

STAND. COM. REP. NO.

1614

Honolulu, Hawaii

MAR 29

, 2023

RE: S.B. No. 739

H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred S.B. No. 739 entitled:

"A BILL FOR AN ACT RELATING TO DESECRATION,"

begs leave to report as follows:

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

- (1) Reducing the requisite state of mind for the criminal offense of desecration from "intentionally" to "knowingly"; and
- (2) Simplifying the definition of "desecrate".

Your Committee received testimony in support of this measure from the Council for Native Hawaiian Advancement, Kua'āina Ulu 'Auamo, and four individuals. Your Committee received comments on this measure from the Office of the Public Defender.

Your Committee finds that recent acts of desecration at sacred cultural and historic sites in Hawaii demonstrate the need for greater protection of Hawaii's resources. This measure would make it easier to prosecute acts of desecration involving Hawaii's cultural and historic resources.

2023-2557 SB739 HD1 HSCR HMSO



Your Committee has amended this measure by:

- (1) Retaining the existing requisite state of mind of "intentionally" for the criminal offense of desecration; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 739, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 739, H.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



DAVID A. TARNAS, Chair



