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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. Chapter 712, Hawaii Revised Statutes, is  
2 amended by adding a new part to be appropriately designated and  
3 to read as follows:

4                               "PART       .   GRAFFITI

5           §712-       **Notice to remove graffiti.** Any law enforcement  
6 officer may give notice to the owner or occupant of real  
7 property to remove graffiti from the premises. Notice shall be  
8 given in person, by certified mail, return receipt requested, or  
9 by recordation. For purposes of this section, "graffiti" means  
10 any unauthorized drawing, inscription, figure, or mark of any  
11 type intentionally created by paint, ink, chalk, dye, or similar  
12 substances.

13           §712-       **Access to real property; liability limited.** If  
14 the owner or occupant of real property has not removed the  
15 graffiti within thirty days after the notice given pursuant to  
16 section 712-       , a public employee authorized by the governor or  
17 mayor of the respective county, as appropriate, may enter the  
18 premises for the limited purpose of removing graffiti, provided



1 that the person does not enter any dwelling or other building on  
2 the premises. Any authorized person who enters premises for the  
3 purpose of removing graffiti pursuant to this section shall not  
4 be liable for civil damages resulting from the authorized  
5 person's acts or omissions in entering the premises to remove  
6 graffiti, except for such damages as may result from the  
7 authorized person's gross negligence or wanton acts or  
8 omissions."

9 SECTION 2. The attorney general shall establish a program,  
10 in cooperation with the chief of police of the respective  
11 counties, to catalog and make available to the public via the  
12 Internet or other appropriate means images of graffiti "tags" to  
13 assist in identifying graffiti "taggers".

14 SECTION 3. New statutory material is underscored.

15 SECTION 4. This Act shall take effect on July 1, 2009.

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INTRODUCED BY:     *Kal Rhoode*    

JAN 23 2009



**Report Title:**

Graffiti; Eradication

**Description:**

Authorizes limited access by designated state or county agencies limited to private real property for the purpose of painting over graffiti if owner or occupant of the property has not painted over the graffiti within 30 days after notice to do so. Requires the attorney general to create an internet-based library of graffiti tags to assist in identifying graffiti taggers.

