

ACT 21

H.B. NO. 8

A Bill for an Act Relating to Military Service.

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

SECTION 1. The terrorist attacks of September 11, 2001, continue to have repercussions today. Thousands of military service members have been deployed to dangerous, volatile, and unstable areas of the world, including Iraq and Afghanistan.

The purpose of this Act is to provide for a Hawaii medal of honor that would help express the deep appreciation and gratitude of the people of Hawaii to the loved ones of members of the military who sacrificed their lives in defense of our nation and its freedoms.

As of February 14, 2005, the following eighty-three servicemembers with Hawaii ties made the ultimate sacrifice for our nation and its freedoms since combat operations begin in Afghanistan and Iraq:

1. *Army Private First Class John D. Amos II, 22*, assigned to the 25th Infantry Division (Schofield Barracks), KIA April 4, 2004.
2. *Marine Corps Staff Sergeant Brian D. Bland, 26*, assigned to the 3rd Marine Regiment (Kaneohe Bay), KIA on January 26, 2005.

3. *Marine Corps Lance Corporal Jeffrey S. Blanton*, 23, assigned to the 3rd Marine Regiment (Kaneohe Bay), KIA Dec. 12, 2004.
4. *Army Sergeant 1st Class Kelly Bolor*, 37, of Lahina Maui, KIA Nov. 13, 2003.
5. *Marine Corps Lance Corporal Jeremy D. Bow*, 20, assigned to the 3rd Marine Regiment (Kaneohe Bay), KIA Oct. 30, 2004.
6. *Marine Corps Lance Corporal David M. Branning*, 21, assigned to the 3rd Marine Regiment (Kaneohe Bay), KIA Nov. 12, 2004.
7. *Army Chief Warrant Officer William I. Brennan*, 36, assigned to the 25th Aviation Regiment (Schofield Barracks), KIA Oct. 16, 2004.
8. *Marine Corps Lance Corporal John T. Byrd II*, 23, assigned to the 3rd Marine Regiment (Kaneohe Bay), KIA Oct. 30, 2004.
9. *Army Private First Class Stephen A. Castellano*, 21, assigned to the 114th Infantry Regiment (Schofield Barracks), KIA Jan. 28, 2005.
10. *Marine Corps Corporal Michael R. Cohen*, 23, assigned to the 3rd Marine Regiment (Kaneohe Bay), KIA Nov. 22, 2004.
11. *Marine Corps Sergeant Kelley L. Courtney*, 28, assigned to the 3rd Marine Regiment (Kaneohe Bay), KIA Oct. 30, 2004.
12. *Army Specialist Isaac E. Diaz*, 26, assigned to the 27th Infantry Regiment (Schofield Barracks), KIA Dec. 1, 2004.
13. *Marine Corps Lance Corporal Michael A. Downey*, 21, assigned to the 3rd Marine Regiment (Kaneohe Bay), KIA Nov. 19, 2004.
14. *Marine Corps Lance Corporal Jonathan E. Etterling*, assigned to the 3rd Marine Regiment (Kaneohe Bay), KIA on January 26, 2005.
15. *Army Specialist Kyle K. Fernandez*, 26, from Pearl City, KIA Oct. 14, 2004.
16. *Marine Corps Sergeant Michael Finke Jr.*, 28, assigned to the 3rd Marine Regiment (Kaneohe Bay), KIA on January 26, 2005.
17. *Army Corporal Jacob R. Fleischer*, 25, assigned to the 5th Infantry Regiment (Schofield Barracks), KIA Nov. 24, 2004.
18. *Army Staff Sgt. Oscar D. Vargas-Medina*, 32, assigned to the 84th Engineer Battalion (Schofield Barracks), KIA May 1, 2004.
19. *Army Private First Class Jose Ricardo Flores-Mejia*, 21, assigned to the 45th Corps Support Group (Schofield Barracks), KIA Nov. 16, 2004.
20. *Marine Corps Lance Corporal Travis A. Fox*, 25, assigned to the 3rd Marine Regiment (Kaneohe Bay), KIA October 30, 2004.
21. *Army Corporal Dale E. Fracker Jr.*, 23, assigned to the 5th Infantry Regiment (Schofield Barracks), KIA November 24, 2004.
22. *Army Corporal David M. Fraise*, 24, assigned to the 35th Infantry Regiment (Schofield Barracks), KIA June 7, 2004.
23. *Marine Corps 1st Lieutenant Travis J. Fuller*, 26, assigned to the 3rd Marine Regiment (Kaneohe Bay), KIA on January 26, 2005.
24. *Army Sergeant Daniel Lee Galvan*, 30, assigned to the 25th Aviation Regiment (Schofield Barracks), KIA August 12, 2004.
25. *Marine Corps Corporal Timothy "Timmy" Gibson*, 23, assigned to the 3rd Marine Regiment (Kaneohe Bay), KIA on January 26, 2005.
26. *Marine Corps Corporal Richard Gilbert Jr.*, 28, assigned to the 3rd Marine Regiment (Kaneohe Bay), KIA on January 26, 2005.
27. *Army Corporal Billy Gomez*, 25, assigned to the 27th Infantry Regiment (Schofield Barracks), KIA October 27, 2004.
28. *Marine Corps Kyle J. Grimes*, 21, assigned to the 3rd Marine Regiment (Kaneohe Bay), KIA on January 26, 2005.

