
A BILL FOR AN ACT

RELATING TO GRAFFITI.

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

1 SECTION 1. Chapter 706, Hawaii Revised Statutes, is
2 amended by adding a new section to part III to be appropriately
3 designated and to read as follows:

4 "§706- Criminal damage to property; graffiti;
5 restitution; reward. (1) In any prosecution for an offense
6 under chapter 708, part III, the commission of which includes
7 the creation of graffiti, the court, in addition to any other
8 lawful orders, shall order the offender to pay a fine in
9 accordance with section 706-640.

10 (2) Fifty per cent of the fine under subsection (a) shall
11 be awarded to the person, if any, who reported the creation of
12 graffiti.

13 (3) As used in this section, "graffiti" means any
14 unauthorized drawing, inscription, figure, or marking created by
15 paint, ink, chalk, dye, or similar substances."

16 SECTION 2. Section 577-3.5, Hawaii Revised Statutes, is
17 amended to read as follows:



1 "[+]§577-3.5[+] **Property damage, parental**
2 **responsibility[-]; restitution, fines.** (a) The parents or
3 legal guardians of a minor child shall be jointly and severally
4 liable for graffiti damage caused by the minor to real or
5 personal property, whether publicly or privately owned. As used
6 in this section, "graffiti" means any unauthorized drawing,
7 inscription, figure, or marking created by paint, ink, chalk,
8 dye, or similar substances.

9 (b) In addition to any other lawful orders, if a minor is
10 found under chapter 571 to have committed an act constituting
11 graffiti, the court may order the minor, the minor's parents, or
12 the legal guardians of the minor to pay the actual cost of
13 having the damaged property repaired or replaced and may order
14 the minor to perform community service. If the court orders
15 payment for the actual cost of the damage, the court shall give
16 due consideration to the financial resources of the minor, the
17 minor's parents, or the legal guardians of the minor to ensure
18 that they will be able to pay the costs of the damage. If the
19 court determines that the minor, the minor's parents, or the
20 legal guardians of the minor are unable to pay the actual cost
21 of the damage, the court may order payment in an amount for
22 which they are able to pay or in a manner in which they are able



1 to pay, and may order the minor to perform community service
2 work in an amount commensurate with the costs of the damage for
3 which they are unable to pay.

4 (c) In addition to any other lawful orders, if a minor is
5 found under chapter 571 to have committed an act constituting
6 graffiti, the court may order the minor, the minor's parents, or
7 the legal guardians of the minor to pay a fine according to the
8 following schedule:

9 (1) If the minor:

10 (A) Intentionally or knowingly damages property and
11 thereby recklessly places another person in
12 danger of death or bodily injury; or

13 (B) Intentionally or knowingly damages the property
14 of another, without the other's consent, in any
15 amount exceeding \$20,000,

16 the fine shall not exceed \$25,000;

17 (2) If the minor intentionally or knowingly damages the
18 property of another, without the other's consent, in
19 an amount exceeding \$1,500, the fine shall not exceed
20 \$10,000;

21 (3) If the minor intentionally or knowingly damages the
22 property of another, without the other's consent, in



1 an amount exceeding \$500, the fine shall not exceed
2 \$2,000; and

3 (4) If the minor intentionally or knowingly damages the
4 property of another in an amount up to \$500, without
5 the other's consent, the fine shall not exceed \$1,000.

6 If the court imposes a fine, the court shall give due
7 consideration to the financial resources of the minor, the
8 minor's parents, or the legal guardians of the minor to ensure
9 that they will be able to pay the fine. If the court determines
10 that the minor, the minor's parents, or the legal guardians of
11 the minor are unable to pay the actual cost of the damage, the
12 court may order payment in an amount for which they are able to
13 pay or in a manner in which they are able to pay, and may order
14 the minor to perform community service work in an amount
15 commensurate with the costs of the damage for which they are
16 unable to pay.

17 Fifty per cent of the fine imposed, if any, shall be
18 awarded to the person, if any, who reported the creation of
19 graffiti.

20 [+e)] (d) Nothing in this section shall affect the right
21 of any person to maintain a civil action arising out of graffiti
22 damage to property."



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

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

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INTRODUCED BY:

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JAN 23 2007



Report Title:

Graffiti damage; award for reporting

Description:

Establishes an award for persons who report offenders who cause graffiti damage.

