

JAN 19 2007

A BILL FOR AN ACT

RELATING TO CRIMINAL PROPERTY DAMAGE.

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

1 SECTION 1. Section 708-823.5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§708-823.5 Aggravated criminal property damage.** (1) A
4 person commits the offense of aggravated criminal property
5 damage if the person by means other than fire:

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

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

11 (2) For purposes of this section, "convicted [~~two~~] one or
12 more times" means that, at the time of the instant offense, the
13 person had previously entered a plea of guilty or no contest or
14 a judge or jury had previously returned a verdict of guilty
15 against the person for [~~two~~] one or more offenses committed on
16 separate occasions.

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



1 (4) A person convicted for a first offense of aggravated
2 criminal property damage shall be sentenced as follows:

3 (a) A fine of \$1,000; and

4 (b) Community service time of eighty hours spent
5 eradicating graffiti damage. The cost of paint and
6 materials shall be borne by the person, if not
7 provided.

8 (5) A person convicted of a second and subsequent offenses
9 of aggravated criminal property damage shall be sentenced as
10 follows:

11 (a) A fine of \$1,000; and

12 (b) Community service time of one hundred-sixty hours
13 spent eradicating graffiti damage. The cost of paint
14 and materials shall be borne by the person, if not
15 provided.

16 (6) Pursuant to section 702-221, a parent or guardian of a
17 minor under the age of eighteen shall be guilty of an offense
18 under this section if the minor engages in conduct that would
19 constitute be an offense under this section if committed by an
20 adult."



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

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 Statutory material to be repealed is bracketed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

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

7

INTRODUCED BY: *Clemente A. Trujillo*

Amne Mercado K.



Report Title:

Crimes; Property Damage

Description:

Mandates certain penalties, including graffiti eradication, for persons convicted of aggravated criminal property damage. Holds persons legally accountable for a minor liable for aggravated criminal property damage committed by the minor.

