



LATE

**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
SEVENTY-EIGHTH LEGISLATURE, 2015**

ON THE FOLLOWING MEASURE:
H.B. NO. 639, RELATING TO GRAFFITI.

BEFORE THE:
HOUSE COMMITTEE ON JUDICIARY

DATE: Thursday, February 12, 2015 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): Russell Suzuki, Attorney General, or
Lance M. Goto, Deputy Attorney General.

Chair Rhoads and Members of the Committee:

The Department of the Attorney General offers comments.

The purpose of this bill is to increase civil and criminal fines for causing property damage by graffiti.

Section 2 of the bill, starting on page 18, at line 20, amends section 708-823.6, Hawaii Revised Statutes (HRS), to provide that in addition to any penalty prescribed by specified criminal property damage offenses, the defendant shall be required to "pay a fine of not more than \$1,500." The sections referred to include the offenses of Criminal Property Damage in the Second Degree (a class C felony), Criminal Property Damage in the Third Degree (a misdemeanor), Criminal Property Damage in the Fourth Degree (a petty misdemeanor), and Aggravated Criminal Property Damage (a misdemeanor). The allowable penalties for these offenses already include possible fines, so the inclusion of a fine in this section is confusing, especially when it is being represented as being "in addition to any penalty prescribed by those sections." Furthermore, by setting the maximum fine amount at \$1,500, the bill is only increasing the criminal fine for the petty misdemeanor offense, but reducing the possible fine for the other three offenses. The maximum fine, pursuant to section 706-640, HRS, is \$10,000 for a class C felony, and \$2,000 for a misdemeanor.