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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. Section 708-823.6, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 " ~~[+]~~ §708-823.6 ~~[+]~~ Graffiti; sentencing. (1) Whenever a  
4 person is sentenced under section 708-821, 708-822, 708-823, or  
5 708-823.5, for an offense in which the damage is caused by  
6 graffiti, in addition to any penalty prescribed by those  
7 sections, the person shall be required to:

8 (a) Remove the graffiti from the damaged property within  
9 thirty days of sentencing, if it has not already been  
10 removed and where consent from the respective property  
11 owner or owners has been obtained; and

12 (b) For a period of time not to exceed two years from the  
13 date of sentencing, along with any other person or  
14 persons who may be sentenced under this section for  
15 the same property, perform community service removing,  
16 within fourteen days, any graffiti applied to other  
17 property within ~~[one]~~ two hundred fifty yards of the  
18 site of the offense for which the person was



1           sentenced, where consent from the respective property  
2           owner or owners has been obtained, even if the  
3           property was damaged by another person[-];  
4   provided that removal of graffiti shall not place the person or  
5   others in physical danger nor inconvenience the public.

6           (2) In lieu of performing graffiti removal pursuant to  
7   subsection (1), the court may require a person to perform one  
8   hundred hours of community service if the government agency that  
9   is responsible for supervising the graffiti removal lacks the  
10   necessary resources to ensure the person's compliance with  
11   subsection (1).

12           ~~[-2-]~~ (3) For purposes of this section, "graffiti" means  
13 any unauthorized drawing, inscription, figure, or mark of any  
14 type intentionally created by paint, ink, chalk, dye, or similar  
15 substances."

16           SECTION 2. This Act does not affect rights and duties that  
17 matured, penalties that were incurred, and proceedings that were  
18 begun before its effective date.

19           SECTION 3. Statutory material to be repealed is bracketed  
20 and stricken. New statutory material is underscored.

21           SECTION 4. This Act shall take effect on January 7, 2050.



**Report Title:**

Graffiti; Sentencing

**Description:**

Requires a person convicted of criminal property damage by graffiti to remove graffiti from property within 250 yards of the site of the offense, if the property owner consents and the act of removal does not endanger the person or others nor inconvenience the public. Allows the court to require the person to perform 100 hours of community service in lieu of removing the graffiti, if the government agency supervising the removal does not have the resources to ensure the person's compliance with removing the graffiti. Effective January 7, 2050. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

