
A BILL FOR AN ACT

RELATING TO CRIMINAL PROPERTY DAMAGE.

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

1 SECTION 1. Section 708-823.5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§708-823.5 Aggravated criminal property damage.** (1) A
4 person commits the offense of aggravated criminal property
5 damage if the person by means other than fire:

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

8 (b) Has been convicted [~~two~~] one or more times of an
9 offense under section 708-822 or 708-823 in the
10 preceding five years.

11 (2) For purposes of this section, "convicted [~~two~~] one or
12 more times" means that, at the time of the instant offense, the
13 person had previously entered a plea of guilty or no contest or
14 a judge or jury had previously returned a verdict of guilty
15 against the person for [~~two~~] one or more offenses committed on
16 separate occasions.

17 (3) Aggravated criminal property damage is a misdemeanor.



1 (4) A person convicted for a first offense of aggravated
2 criminal property damage shall be sentenced to community service
3 time of eighty hours spent eradicating graffiti damage. The
4 cost of paint and materials shall be borne by the person, if not
5 provided.

6 (5) A person convicted of a second and subsequent offenses
7 of aggravated criminal property damage shall be sentenced to
8 community service time of one hundred-sixty hours spent
9 eradicating graffiti damage. The cost of paint and materials
10 shall be borne by the person, if not provided."

11 SECTION 2. This Act does not affect rights and duties that
12 matured, penalties that were incurred, and proceedings that were
13 begun, before its effective date.

14 SECTION 3. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 4. This Act shall take effect upon its approval.



Report Title:

Crimes; Property Damage

Description:

Mandates certain penalties, including graffiti eradication, for persons convicted of aggravated criminal property damage. Holds persons legally accountable for a minor liable for aggravated criminal property damage committed by the minor. (SD1)

