‘i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-Second Legislature of the State of Hawai‘i, Regular Session of 2023.


President of the Senate


Clerk of the Senate

SB No. 739, HD 1

THE HOUSE OF REPRESENTATIVES OF THE
STATE OF HAWAII

Date: April 3, 2023
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Third Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2023.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives