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# A BILL FOR AN ACT

RELATING TO PROPERTY DAMAGE.

**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 be appropriately designated  
3 and to read as follows:

4           "§708-    Aggravated graffiti. (1) A person commits the  
5 offense of aggravated graffiti if the person intentionally  
6 commits an act of graffiti with knowledge that the graffiti  
7 relates or refers to:

- 8           (a) A gang including, but not limited to, "crips",  
9           "bloods", "sos", "pinoy boyz", "people nation", or  
10           "folic nation";  
11           (b) Illegal drugs, as defined in section 291E-1; or  
12           (c) An act of violence against a person or property.

13           For purposes of this section, "graffiti" has the same  
14 meaning as defined in section 577-3.5.

15           (2) Aggravated graffiti is a class C felony. In addition  
16 to any other sentence authorized by law, a person who commits  
17 the offense of aggravated graffiti shall be sentenced as  
18 provided in section 708- ."



1 SECTION 2. 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- Sentencing for graffiti. Whenever a person is  
5 sentenced for an offense under this part that involves graffiti  
6 or for an offense under section 708- , the court, in addition  
7 to any other sentence authorized by law, shall sentence the  
8 person as follows:

9 (1) To perform community service for a public or not-for-  
10 profit corporation, association, institution, agency,  
11 or appropriate community program for removal of  
12 graffiti from public or private property, including  
13 any property damaged in the underlying offense.

14 Community service shall be performed in the following  
15 amounts, whichever is longer:

16 (A) For the first offense or for a petty misdemeanor,  
17 fifty hours;

18 (B) For a second offense or for a misdemeanor, one  
19 hundred hours; or

20 (C) For a third or subsequent offense or for a  
21 felony, two hundred hours; and



# H.B. NO. 1814

1        (2) Suspend the driver's license, including, if the person  
 2        does not have a license, the ability to apply for a  
 3        driver's license, for at least six months but not more  
 4        than two years."

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

8        SECTION 4. New statutory material is underscored.

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

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INTRODUCED BY:



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JAN 13 2006



HB 1814

**Report Title:**

Graffiti; Minors; Gangs

**Description:**

Makes it a class C felony to commit an act of graffiti relating to gangs, illegal drugs, or violence.

