

ACT 196

S.B. NO. 228

A Bill for an Act Relating to Graffiti.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 577-3.5, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) In addition to any other lawful orders, if a minor is found under chapter 571 to have committed an act constituting graffiti, the court ~~[may order the minor, the parents, or the legal guardians of the minor to pay the actual cost of having the damaged property repaired or replaced]~~ shall:

- (1) Require the minor, the parents, or the legal guardians to remove the graffiti from the affected property within sixty days of the order and pay for the cost of paint and materials; or if appropriate, pay for the actual cost of having the damaged property repaired or replaced; and [may order]
- (2) Order the minor to perform a minimum of eighty hours of¹ community service[-] to remove graffiti from other properties.

~~[If the court orders payment for the actual cost of the damage, the court shall give due consideration to the financial resources of the minor, the parents, or the legal guardians of the minor to ensure that they will be able to pay the costs of the damage. If the court determines that the minor, the parents, or the legal guardians of the minor are unable to pay the actual cost of the damage, the court may order payment in an amount for which they are able to pay or in a manner in which they are able to pay, and may order the minor to perform community service work in an amount commensurate with the costs of the damage for which they are unable to pay.]”~~

SECTION 2. Section 708-823.5, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

- “(1) A person commits the offense of aggravated criminal property damage if the person by means other than fire:
 - (a) Intentionally damages the property of another without the other’s consent; and
 - (b) Has been convicted two or more times of an offense under section 708-822 or 708-823 ~~[in the preceding five years].”~~

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

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 Statutory material to be repealed is bracketed and ~~stricken~~.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

SECTION 5. This Act shall take effect upon approval.

(Approved June 19, 2007.)

Note

1. "Of" should be underscored.