29. *Army Chief Warrant 2 Travis Grogan*, 31, assigned to the 4th Cavalry Regiment (Schofield Barracks), KIA November 27, 2004.
30. *Marine Corps Lance Corporal Tony Hernandez*, 22, assigned to the 3rd Marine Regiment (Kaneohe Bay), KIA on January 26, 2005.
31. *Army Specialist Joseph F. Herndon II*, 21, assigned to the 27th Infantry Regiment (Schofield Barracks), KIA July 29, 2004.
32. *Army Staff Sergeant Brian S. Hobbs*, 31, assigned to the 5th Infantry Regiment (Schofield Barracks), KIA October 14, 2004.
33. *Army First Lieutenant Nainoa K. Hoe*, 27, 1995 Kamehameha Schools graduate, KIA Jan. 22, 2005.
34. *Marine Corps Lance Corporal Brian C. Hopper*, 21, assigned to the 3rd Marine Regiment (Kaneohe Bay), KIA on January 26, 2005.
35. *Navy Petty Officer 3rd Class John D. House*, 28, assigned to the 3rd Marine Regiment (Kaneohe Bay), KIA on January 26, 2005.
36. *Marine Corps Lance Corporal Saeed Jafarkhani-Torshizi Jr.*, 25, assigned to the 3rd Marine Regiment (Kaneohe Bay), KIA on January 26, 2005.
37. *Army Captain Christopher B. Johnson*, 29, assigned to the 25th Aviation Regiment (Schofield Barracks), KIA October 16, 2004.
38. *Marine Corps Corporal Stephen P. Johnson*, 24, assigned to the 3rd Marine Regiment (Kaneohe Bay), KIA January 26, 2005.
39. *Marine Corps Corporal Sean Kelly*, 23, assigned to the 3rd Marine Regiment (Kaneohe Bay), KIA on January 26, 2005.
40. *Army Private First Class Jeungjin "Nikky" Kim*, 23, former Honolulu resident, KIA October 6, 2004.
41. *Marine Corps Lance Corporal Allan Klein*, 34, assigned to the 3rd Marine Regiment (Kaneohe Bay), KIA on January 26, 2005.
42. *Marine Corps Tim Knight*, 22, assigned to the 3rd Marine Regiment (Kaneohe Bay), KIA on January 26, 2005.
43. *Marine Corps Corporal Christopher J. Lapka*, 22, assigned to the 3rd Marine Regiment (Kaneohe Bay), KIA October 30, 2004.
44. *Marine Corps Private First Class John Lukac*, 19, assigned to the 3rd Marine Regiment (Kaneohe Bay), KIA October 30, 2004.
45. *Marine Corps Lance Corporal Fred L. Maciel*, 20, assigned to the 3rd Marine Regiment (Kaneohe Bay), KIA on January 26, 2005.
46. *Marine Corps Lance Corporal Blake A. Magaoay*, 20, Pearl City High School graduate, KIA November 29, 2004.
47. *Army Specialist David P. Mahlenbrock*, 20, assigned to the 65th Engineer Battalion, KIA December 3, 2004.
48. *Army Chief Warrant Officer Ian D. Manuel*, 23, born in Honolulu, KIA Jan. 8, 2004.
49. *Army Specialist James McConnell*, 27, assigned to the 27th Infantry Regiment (Schofield Barracks), KIA November 16, 2004.
50. *Army Lieutenant Col. Michael McMahan*, 41, assigned to the 4th Cavalry Regiment (Schofield Barracks), KIA November 27, 2004.
51. *Marine Corps Lance Corporal Brian A. Medina*, 20, assigned to the 3rd Marine Regiment (Kaneohe Bay), KIA November 12, 2004.
52. *Army Staff Sergeant Oscar D. Medina*, 32, assigned to the 84th Engineer Battalion, KIA May 1, 2004.
53. *Army Specialist Harley Miller*, 21, assigned to the 4th Cavalry Regiment (Schofield Barracks), KIA November 27, 2004.
54. *Marine Corps Corporal James Lee Moore*, 24, assigned to the 3rd Marine Regiment (Kaneohe Bay), KIA on January 26, 2005.

