

ACT 40

H.B. NO. 2383

A Bill for an Act Relating to Flags.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Since the American Revolution, more than five hundred thousand Americans have been captured and interned as prisoners of war. The largest number of prisoners held captive occurred during the Civil War when an estimated two hundred twenty thousand confederate soldiers were captured by the North and nearly one hundred twenty-seven thousand union soldiers were interned by the South.

Since World War I, over one hundred forty-two thousand Americans, including eighty-five women, have been captured and interned as prisoners of war. Not included in this figure are nearly ninety-three thousand Americans who are classified as missing in action.

As our country seeks out Al Qaeda terrorists in the Middle East, it is important to recognize and honor the extraordinary heroism of the brave men and women who risked or sacrificed their lives or their freedom in the past, as well those who place their lives in harm's way on a daily basis in Afghanistan and Iraq.

The purpose of this Act is to allow the National League of Families' POW/MIA (prisoner of war/missing in action) flag to be flown with the United States and Hawaiian flags at the state capitol and on the grounds of the headquarters of the state department of defense on specified days to honor American prisoners of war and military personnel who are missing in action.

SECTION 2. Chapter 5, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§5- POW/MIA (prisoner of war/missing in action) flag; recognition; use.

(a) The State recognizes the National League of Families' POW/MIA (prisoner of war/missing in action) flag that was recognized by the United States Congress through P. L. 101-355 on August 10, 1990.

(b) The National League of Families' POW/MIA (prisoner of war/missing in action) flag shall be flown on the grounds of the state capitol and on the grounds of the headquarters of the state department of defense on the following days:

- (1) Armed Forces Day, the third Saturday in May;
- (2) Memorial Day, the last Monday in May;
- (3) Flag Day, June 14;
- (4) Independence Day, July 4;
- (5) National POW/MIA Recognition Day, the third Friday in September; and
- (6) Veterans Day, November 11,

and may be flown on the grounds of the state capitol and on the grounds of the headquarters of the state department of defense on other days; provided that if the Hawaiian flag is flown on the same halyard as the flag of the United States of America at those locations, then the POW/MIA (prisoner of war/missing in action) flag may be flown under the flag of the State of Hawaii, and if the Hawaiian flag is flown on a separate halyard as the flag of the United States of America at those locations, then the POW/MIA (prisoner of war/missing in action) flag may be flown under the flag of the United States of America.”

SECTION 3. New statutory material is underscored.¹

SECTION 4. This Act shall take effect upon its approval.

(Approved April 20, 2010.)

Note

1. Edited pursuant to HRS §23G-16.5.