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# A BILL FOR AN ACT

RELATING TO GRAFFITI.

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

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

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

8 (1) Require the minor, the parents, or the legal guardians  
9 to remove the graffiti from the affected property  
10 within sixty days of the order and pay for the cost of  
11 paint and materials; and [~~may order~~]

12 (2) Order the minor to perform a minimum of eighty hours  
13 of community service[~~-~~] to remove graffiti from other  
14 properties.

15 [~~If the court orders payment for the actual cost of the damage,~~  
16 ~~the court shall give due consideration to the financial~~  
17 ~~resources of the minor, the parents, or the legal guardians of~~  
18 ~~the minor to ensure that they will be able to pay the costs of~~



1 ~~the damage. If the court determines that the minor, the~~  
2 ~~parents, or the legal guardians of the minor are unable to pay~~  
3 ~~the actual cost of the damage, the court may order payment in an~~  
4 ~~amount for which they are able to pay or in a manner in which~~  
5 ~~they are able to pay, and may order the minor to perform~~  
6 ~~community service work in an amount commensurate with the costs~~  
7 ~~of the damage for which they are unable to pay.] "~~

8 SECTION 2. Section 708-823.5, Hawaii Revised Statutes, is  
9 amended to read as follows:

10 "§708-823.5 Aggravated criminal property damage. (1) A  
11 person commits the offense of aggravated criminal property  
12 damage if the person by means other than fire:

13 (a) Intentionally damages the property of another without  
14 the other's consent; and

15 (b) Has been convicted [~~two~~] one or more times of an  
16 offense under section 708-822 or 708-823 in the  
17 preceding five years.

18 (2) For purposes of this section, "convicted [~~two~~] one or  
19 more times" means that, at the time of the instant offense, the  
20 person had previously entered a plea of guilty or no contest or  
21 a judge or jury had previously returned a verdict of guilty



1 against the person for [~~two~~] one or more offenses committed on  
2 separate occasions.

3 (3) Aggravated criminal property damage is a misdemeanor.

4 (4) A person convicted for a first offense of aggravated  
5 criminal property damage shall be sentenced to community service  
6 time of eighty hours spent eradicating graffiti damage. The  
7 cost of paint and materials shall be borne by the person, if not  
8 provided.

9 (5) A person convicted of a second or any subsequent  
10 offense of aggravated criminal property damage shall be  
11 sentenced to community service time of one hundred-sixty hours  
12 spent eradicating graffiti damage. The cost of paint and  
13 materials shall be borne by the person, if not provided."

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

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

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



**Report Title:**  
Graffiti

**Description:**

Requires minors who commit graffiti to remove their graffiti from the affected property and to perform community service to remove graffiti from other properties. Reduces number of prior convictions for criminal property damage in order to be charged with the offense of aggravated criminal property damage. Mandates certain penalties, including graffiti eradication, for persons convicted of aggravated criminal property damage. (SD1)