55. *Marine Corps Corporal Nathan Moore*, 21, assigned to the 3rd Marine Regiment (Kaneohe Bay), KIA on January 26, 2005.
56. *Army Staff Sergeant Todd Nunes*, 29, assigned to the 21st Infantry Regiment, KIA May 2, 2004.
57. *Army Specialist Ramon C. Ojeda*, 22, assigned to the 84th Engineer Battalion (Schofield Barracks), KIA May 1, 2004.
58. *Marine Corps Sergeant Rafael Peralta*, 25, assigned to the 3rd Marine Regiment (Kaneohe Bay), KIA November 14, 2004.
59. *Marine Corps Lance Corporal Aaron C. Pickering*, 20, assigned to the 3rd Marine Regiment (Kaneohe Bay), KIA on November 10, 2004.
60. *Marine Corps Lance Corporal Mourad Ragimov*, 20, assigned to the 3rd Marine Regiment (Kaneohe Bay), KIA on January 26, 2005.
61. *Marine Corps Lance Corporal Rhonald "Dain" Rairdan*, 20, assigned to the 3rd Marine Regiment (Kaneohe Bay), KIA on January 26, 2005.
62. *Marine Corps Lance Corporal Hector Ramos*, 20, assigned to the 3rd Marine Regiment (Kaneohe Bay), KIA on January 26, 2005.
63. *Marine Corps Lance Corporal Andrew G. Riedel*, 19, assigned to the 3rd Marine Regiment (Kaneohe Bay), KIA October 30, 2004.
64. *Marine Corps Lance Corporal Gael Saintvil*, 24, assigned to the 3rd Marine Regiment (Kaneohe Bay), KIA on January 26, 2005.
65. *Army Staff Sergeant Cameron B. Sarno*, 43, former Waipahu resident, KIA September, 1, 2003.
66. *Marine Corps Lance Corporal Michael P. Scarborough*, 28, assigned to the 3rd Marine Regiment (Kaneohe Bay), KIA October 30, 2004.
67. *Marine Corps Corporal Nathan Schubert*, 23, assigned to the 3rd Marine Regiment (Kaneohe Bay), KIA on January 26, 2005.
68. *Marine Corps Lance Corporal Darrell J. Schumann*, 25, assigned to the 3rd Marine Regiment (Kaneohe Bay), KIA on January 26, 2005.
69. *Marine Corps 1st Lieutenant Dustin Shumney*, 30, assigned to the 3rd Marine Regiment (Kaneohe Bay), KIA on January 26, 2005.
70. *Marine Corps Corporal Matthew Smith*, 24, assigned to the 3rd Marine Regiment (Kaneohe Bay), KIA on January 26, 2005.
71. *Marine Corps Lance Corporal Richard P. Slocum*, 19, assigned to the 3rd Marine Regiment (Kaneohe Bay), KIA October 24, 2004.
72. *Marine Corps Lance Corporal Joseph Spence*, 23, assigned to the 3rd Marine Regiment (Kaneohe Bay), KIA on January 26, 2005.
73. *Marine Corps Lance Corporal Michael L. Starr Jr.*, 21, assigned to the 3rd Marine Regiment (Kaneohe Bay), KIA on January 26, 2005.
74. *Army Private First Class Ernest H. Sutphin*, 21, assigned to the 11th Field Infantry Regiment (Schofield Barracks), KIA March 18, 2004.
75. *Army Chief Warrant Officer Sharon T. Swartworth*, 43, former Hawaii resident, KIA November 7, 2003.
76. *Marine Corps Lance Corporal Franklin A. Sweger*, 24, assigned to the 3rd Marine Regiment (Kaneohe Bay), KIA December 16, 2004.
77. *Army Specialist Joseph C. Thibodeaux III*, 24, assigned to the 2nd Brigade Combat Team (Schofield Barracks), KIA September 1, 2004.
78. *Army Private First Class Joshua Kuile Paul Titcomb*, 20, former Waianae resident, KIA September 29, 2004.
79. *Army Specialist Wesley Wells*, 21, assigned to the 27th Infantry Regiment (Schofield Barracks), KIA September 20, 2004.
80. *Army Sergeant Eugene Williams*, 24, family from Oahu, KIA March 29, 2003.
81. *Army Specialist Philip Witkowski*, 24, assigned to the 7th Field Artillery (Schofield Barracks), KIA May 1, 2004.

