

Honolulu, Hawaii

April 26, 2007

RE: S.B. No. 228  
S.D. 1  
H.D. 1  
C.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fourth State Legislature  
Regular Session of 2007  
State of Hawaii

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fourth State Legislature  
Regular Session of 2007  
State of Hawaii

Madam and Sir:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 228, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO GRAFFITI,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

This purpose of this bill is to create special sentencing for graffiti offenders and requiring the discharge of community service through graffiti eradication activities. The bill also establishes the graffiti eradication sentencing program within the judiciary and removes the five-year look-back period for aggravated criminal property damage.



Your Committee on Conference has provided new language to hold minors and their parents or guardians responsible for the minors' acts of graffiti. The minor or the minor's parent or guardian will be held responsible for the cost of materials and supplies to remove the graffiti. The minor will also be required to perform a minimum of eighty hours of community service eradicating other graffiti damaged property.

However, your Committee on Conference is concerned of the dangers involved in eradicating graffiti from such places as highway bridges or signs and has provided an alternative option for the court in these situations. This option would require the minor or the minor's parents or legal guardian to pay for the costs incurred in removing or repairing such property rather than endangering the minor.

Your Committee on Conference amended the bill by:

(1) Removing Section 2 entitled special sentencing considerations and Section 3 creating a graffiti eradication program with the Judiciary and replacing the sections with new language that amends section 577-3.5, Hawaii Revised Statutes (H.R.S.) to require the court to order

- (a) a minor who is found to have committed an act of graffiti, the minor's parents, or the minor's legal guardian to remove the graffiti from the affected property within 60 days and to pay for the cost of paint and materials or to pay for the actual cost of repairing or replacing the damaged property, and
- (b) the minor to perform a minimum of eighty hours of community service removing graffiti from other properties; and

(2) Changing the delayed date to take effect upon approval.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 228, S.D. 1, H.D. 1, as amended herein, and recommends that

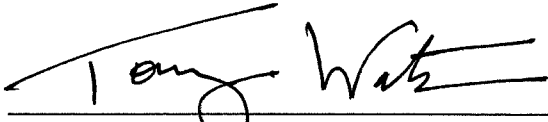


it pass Final Reading in the form attached hereto as S.B. No. 228,  
S.D. 1, H.D. 1, C.D. 1.

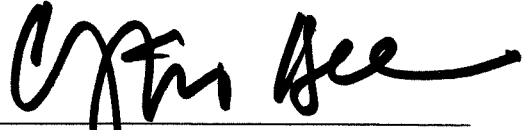
Respectfully submitted on behalf  
of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE



TOMMY WATERS, Chair



CLAYTON FEE, Chair



Record of Votes of a Conference Committee

Bill / Concurrent Resolution No.: <b>SB 228, SD 1, HD 1</b>	Date/Time: <b>4-26-07</b>
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The recommendation of the House and Senate managers is to pass with amendments (CD).

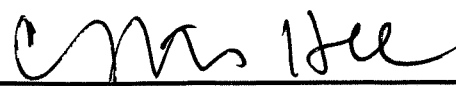
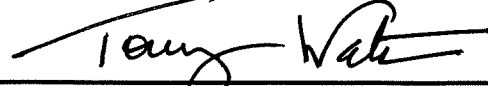
The Committee is reconsidering its previous decision.

<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure	<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.
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Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
HEE, Clayton, Chr.	/				WATERS, Tommy, Chr.	/			
KOKUBUN, Russell S.				/	OSHIRO, Blake K.	/			
GABBARD, Mike	/				PINE, Kymberly Marcos	/			
<b>TOTAL</b>	<b>2</b>			<b>1</b>	<b>TOTAL</b>	<b>3</b>			

A = Aye      WR = Aye with Reservations      N = Nay      E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
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Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature: 
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**Distribution:**      Original      Yellow      Pink      Goldenrod  
 File with Conference Committee Report      House Clerk's Office      Senate Clerk's Office      Drafting Agency