
A BILL FOR AN ACT

RELATING TO GRAFFITI.

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

1 SECTION 1. Section 577-3.5, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) In addition to any other lawful orders, if a minor is
4 found under chapter 571 to have committed an act constituting
5 graffiti, the court [~~may order the minor, the parents, or the~~
6 ~~legal guardians of the minor to pay the actual cost of having~~
7 ~~the damaged property repaired or replaced~~] shall:

8 (1) Require the minor, the parents, or the legal guardians
9 to remove the graffiti from the affected property
10 within sixty days of the order and pay for the cost of
11 paint and materials; or if appropriate, pay for the
12 actual cost of having the damaged property repaired or
13 replaced; and [~~may order~~]

14 (2) Order the minor to perform a minimum of eighty hours
15 of community service[-] to remove graffiti from other
16 properties.

17 [~~If the court orders payment for the actual cost of the damage,~~
18 ~~the court shall give due consideration to the financial~~



1 ~~resources of the minor, the parents, or the legal guardians of~~
2 ~~the minor to ensure that they will be able to pay the costs of~~
3 ~~the damage. If the court determines that the minor, the~~
4 ~~parents, or the legal guardians of the minor are unable to pay~~
5 ~~the actual cost of the damage, the court may order payment in an~~
6 ~~amount for which they are able to pay or in a manner in which~~
7 ~~they are able to pay, and may order the minor to perform~~
8 ~~community service work in an amount commensurate with the costs~~
9 ~~of the damage for which they are unable to pay.] "~~

10 SECTION 2. Section 708-823.5, Hawaii Revised Statutes, is
11 amended by amending subsection (1) to read as follows:

12 "(1) A person commits the offense of aggravated criminal
13 property damage if the person by means other than fire:

14 (a) Intentionally damages the property of another without
15 the other's consent; and

16 (b) Has been convicted two or more times of an offense
17 under section 708-822 or 708-823 [~~in the preceding~~
18 ~~five years~~]."

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



1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect upon approval.



S.B. NO. 228
S.D. 1
H.D. 1
C.D. 1

Report Title:

Graffiti; Aggravated criminal property damage.

Description:

Removes family court sentencing discretion in graffiti cases.
Removes the five-year look-back period for aggravated criminal
property damage. (CD1)

