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# A BILL FOR AN ACT

RELATING TO GRAFFITI.

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

1           SECTION 1. The legislature finds that despite efforts to  
2 eradicate graffiti, graffiti continues to be a visual blight on  
3 schools, bus stops, freeway walls, road signs, buildings, and  
4 other public and private property statewide. The state  
5 department of transportation estimates that it spends  
6 approximately \$25,000 to paint over one hundred fifty thousand  
7 square feet of graffiti each year. Persons who have committed  
8 an act constituting graffiti, as defined by section 577-3.5(a),  
9 Hawaii Revised Statutes, may be required to pay for the actual  
10 cost of having the damaged property repaired or replaced, be  
11 ordered to perform community service work in an amount  
12 commensurate with the costs of the damage for which they are  
13 unable to pay, or be ordered to perform community service.

14           The legislature also finds that to effectively and  
15 appropriately sentence those offenders who commit acts of  
16 graffiti, courts must have an additional sentencing option when  
17 sentencing offenders to community service for their crimes.

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1           The purpose of this Act is to enable the courts to sentence  
2 convicted graffiti offenders to a special community service  
3 program that helps eradicate graffiti.

4           SECTION 2. Chapter 708, Hawaii Revised Statutes, is  
5 amended by adding a new section to be appropriately designated  
6 and to read as follows:

7           "§708-           Special sentencing considerations regarding

8 graffiti. (1) A person found in violation of any grade of  
9 offense for criminal property damage that involves graffiti as  
10 defined in section 577-3.5(a) shall be required to perform  
11 community service to eradicate or mitigate graffiti.

12           (2) The court may determine the hours of community service  
13 as an estimate of the time required to eradicate or mitigate the  
14 graffiti inflicted by the offender.

15           (3) In lieu of a determination by the court at sentencing  
16 as to the number of hours required to discharge the community  
17 service required under subsection (a), the court may delegate  
18 the estimate to the graffiti eradication sentencing program. A  
19 representative of the program shall report the program's  
20 estimate to the court so that a determination may be made and an  
21 appropriate order entered.



1       (4) To the extent feasible, the court shall require the  
2 offender to perform community service to eradicate or mitigate  
3 the particular graffiti inflicted by the offender.

4       (5) The community service shall be performed pursuant to  
5 the requirements of the graffiti eradication sentencing  
6 program."

7       SECTION 3. The Hawaii Revised Statutes is amended by  
8 adding a new section to be appropriately designated and to read  
9 as follows:

10       "**§ - Graffiti eradication sentencing program.** (1)

11 There is established within the judiciary the graffiti  
12 eradication sentencing program. The program shall:

13       (a) Coordinate the implementation, scheduling, and  
14 monitoring of graffiti eradication activities for  
15 graffiti offenders who have been sentenced to  
16 community service;

17       (b) Prescribe a course of action that a graffiti offender  
18 shall undertake to discharge a community service  
19 sentence;

20       (c) Document the completion of graffiti eradication  
21 activities for each graffiti offender participating in  
22 the program; and



1       (d) Collaborate with the district courts, circuit courts,  
2       police departments, intake service centers, law  
3       enforcement, and community organizations to ensure the  
4       success of the program.

5       (2) For purposes of this section, "graffiti" has the same  
6       meaning as defined in section 577-3.5(a).

7       (3) The judiciary shall submit an annual report to the  
8       legislature on the graffiti eradication sentencing program,  
9       including any recommendations and proposed legislation, no later  
10      than twenty days prior to the convening of each regular  
11      session."

12           SECTION 4. Section 708-823.5, Hawaii Revised Statutes, is  
13 amended by amending subsection (1) to read as follows:

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

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

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



1 SECTION 5. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun, before its effective date.

4 SECTION 6. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6 SECTION 7. This Act shall take effect on January 1, 2112.



**Report Title:**

Graffiti; Aggravated criminal property damage.

**Description:**

Creates special sentencing for graffiti offender requiring the discharge of community service through graffiti eradication activities. Establishes the graffiti eradication sentencing program within the judiciary. Removes the five-year look-back period for aggravated criminal property damage. (SB228 HD1)

