
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; reward.

5 (1) In any prosecution for an offense under chapter 708, part
6 III, the commission of which includes the creation of graffiti,
7 the court, in addition to any other lawful orders, shall order
8 the offender to pay a fine in accordance with section 706-640.

9 (2) Fifty per cent of the fine under subsection (a) shall
10 be awarded to the person or persons, if any, who reported the
11 creation of graffiti.

12 (3) As used in this section, "graffiti" means any
13 unauthorized drawing, inscription, figure, or marking created by
14 paint, ink, chalk, dye, or similar substances."

15 SECTION 2. Section 577-3.5, Hawaii Revised Statutes, is
16 amended to read as follows:



1 "§577-3.5 Property damage, parental responsibility~~(-)~~;
2 restitution, fines. (a) The parents or legal guardians of a
3 minor child shall be jointly and severally liable for graffiti
4 damage caused by the minor to real or personal property, whether
5 publicly or privately owned. As used in this section,
6 "graffiti" means any unauthorized drawing, inscription, figure,
7 or marking created by paint, ink, chalk, dye, or similar
8 substances.

9 (b) In addition to any other lawful orders, if a minor is
10 found under chapter 571 to have committed an act constituting
11 graffiti, the court shall:

12 (1) Require the minor, the minor's parents, or the legal
13 guardians of the minor to remove the graffiti from the
14 affected property within sixty days of the order and
15 pay for the cost of paint and materials; or if
16 appropriate, pay for the actual cost of having the
17 damaged property repaired or replaced; and

18 (2) Order the minor to perform a minimum of eighty hours
19 of community service to remove graffiti from other
20 properties.

21 (c) In addition to any other lawful orders, if a minor is
22 found under chapter 571 to have committed an act constituting



1 graffiti, the court may order the minor, the minor's parents, or
2 the legal guardians of the minor to pay a fine according to the
3 following schedule:

4 (1) If the minor:

5 (A) Intentionally or knowingly damaged property and
6 thereby recklessly placed another person in
7 danger of death or bodily injury; or

8 (B) Intentionally or knowingly damaged the property
9 of another, without the other's consent, in any
10 amount exceeding \$20,000,

11 the fine shall not exceed \$25,000;

12 (2) If the minor intentionally or knowingly damaged the
13 property of another, without the other's consent, in
14 an amount exceeding \$1,500, the fine shall not exceed
15 \$10,000;

16 (3) If the minor intentionally or knowingly damaged the
17 property of another, without the other's consent, in
18 an amount exceeding \$500, the fine shall not exceed
19 \$2,000; and

20 (4) If the minor intentionally or knowingly damaged the
21 property of another in an amount up to \$500, without
22 the other's consent, the fine shall not exceed \$1,000.



1 If the court imposes a fine, the court shall give due
2 consideration to the financial resources of the minor, the
3 minor's parents, or the legal guardians of the minor to ensure
4 that they will be able to pay the fine. If the court determines
5 that the minor, the minor's parents, or the legal guardians of
6 the minor are unable to pay the fine, the court may order
7 payment in an amount they are able to pay or in a manner in
8 which they are able to pay, and may order the minor to perform
9 community service in an amount commensurate with the amount of
10 the fine they are unable to pay.

11 Fifty per cent of the fine imposed under this section, if
12 any, shall be awarded to the person or persons, if any, who
13 reported the creation of graffiti.

14 [~~e~~] (d) Nothing in this section shall affect the right
15 of any person to maintain a civil action arising out of graffiti
16 damage to property."

17 SECTION 3. This Act does not affect rights and duties that
18 matured, penalties that were incurred, and proceedings that were
19 begun, before its effective date.

20 SECTION 4. Statutory material to be deleted is bracketed
21 and stricken. New statutory material is underscored.



H.B. NO. 284

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

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INTRODUCED BY:

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Report Title:

Graffiti damage; reward for reporting

Description:

Establishes a reward for persons who report offenders who cause graffiti damage and establishes a schedule of fines applicable to minor children who cause graffiti damage.

