
A BILL FOR AN ACT

RELATING TO GRAFFITI.

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

1 SECTION 1. Section 708-823.6, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§708-823.6 Graffiti; sentencing.** (1) Whenever a person
4 is sentenced under section 708-821, 708-822, 708-823, or 708-
5 823.5 for an offense in which the damage is caused by graffiti,
6 in addition to any penalty prescribed by those sections, the
7 person shall be required to:

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

12 (b) For a period of time not to exceed two years from the
13 date of sentencing, along with any other person or
14 persons who may be sentenced under this section for
15 the same property, perform community service removing,
16 within fourteen days, any graffiti applied to other
17 property within two hundred fifty yards of the site of



1 the offense for which the person was sentenced, where
2 consent from the respective property owner or owners
3 has been obtained, even if the property was damaged by
4 another person;

5 provided that removal of graffiti shall not place the person or
6 others in physical danger nor inconvenience the public.

7 (2) In lieu of performing graffiti removal pursuant to
8 subsection (1), the court may require a person to perform one
9 hundred hours of community service if the government agency that
10 is responsible for supervising the graffiti removal lacks the
11 necessary resources to ensure the person's compliance with
12 subsection (1).

13 (3) For purposes of this section, "graffiti" means any
14 unauthorized drawing, inscription, figure, or mark of any type
15 intentionally created by paint, ink, chalk, dye, or similar
16 substances.

17 (4) This section shall apply to all counties; provided
18 that if a county enacts an ordinance that imposes enhanced
19 penalties for graffiti in certain designated zones within that
20 county, the county ordinance shall supersede this section and no



1 person subject to the county ordinance shall be sentenced under
2 this section."

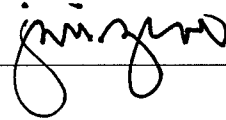
3 SECTION 2. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun before its effective date.

6 SECTION 3. New statutory material is underscored.

7 SECTION 4. This Act shall take effect upon its approval.

8

INTRODUCED BY:

A handwritten signature in black ink, appearing to read "Jimenez", is written over a horizontal line.

JAN 23 2024



H.B. NO. 2592

Report Title:

Penal Code; Graffiti; Sentencing; Counties

Description:

Allows the counties to impose, by ordinance, enhanced penalties for graffiti in certain designated zones and supersede graffiti sentencing requirements under the Penal Code.

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

