
A BILL FOR AN ACT

RELATING TO GRAFFITI.

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

1 SECTION 1. Chapter 706, 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 "§706- Criminal damage to property; graffiti;
5 restitution. In any prosecution for an offense under chapter
6 708, part III, the commission of which includes the creation of
7 graffiti, the court, in addition to any other lawful orders,
8 shall order the offender to pay the actual cost of having the
9 damaged property repaired or replaced. As used in this section,
10 "graffiti" means any unauthorized drawing, inscription, figure,
11 or marking created by paint, ink, chalk, dye, or similar
12 substances."

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

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



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

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 Statutory material to be repealed is bracketed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

16 SECTION 4. This Act shall take effect on January 1, 2020.

HB 2114 HD1

Report Title:

Graffiti; Property Damage

Description:

Requires persons determined to have caused graffiti damage to pay the actual cost of having the damaged property repaired or replaced. Effective 1/1/20. (HB2114 HD1)

HB2114 HD1 HMS 2006-1440

