
A BILL FOR AN ACT

RELATING TO BURIAL SITES.

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

1 SECTION 1. The legislature finds that it is necessary to
2 reflect the seriousness of the act of disturbing human remains
3 from burial sites without consent.

4 Therefore, the purpose of this Act is to increase the
5 penalty for the desecration of burial sites from a misdemeanor
6 to a felony for a second or subsequent offense to deter
7 potential violators from harming burial sites.

8 SECTION 2. Section 6E-72, Hawaii Revised Statutes, is
9 amended by amending subsection (b) to read as follows:

10 "(b) Taking, appropriation, excavation, injury,
11 destruction, or alteration of a burial site without permission
12 of the department of land and natural resources:

13 (1) For the first offense, is a misdemeanor for which a
14 fine not to exceed [~~\$25,000 may~~] \$10,000 shall be
15 imposed[~~7~~]; and

16 (2) For a second or subsequent offense, is a felony for
17 which a fine not to exceed \$25,000 shall be imposed,



1 in addition to any other penalty authorized by chapter
2 706 for a [~~misdemeanor~~] felony."

3 SECTION 3. 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 4. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 5. This Act shall take effect upon its approval.



Report Title:

State Historic Preservation Division; Burial Sites; Penalties

Description:

Increases the penalty for the desecration of Hawaiian and non-Hawaiian burial sites from a misdemeanor to a felony for second or subsequent offenses. (SD1)

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

