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# 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) ~~["Deseerate"]~~ 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.

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**Report Title:**

Native Hawaiian Caucus; Penal Code; Desecration; State of Mind;  
Definition

**Description:**

Expanding the requisite state of mind for the criminal offense  
of desecration to include "knowingly". Simplifies the  
definition of "desecrate". (HD1)

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

