

JAN 17 2014

A BILL FOR AN ACT

RELATING TO GRAFFITI.

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

1 SECTION 1. Section 103-8.5, Hawaii Revised Statutes, is
2 amended by amending subsections (a) and (b) to read as follows:

3 "(a) There is created a works of art special fund, into
4 which shall be transferred [~~one~~]:

5 (1) One per cent of all state fund appropriations for
6 capital improvements designated for the construction
7 cost element; provided that this transfer shall apply
8 only to capital improvement appropriations that are
9 designated for the construction or renovation of state
10 buildings. The one per cent transfer requirement
11 shall not apply to appropriations from the passenger
12 facility charge special fund established by section
13 261-5.5 and the rental motor vehicle customer facility
14 charge special fund established under section 261-
15 5.6 [-]; and

16 (2) Any fines from sentences that may be imposed for
17 graffiti offenses pursuant to section 708-821, 708-
18 822, 708-823, or 708-823.5.



1 (b) The works of art special fund shall be used solely for
2 the following purposes:

3 (1) In the case of the one per cent of all state fund
4 appropriations for capital improvements designated for
5 the construction cost element:

6 [~~1~~] (A) Costs related to the acquisition of works of
7 art, including any consultant or staff services
8 required to carry out the art in public places
9 and relocatable works of art programs;

10 [~~2~~] (B) Site modifications, display, and
11 interpretive work necessary for the exhibition of
12 works of art;

13 [~~3~~] (C) Upkeep services, including maintenance,
14 repair, and restoration of works of art; and

15 [~~4~~] (D) Storing and transporting works of art~~[-]~~;
16 and

17 (2) In the case of fines imposed for graffiti offenses
18 under subsection (a) (2), assisting organizations that
19 work with graffiti artists to engage in positive art
20 activities and programs."

21 SECTION 2. Section 708-823.6, Hawaii Revised Statutes, is
22 amended by amending subsection (1) to read as follows:



1 "(1) Whenever a person is sentenced under section 708-821,
2 708-822, 708-823, or 708-823.5 for an offense in which the
3 damage is caused by graffiti, in addition to any penalty
4 prescribed by those sections, the person shall be required to:

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

9 (b) For a period of time not to exceed two years from the
10 date of sentencing, along with any other person or
11 persons who may be sentenced under this section for
12 the same property, perform community service removing,
13 within fourteen days, any graffiti applied to other
14 property within two hundred fifty yards of the site of
15 the offense for which the person was sentenced, where
16 consent from the respective property owner or owners
17 has been obtained, even if the property was damaged by
18 another person;

19 provided that removal of graffiti shall not place the person or
20 others in physical danger nor inconvenience the public[-];
21 provided further that any fines imposed as a sentence shall be



1 deposited into the works of art special fund under section 103-
2 8.5."

3 SECTION 3. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun before its effective date.

6 SECTION 4. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

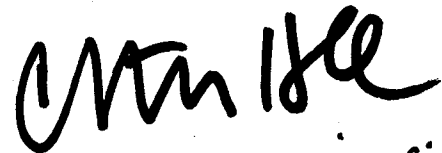
8 SECTION 5. This Act shall take effect upon its approval.

9

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S.B. NO. 2378

Report Title:

Graffiti; Sentencing; Fines; Works of Art Special Fund

Description:

Requires fines imposed for graffiti sentences be deposited into the works of art special fund to be used to assist organizations that work with graffiti artists to engage in positive art activities and programs.

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