
A BILL FOR AN ACT

RELATING TO URBAN ART.

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

1 SECTION 1. The legislature finds that graffiti is a
2 problem in most communities throughout the State. Appearing
3 without authorization on public and private property, graffiti
4 causes visual blight and may result in unsightly scenery.
5 Individuals engaging in graffiti typically tag buildings, walls,
6 bus stops, bridges, underpasses, construction sites, concrete
7 columns, postal mail boxes, signs, trees, vehicles, and other
8 surfaces able to accommodate their marks and messages. Graffiti
9 can also impact property values and the community's perception
10 of safety. Because of the negative impacts of graffiti, it is
11 an issue of great concern and, to date, the problem persists
12 despite community efforts to combat it.

13 Graffiti is defined in the Hawaii Revised Statutes as, "any
14 unauthorized drawing, inscription, figure, or mark of any type
15 intentionally created by paint, ink, chalk, dye, or similar
16 substances." However, it can also be a form of legitimate
17 artistic expression when it is applied with the consent of a
18 property or facility owner. As urban art, graffiti can be a



1 creative outlet for people who choose to express themselves and
2 comment on social issues. Using artistic and creative talent to
3 make social or political commentary, graffiti often consists of
4 murals and complicated works of art that take hours to complete.

5 The legislature finds that there are different theories
6 behind the purpose and effectiveness of urban art projects as a
7 graffiti prevention strategy. One theory is that the
8 opportunity to perform urban art on approved surfaces will stop
9 graffiti on unauthorized properties.

10 The legislature also finds that providing legitimate state-
11 owned venues for urban art will enrich our communities in many
12 ways. This includes taking a positive step to reduce the
13 incidence of illegal graffiti by expanding opportunities to
14 bring visual art to public places by providing canvases
15 appropriate for this form of creative and social expression.

16 The purpose of this Act is to create a pilot program for
17 the creation of urban art under the direction of the state
18 foundation on culture and the arts.

19 SECTION 2. (a) There is established a pilot program for
20 the creation of urban art on state-owned property under the
21 direction of the state foundation on culture and the arts.



1 (b) The state foundation on culture and the arts shall
2 have sole discretion to establish procedures for the program,
3 including procedures that address the following:

- 4 (1) The selection of participating individuals;
- 5 (2) Designation of specific areas for urban art on state-
6 owned property;
- 7 (3) Requirements and guidelines as to the type and size of
8 urban art and art materials to be used;
- 9 (4) Rights to copyrights for the urban art created;
- 10 (5) Limitations, as necessary, on access to state-owned
11 property used for the urban art such as requirements
12 for safety and security; and
- 13 (6) Any other considerations that the state foundation on
14 culture and the arts deems appropriate.

15 (c) The state foundation on culture and the arts shall
16 consult with the historic preservation division of the
17 department of land and natural resources, Historic Hawaii
18 Foundation, and any other stakeholders the state foundation on
19 culture and the arts deems appropriate, to review, under section
20 6E-8, Hawaii Revised Statutes, the creation of urban art under
21 the pilot program to ensure that such urban art does not cause
22 an adverse effect to historic property. Any urban art proposal



1 under the pilot program that the historic preservation division
2 determines will adversely affect historic property shall not be
3 permitted.

4 (d) For the purposes of this section:

5 "Urban art" means any painting or artistic work composed of
6 arrangements of color or black and white. Urban art includes
7 mosaics, murals, stencil art, and other art media and
8 techniques.

9 Urban art excludes:

- 10 (1) Painting or work placed on a structure that is erected
11 for the sole or primary purpose of signage; and
12 (2) Graffiti as defined in sections 46-1.5(24)(C), 577-
13 3.5(a), and 708-823.6(3), Hawaii Revised Statutes.

14 (e) The pilot program for the creation of urban art shall
15 be repealed on June 30, 2015.

16 (f) The state foundation on culture and the arts shall
17 report to the legislature no later than twenty days prior to the
18 convening of the regular session of 2015 on the status of the
19 pilot program for the creation of urban art and submit its
20 findings and recommendations, including any proposed
21 legislation, regarding continuation of the program on a



1 permanent basis and other recommendations to reduce illicit
2 graffiti.

3 SECTION 3. This Act shall take effect upon its approval.



Report Title:

Urban Art; State Foundation on Culture and the Arts

Description:

Establishes a pilot program for the creation of urban art under the direction of the State Foundation on Culture and the Arts.
Repeals pilot program on June 30, 2015. (SB2399 HD1)

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