

JAN 20 2017

A BILL FOR AN ACT

RELATING TO PROPERTY DAMAGE.

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

1 SECTION 1. The legislature finds that graffiti is
2 occurring more frequently, at the expense of the general public.
3 Recent reports of incidences of graffiti include:

4 (1) Vandals targeting the Ewa beach community by spraying
5 garage doors, homes, and other edifices with graffiti;
6 and

7 (2) Vandalism at Moanalua high school, which resulted in
8 twelve students being banned from participating in
9 their graduation ceremony.

10 The legislature further finds that in order to deter
11 graffiti and better account for damage caused, graffiti needs to
12 be a separate offense with stiffer penalties.

13 The purpose of this Act is to create the offense of
14 criminal property damage by graffiti.

15 SECTION 2. Chapter 708, Hawaii Revised Statutes, is
16 amended by adding a new section to part III to be appropriately
17 designated and to read as follows:



1 "§708- Criminal property damage by graffiti. (1) A
 2 person commits the offense of criminal property damage by
 3 graffiti if the person intentionally or knowingly damages the
 4 property of another and said damage is caused by graffiti.

5 (2) Criminal property damage by graffiti is a misdemeanor;
 6 provided that notwithstanding sections 706-640 and 706-641, a
 7 person convicted of criminal property damage by graffiti shall
 8 be subject to:

9 (a) A fine of no less than \$; and

10 (b) A minimum term of imprisonment of months not to
 11 exceed the maximum term of imprisonment under section
 12 706-663.

13 (3) For purposes of this section, graffiti shall be as
 14 defined in section 708-823.6."

15 SECTION 3. Section 708-823.6, Hawaii Revised Statutes, is
 16 amended by amending subsection (1) to read as follows:

17 "**§708-823.6 Graffiti; sentencing.** (1) Whenever a person
 18 is sentenced under section 708-821, 708-822, 708-823, [e] ~~]~~
 19 708-823.5, or 708- for an offense in which the damage is
 20 caused by graffiti, in addition to any penalty prescribed by
 21 those sections, the person shall be required to:



1 (a) Remove the graffiti from the damaged property within
2 thirty days of sentencing, if it has not already been
3 removed and where consent from the respective property
4 owner or owners has been obtained; and
5 (b) For a period of time not to exceed two years from the
6 date of sentencing, along with any other person or
7 persons who may be sentenced under this section for
8 the same property, perform community service removing,
9 within fourteen days, any graffiti applied to other
10 property within two hundred fifty yards of the site of
11 the offense for which the person was sentenced, where
12 consent from the respective property owner or owners
13 has been obtained, even if the property was damaged by
14 another person;
15 provided that removal of graffiti shall not place the person or
16 others in physical danger nor inconvenience the public."

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

20 SECTION 5. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



S.B. NO. 791

1 SECTION 6. This Act shall take effect upon its approval.

2

INTRODUCED BY:

Mike Johnson
Hal Rhoad
~~Tom Acord~~
Dana Hull
John
Joe John



S.B. NO. 791

Report Title:

Property Damage; Graffiti

Description:

Creates a separate offense for criminal property damage by graffiti.

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

