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

4           "§708-    Penalty for graffiti. (1) In addition to the  
5 penalties provided under this part, if the property damage  
6 involves graffiti, the court shall order the defendant to:

7           (a) Remove the graffiti from the affected property; and  
8           (b) Perform twenty hours of community service to remove  
9           graffiti from other properties.

10           (2) As used in this section, "graffiti" means any  
11 unauthorized drawing, inscription, figure, or marking created by  
12 paint, ink, chalk, dye, or similar substances."

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

15           "(b) In addition to any other lawful orders, if a minor is  
16 found under chapter 571 to have committed an act constituting  
17 graffiti, the court [~~may order the minor, the parents, or the~~



1 ~~legal guardians of the minor to pay the actual cost of having~~  
2 ~~the damaged property repaired or replaced] shall:~~

3       (1) Require the minor, the parents, or the legal guardians  
4       to remove the graffiti from the affected property  
5       within sixty days of the order; and [may order]

6       (2) Order the minor to perform twenty hours of community  
7       service[-] to remove graffiti from other properties.

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

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 Statutory material to be repealed is bracketed  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



# H.B. NO. 865

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

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INTRODUCED BY:



John M. Negro  
Michael J. Magary

Burt Ann

Iyla B. Berg

Della A. Belatti

Manahar

K. T.  
K. L.

JAN 19 2007

**Report Title:**

Property Damage; 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. Creates a new penalty for property damage that involves graffiti by requiring the defendant to remove their graffiti from the affected property and to perform community service to remove graffiti from other properties.

