

STAND. COM. REP. NO.

1609

Honolulu, Hawaii

APR 05 2007

RE: H.B. No. 451
H.D. 1
S.D. 1

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

Madam:

Your Committee on Judiciary and Labor, to which was referred
H.B. No. 451, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO GRAFFITI,"

begs leave to report as follows:

The purpose of this measure is to establish the graffiti
eradication sentencing program within the Judiciary to coordinate
the implementation, scheduling, and monitoring of graffiti
eradication activities for graffiti offenders who have been
sentenced to community service.

This measure also amends the offense of aggravated criminal
property damage, section 708-823.5, Hawaii Revised Statutes, by
deleting the five year look-back period to make the defendant
subject to the charge of aggravated criminal property damage as
long as the defendant has two prior convictions for criminal
property damage, regardless of when they occurred.

Your Committee received testimony in support of this measure
from the Downtown Neighborhood Board No. 13, Hui o Makiki, and a
concerned citizen. The Judiciary offered comments on the measure.

Your Committee has amended this measure by deleting its
contents and replacing them with the provisions of Senate Bill No.
228, S.D. 1, and Senate Bill No. 676, S.D. 1. As amended, this
measure:

HB451 SD1 SSCR LRB 07-4114.doc



- (1) Provides that if a minor is found to have committed an act constituting graffiti, the court shall:
 - (A) Require the minor, the minor's parents, or the minor's legal guardians to remove the graffiti from the affected property within sixty days of the order and pay for the cost of paint and materials; and
 - (B) Order the minor to perform a minimum of eighty hours of community service to remove graffiti from other properties;
- (2) Reduces the number of criminal property damage convictions in the preceding five years necessary to charge a person with aggravated criminal property damage from two to one; and
- (3) Requires a person convicted of aggravated criminal property damage to perform eighty hours of community service eradicating graffiti, at the person's own expense if necessary; provided that the community service time increases to one hundred-sixty hours if the person has a prior conviction for aggravated criminal property damage.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 451, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 451, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,

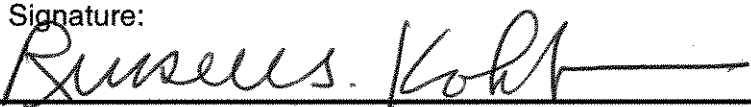


CLAYTON HEE, Chair



The Senate
 Twenty-Fourth Legislature
 State of Hawaii

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 451 HD1	JDL	4/3/07		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	/			
KOKUBUN, Russell S. (VC)	/			
INOUYE, Lorraine R.	/			
NISHIHARA, Clarence K.				/
GABBARD, Mike	/			
TOTAL	4			1
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink		
File with Committee Report	Clerk's Office	Drafting Agency		

*Only one measure per Record of Votes