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# A BILL FOR AN ACT

RELATING TO GRAVE 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 intentionally, knowingly, recklessly, or negligently  
12 desecrates a grave or other place of burial.

13           [~~+~~2] (3) "Desecrate" means defacing, damaging, polluting,  
14 or otherwise physically mistreating in a way that [~~the defendant~~  
15 ~~knew~~] a reasonable person in the same or similar circumstance  
16 would or should know will outrage the sensibilities of persons  
17 likely to observe or discover the defendant's action.



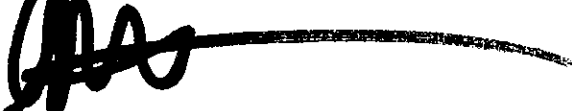
1        ~~[(3)]~~ (4) ~~[Any person convicted of committing the offense~~  
 2 ~~of desecration shall be sentenced to a term of imprisonment of~~  
 3 ~~not more than one year, a fine of not more than \$10,000, or~~  
 4 ~~both.]~~ Violation of this section shall be a misdemeanor;  
 5 provided the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

6        (5) In addition to any other penalty prescribed by this  
 7 section, a person who is convicted of intentional, knowing,  
 8 reckless, or negligent desecration of a grave or other place of  
 9 burial shall be required to perform community service, for a  
 10 period of time not to exceed two years from the date of  
 11 sentencing, cleaning the area within one hundred yards of the  
 12 site of the offense for which the person was sentenced, where  
 13 consent from the respective property owner or owners has been  
 14 obtained, even if the property was damaged by another person."

15        SECTION 2. This Act does not affect rights and duties that  
 16 matured, penalties that were incurred, and proceedings that were  
 17 begun before its effective date.

18        SECTION 3. Statutory material to be repealed is bracketed  
 19 and stricken. New statutory material is underscored.

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

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 INTRODUCED BY: 

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JAN 20 2011

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**Report Title:**

Grave Desecration

**Description:**

Expands criminal offense of desecration to specifically include the negligent or reckless desecration of graves, imposes a reasonable person standard, requires community service for a violation, and increases maximum allowable fine to \$10,000.

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