82. *Army 2nd Lieutenant Jeremy Wolfe, 27*, graduated from Hawaii Pacific University, KIA November 15, 2003.
83. *Navy Petty Officer Julian Woods, 22*, assigned to the 3rd Marine Division Detachment (Kaneohe Bay), KIA November 10, 2004.

SECTION 2. Chapter 121, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§121- **Hawaii medal of honor.** (a) The Hawaii medal of honor may be awarded on behalf of the people of the State of Hawaii to an individual who has been killed in action, while:

- (1) Engaged in an action against an enemy of the United States;
- (2) Engaged in military operations involving conflict with an opposing foreign force;
- (3) Serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party; or
- (4) Serving in a combat zone as designated by presidential order.

(b) A recipient of the Hawaii medal of honor may have the recipient’s name entered on the Hawaii medal of honor roll.

(c) Individuals eligible to receive the Hawaii medal of honor include:

- (1) Members of the Hawaii national guard who were legal residents of Hawaii at the time they were killed in action;
- (2) Members of the United States military reserves who were legal residents of Hawaii at the time they were killed in action;
- (3) Members of the regular United States armed forces who were:
 - (A) Legal residents of Hawaii at the time they were killed in action; or
 - (B) Stationed in Hawaii by a proper order of the United States Department of Defense at the time they were killed in action; and
- (4) Members of the Hawaii national guard, United States military reserves, or regular United States armed forces who:
 - (A) Attended a public or private educational institution in Hawaii at some period during their lives; and
 - (B) Were killed in action.

(d) The Hawaii medal of honor shall be awarded solely by a concurrent resolution:

- (1) Introduced by:
 - (A) The president of the senate;
 - (B) The speaker of the house of representatives; or
 - (C) The duly authorized representative of the president of the senate or the speaker of the house of representatives; and
- (2) Adopted by both houses of the legislature.”

SECTION 3. New statutory material is underscored.¹

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

(Approved April 20, 2005.)

Note

1. Edited pursuant to HRS §23G-16.5.