

## ACT 196

S.B. NO. 739

A Bill for an Act Relating to Desecration.

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

SECTION 1. The legislature finds that television, movies, and social media have depicted Hawaii as an extremely attractive destination for sightseeing and outdoor adventures. Although tourism benefits the State by generating economic activity, the legislature recognizes the need to ensure that visitors and residents treat cultural and historic resources with care and respect. Importantly, the islands are home to a number of geological and archaeological features that are sacred to Native Hawaiians, including features that are considered places of worship or burial. Notwithstanding, in late 2022, a tourist filmed himself urinating and making a vulgar hand gesture atop Mauna Kea, a mountain of sacred reverence to Native Hawaiians. Even more recently, during the 2023 eruption of Kilauea, a man photographed himself urinating near the Kilauea viewing site and posted it to social media. These events highlight the continuing need to protect Hawaii's cultural and historic resources.

The purpose of this Act is to increase protection of the State's cultural and historic resources and facilitate enforcement of state law prohibiting acts of desecration by:

- (1) Expanding the requisite state of mind for the criminal offense of desecration to include "knowingly"; and
- (2) Simplifying the definition of "desecrate".

SECTION 2. Section 711-1107, Hawaii Revised Statutes, is amended by amending subsections (1) and (2) to read as follows:

"(1) A person commits the offense of desecration if the person intentionally or knowingly desecrates:

- (a) Any public monument or structure;
- (b) A place of worship or burial; or
- (c) In a public place, the national flag or any other object of veneration by a substantial segment of the public.

(2) [~~"Desecrate"~~] As used in this section, "desecrate" means defacing, damaging, polluting, or otherwise physically mistreating [in a way that the defendant knows will outrage the sensibilities of persons likely to observe or discover the defendant's action.] any monument, structure, place, or object described in subsection (1)."

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

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 Statutory material to be repealed is bracketed and stricken.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

SECTION 5. This Act shall take effect on July 1, 2023.

(Approved July 3, 2023.)