

JAN 20 2017

A BILL FOR AN ACT

RELATING TO OFFENSES AGAINST PROPERTY RIGHTS.

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

1 SECTION 1. The legislature finds that vandalism to
2 restroom facilities in public parks is occurring more
3 frequently, at the expense of the enjoyment of these public
4 parks by the general public. For example, at Sandy Beach park
5 one of the sinks in the men's bathroom was torn out of the wall,
6 and drains, urinal valves, and toilet paper dispensers were
7 broken. A nearby trash container was burned. Vandals also
8 struck the recreation center at Makakilo community park by
9 painting profanity-laced graffiti on the exterior of the
10 building.

11 Vandals have also destroyed public restrooms at Kahuku
12 district park, where park staff discovered a destroyed sink,
13 toilet, and urinal in the men's bathroom. Police are also
14 looking for the person who destroyed a toilet and burned the
15 toilet paper dispenser in the men's bathroom at Whitmore
16 neighborhood park. Vandals also painted graffiti on restrooms,
17 playground equipment, sidewalks, and community buildings at



1 Crestview community park in Waipahu. In addition, vandals
2 destroyed a bathroom at Keehi lagoon, torched portable toilets
3 at Kaiaka beach park, and smashed a toilet at Ala Moana beach
4 park.

5 The legislature finds that such destruction costs taxpayers
6 money but also prevents people from using and enjoying public
7 parks.

8 The purpose of this Act is to create the offense of
9 criminal property damage of a public restroom.

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

13 "§708- Criminal property damage to a public restroom.

14 (1) A person commits the offense of criminal property damage to
15 a public restroom if the person intentionally or knowingly:

16 (a) Damages a toilet, urinal, bathroom stall, mirror, or
17 sink so as to render it unusable; or

18 (b) Sets fire to a trash receptacle,
19 at a public restroom.

20 (2) Criminal property damage to a public restroom is a
21 misdemeanor; provided that notwithstanding sections 706-640 and



1 706-641, a person convicted of criminal property damage to a
 2 public restroom shall be subject to a minimum fine of \$
 3 and shall be subject to a minimum term of imprisonment of
 4 months not to exceed the maximum term of imprisonment under
 5 section 706-663.

6 (3) For purposes of this section, a public restroom means
 7 any restroom or comfort station located at a public park or
 8 recreational ground, as that term is defined in section 708-
 9 814.5."

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

13 SECTION 4. New statutory material is underscored.

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

15

INTRODUCED BY:

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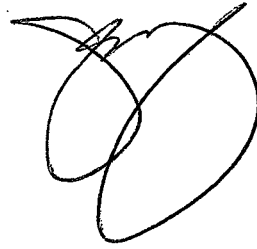
Alfonso Mercado

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S.B. NO. 797

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S.B. NO. 797

Report Title:

Criminal Property Damage; Public Restrooms

Description:

Creates the offense of criminal property damage to a public restroom if a person intentionally or knowingly damages a toilet, urinal, bathroom stall, mirror, or sink so as to render it unusable, or sets fire to a trash receptacle. Defines public restroom. Establishes penalties.

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