

Honolulu, Hawaii

APR - 1 2010

RE: H.B. No. 2129
H.D. 1
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Madam:

Your Committee on Judiciary and Government Operations, to
which was referred H.B. No. 2129, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO GRAFFITI,"

begs leave to report as follows:

The purpose of this measure is to require a person sentenced
for an offense in which the damage is caused by graffiti, in
addition to any other penalty, to:

- (1) Remove the graffiti from the damaged property; and
- (2) For a period of time not to exceed the maximum period
for which a convicted person may be sentenced for the
offense:
 - (A) Perform community service removing any graffiti
applied to other property within one hundred yards
of the site of the offense for which the person was
sentenced; and
 - (B) Reimburse the costs incurred by any property owner
to remove graffiti applied to other property within
one hundred yards of the site of the offense for
which the person was sentenced.

Testimony in support of the measure, with suggested
amendments, was submitted by Hawaiian Electric Company, Inc.



Testimony in opposition to the measure was submitted by the Office of the Public Defender. Comments regarding the measure were submitted by the Hawaii Community Development Authority. Written testimony presented to your Committee may be reviewed on the Legislature's website.

Your Committee finds that graffiti is a community-wide problem, and the intent of this measure is to impose appropriate penalties that will act as a deterrent to this type of property crime. Your Committee notes that testimony from Hawaiian Electric Company, Inc., suggested an amendment to require a property owner's consent prior to the removal of graffiti in order to avoid possible risk of serious injuries from the removal of graffiti from any electrical equipment. Additionally, testimony from the Office of the Public Defender raised concerns regarding the imposition of penalties requiring removal of graffiti and reimbursement of property owners by a defendant, even if the defendant was not involved with the later incidents of graffiti damage.

Your Committee has amended this measure by:

- (1) Clarifying that a property owner or owner's consent must be obtained prior to the removal of graffiti;
- (2) Revising language addressing imposition of the penalties regarding the damage to the adjacent property;
- (3) Making the measure effective upon its approval; and
- (4) Making technical, nonsubstantive amendments for purposes of clarity and style.

As affirmed by the record of votes of the members of your Committee on Judiciary and Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2129, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2129, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.



Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Government Operations,


BRIAN T. TANIGUCHI, Chair

The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Judiciary and Government Operations
JGO

Bill / Resolution No.:* HB 2129, HD1	Committee Referral: JGO	Date: 3/29/10 3/28/10		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312 </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310 </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
TAKAMINE, Dwight Y. (VC)				✓
BUNDA, Robert	✓			
GABBARD, Mike	✓			
NISHIHARA, Clarence K.	✓			
SLOM, Sam	✓			
TOTAL	5	—	—	1
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: <div style="text-align: center; font-family: cursive; font-size: 1.2em;">Clarence K. Nishihara</div>				
Distribution: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div style="text-align: center;">Original File with Committee Report</div> <div style="text-align: center;">Yellow Clerk's Office</div> <div style="text-align: center;">Pink Drafting Agency</div> <div style="text-align: center;">Goldenrod Committee File Copy</div> </div>				

***Only one measure per Record of Votes**