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# A BILL FOR AN ACT

RELATING TO GRAFFITI.

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

1           SECTION 1. Chapter 708, Hawaii Revised Statutes, is  
2 amended by adding a new section to Part III to be appropriately  
3 designated and to read as follows:

4           "§708-           Criminal damage to property; graffiti;  
5 restitution. In any prosecution for an offense under this part  
6 the commission of which includes the creation of graffiti, the  
7 court, in addition to any other lawful orders, shall order the  
8 offender to pay the actual cost of having the damaged property  
9 repaired or replaced. As used in this section, "graffiti" means  
10 any unauthorized drawing, inscription, figure, or marking  
11 created by paint, ink, chalk, dye, or similar substances."

12           SECTION 2. Section 577-3.5, Hawaii Revised Statutes, is  
13 amended by amending subsection (b) to read as follows:

14           "(b) In addition to any other lawful orders, if a minor is  
15 found under chapter 571 to have committed an act constituting  
16 graffiti, the court [~~may~~] shall order the minor, the parents, or  
17 the legal guardians of the minor to pay the actual cost of  
18 having the damaged property repaired or replaced and may order



1 the minor to perform community service. [~~If the court orders~~  
 2 ~~payment for the actual cost of the damage, the]~~ The court shall  
 3 give due consideration to the financial resources of the minor,  
 4 the parents, or the legal guardians of the minor to ensure that  
 5 they will be able to pay the costs of the damage. If the court  
 6 determines that the minor, the parents, or the legal guardians  
 7 of the minor are unable to pay the actual cost of the damage,  
 8 the court may order payment in an amount for which they are able  
 9 to pay or in a manner in which they are able to pay, and may  
 10 order the minor to perform community service work in an amount  
 11 commensurate with the costs of the damage for which they are  
 12 unable to pay."

13 SECTION 3. Statutory material to be repealed is bracketed  
 14 and stricken. New statutory material is underscored.

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

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INTRODUCED BY: Jyla B. Berg

JAN 20 2006

HB 2114

**Report Title:**

Graffiti; Property Damage

**Description:**

Requires persons determined to have caused graffiti damage to pay the cost of having the damaged property repaired or replaced.

