

STAND. COM. REP. NO. 816

Honolulu, Hawaii

March, 2007

RE: H.B. No. 451
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 451 entitled:

"A BILL FOR AN ACT RELATING TO GRAFFITI,"

begs leave to report as follows:

The purpose of the bill is to address the growing problem of graffiti in Hawaii's communities by:

- (1) Classifying graffiti as an act of criminal property damage;
- (2) Imposing mandatory fines for first-time offenders; and
- (3) Imposing mandatory jail time for repeat offenders.

The Office of the Public Defender testified in opposition to this bill.

After careful consideration, your Committee has amended this bill by deleting its contents and replacing it with language that:

- (1) Establishes the Graffiti Eradication Sentencing Program within the Judiciary (Program) that, among other things:
 - (A) Prescribes a course of action that a graffiti offender must undertake to discharge a community service sentence;

HB451 HD1 HSCR JUD HMS 2007-2752



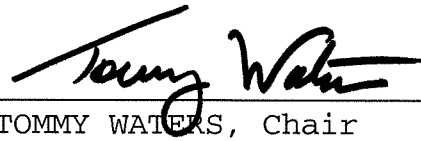
- (B) Coordinates the implementation, scheduling, and monitoring of graffiti eradication activities for graffiti offenders who have been sentenced to community service; and
- (C) Documents the completion of graffiti eradication activities for each graffiti offender participating in the program;
- (2) Requires individuals found in violation of any grade of offense for criminal property damage involving graffiti to perform community service that helps eradicate or mitigate graffiti;
- (3) Allows the courts to determine the hours of community service based upon an estimate of the time required to eradicate or mitigate the graffiti inflicted by the offender;
- (4) Allows the courts to delegate the estimate of the hours of community service required to eradicate or mitigate the graffiti inflicted by an offender to the Program;
- (5) Requires the performance of community service under this alternative sentencing by the Program to be performed pursuant to the requirements of the Program; and
- (6) Eliminates the five-year, look-back period for the crime of aggravated graffiti.

Your Committee has also amended this measure by changing its effective date to January 1, 2112, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 451, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 451, H.D. 1, and be placed on the calendar for Third Reading.



Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



TOMMY WATERS, Chair



