

ACT 156

H.B. NO. 555

A Bill for an Act Relating to Graffiti.

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

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

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

- (a) Remove the graffiti from the damaged property within thirty days of sentencing, if it has not already been removed and where consent from the respective property owner or owners has been obtained; and
- (b) For a period of time not to exceed two years from the date of sentencing, along with any other person or persons who may be sentenced under this section for the same property, perform community service removing, within fourteen days, any graffiti applied to other property within ~~[one]~~ two hundred ~~fifty~~ yards of the site of the offense for which the person was sentenced, where consent from the respective property owner or owners has been obtained, even if the property was damaged by another person[-];

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

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

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

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

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

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

(Approved June 23, 2011.)