
A BILL FOR AN ACT

RELATING TO DESECRATION.

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

1 SECTION 1. The Puuiki Cemetery in Waialua Town was created
2 in the late 1800's for the Waialua Sugar Company workers and
3 community members. The cemetery sits on five acres of unfenced
4 land now owned by the Dole Food Company Hawaii and has more than
5 seven hundred fourteen grave sites. For the past ten years,
6 families and organizations have worked to clean and weed the
7 cemetery to transform it into a peaceful resting place. On March
8 , 14, 2009, The Honolulu Advertiser reported that vandals have
9 been racing through the cemetery with motorcycles and trucks,
10 destroying the crosses, grave markers, and headstones. Other
11 reports include people driving through the cemetery to access
12 the beach and people allowing their dogs to urinate and defecate
13 on the graves. Over the past two years, the Honolulu police
14 department has responded to seven calls for police service for
15 loitering, playing loud music and talking, people screaming,
16 drinking, and arguing near the cemetery, and bones exposed near
17 grave sites. On July 15, 2009, the Honolulu city council
18 adopted Resolution No. 09-194 urging the legislature to amend



1 the law relating to the desecration of graves to enable the
2 conviction of a person who is found to have negligently
3 desecrated a place of burial, thus making it easier for the
4 prosecutor's office to convict a person under this law.

5 The purpose of this Act is to change the state of mind
6 required for the commission of the offense of desecration from
7 intentional to negligent desecration of a place of burial.

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

10 "**§711-1107 Desecration.** (1) A person commits the offense
11 of desecration if the person intentionally desecrates:

12 (a) Any public monument or structure; or

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

14 (c) In a public place the national flag or any other
15 object of veneration by a substantial segment of the
16 public.

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

19 [+2+] (3) "Desecrate" means defacing, damaging, polluting,
20 or otherwise physically mistreating in a way that the defendant
21 knows will outrage the sensibilities of persons likely to
22 observe or discover the defendant's action.



H.B. NO. 1973

1 [~~3~~] (4) Any person convicted of committing the offense
 2 of desecration shall be sentenced to a term of imprisonment of
 3 not more than one year, a fine of not more than \$10,000, or
 4 both."

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

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

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JAN 19 2010



Report Title:

Desecration; Burials

Description:

Amends the state of mind for the offense of desecration of a burial site from intentional to negligent.

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