

JAN 20 2010

A BILL FOR AN ACT

RELATING TO DESECRATION.

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

1 SECTION 1. Section 711-1107, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§711-1107 Desecration.** (1) A person commits the offense
4 of desecration if the person intentionally desecrates:

5 (a) Any public monument or structure; or

6 (b) A place of worship [~~or burial~~]; or

7 (c) In a public place the national flag or any other
8 object of veneration by a substantial segment of the
9 public.

10 (2) A person commits the offense of desecration if the
11 person negligently desecrates a place of burial.

12 [~~(2)~~] (3) "Desecrate" means defacing, damaging, polluting,
13 or otherwise physically mistreating in a way that the defendant
14 knows will outrage the sensibilities of persons likely to
15 observe or discover the defendant's action.

16 [~~(3)~~] (4) Any person convicted of committing the offense
17 of desecration shall be sentenced to a term of imprisonment of



1 not more than one year, a fine of not more than \$10,000, or
2 both."

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

6 SECTION 3. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

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

9

INTRODUCED BY: *[Signature]*
by request *[Signature]*

Report Title:

Burials; Desecration

Description:

Provide that a person may be convicted of the offense of desecration for negligently desecrating a place of burial, rather than requiring an intentional act.

