
A BILL FOR AN ACT

RELATING TO GRAFFITI.

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

1 SECTION 1. The legislature finds that despite efforts to
2 eradicate graffiti, graffiti continues to be a visual blight on
3 schools, bus stops, freeway walls, road signs, buildings, and
4 other public and private property statewide. The state
5 department of transportation estimates that it spends
6 approximately \$25,000 to paint over one hundred fifty thousand
7 square feet of graffiti each year. Persons who have committed
8 an act constituting graffiti, as defined by section 577-3.5(a),
9 Hawaii Revised Statutes, may be required to pay for the actual
10 cost of having the damaged property repaired or replaced, be
11 ordered to perform community service work in an amount
12 commensurate with the costs of the damage for which they are
13 unable to pay, or be ordered to perform community service.

14 The legislature also finds that offenders who commit acts
15 of graffiti and have been sentenced to community service should
16 be afforded an additional option to repay the community for
17 their crime. The purpose of this Act is to enable the courts to



1 sentence convicted graffiti offenders to a special community
2 service program that helps eradicate graffiti.

3 SECTION 2. Chapter 708, Hawaii Revised Statutes, is
4 amended by adding a new section to be appropriately designated
5 and to read as follows:

6 "§708- Special sentencing considerations regarding
7 graffiti. (a) A person found in violation of any grade of
8 offense for criminal property damage that involves graffiti as
9 defined in section 577-3.5(a) shall be required to perform
10 community service that helps eradicate or mitigates graffiti.

11 (b) The hours of community service may be determined by
12 the court as an estimate of the time required to eradicate or
13 mitigate the graffiti inflicted by the offender.

14 (c) In lieu of a determination by the court at sentencing
15 as to the number of hours required to discharge the community
16 service required under subsection (a), the court may delegate
17 the estimate to the judiciary's graffiti eradication sentencing
18 program. A representative of the program shall report the
19 program's estimate to the court so that a determination may be
20 made and an appropriate order entered.



1 (d) To the extent feasible, the court shall require the
2 offender to perform community service to eradicate or mitigate
3 the particular graffiti inflicted by the offender.

4 (e) The community service shall be performed pursuant to
5 the requirements of the judiciary's graffiti eradication
6 sentencing program."

7 SECTION 3. Section 708-823.5, Hawaii Revised Statutes, is
8 amended by amending subsection (1) to read as follows:

9 "(1) A person commits the offense of aggravated criminal
10 property damage if the person by means other than fire:

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

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

16 SECTION 4. There is established within the judiciary the
17 graffiti eradication sentencing program. "Graffiti" for the
18 purpose of the program is as defined in section 577-3.5(a).

19 The program shall:

20 (1) Collaborate with the district courts, circuit courts,
21 police departments, intake service centers, law



- 1 enforcement, and community organizations to ensure the
2 success of the program;
- 3 (2) Prescribe a course of action that a graffiti offender
4 must undertake to discharge a community service
5 sentence;
- 6 (3) Coordinate the implementation, scheduling, and
7 monitoring of graffiti eradication activities for
8 graffiti offenders who have been sentenced to
9 community service; and
- 10 (4) Document the completion of graffiti eradication
11 activities for each graffiti offender participating in
12 the program.

13 The judiciary shall submit a report to the legislature on
14 the graffiti eradication sentencing program including any
15 recommendations and proposed legislation, not later than twenty
16 days prior to the convening of each regular session.

17 SECTION 5. This Act does not affect rights and duties that
18 matured, penalties that were incurred, and proceedings that were
19 begun, before its effective date.

20 SECTION 6. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.

22 SECTION 7. This Act shall take effect on January 1, 2112.



Report Title:

Graffiti

Description:

Creates special sentencing for graffiti offender requiring the discharge of community service through graffiti eradication activities. Establishes the graffiti eradication sentencing program within the judiciary. (HB451 HD1)

