S.B. NO. ²²⁸ S.D. 1 H.D. 1 C.D. 1

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A BILL FOR AN ACT

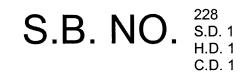
RELATING TO GRAFFITI.

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

1	SECTI	CON 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 unde	er chapter 571 to have committed an act constituting
5	graffiti,	the court [may order the minor, the parents, or the
6	legal guar	dians of the minor to pay the actual cost of having
7	the damage	ed 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 c	ourt orders payment for the actual cost of the damage,
18	the court	shall give due consideration to the financial



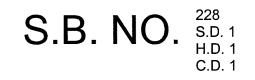
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1	resources of the minor, the parents, or the legal guardians of		
2	the minor to ensure that they will be able to pay the costs of		
3	the damage. If the court determines that the minor, the		
4	parents, or the legal guardians of the minor are unable 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	<pre>five years]."</pre>		
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.		

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SECTION 4. Statutory material to be repealed is bracketed
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)

