

JAN 20 2012

A BILL FOR AN ACT

RELATING TO CRIME.

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

1 SECTION 1. Chapter 128, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "**§128- Interference with warning or signal devices.** No
5 person shall, without lawful authority, attempt to or in fact
6 alter, deface, injure, knock down, or remove any official
7 warning or signal device, or any other part thereof. Violation
8 of this section shall be a class C felony."

9 SECTION 2. Section 128-32, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "**§128-32 Misdemeanors.** Any person violating any rule or
12 regulation of the governor prescribed and promulgated pursuant
13 to this chapter and having the force and effect of law, shall,
14 if it shall be so stated in the rule or regulation, be guilty of
15 a misdemeanor. Upon conviction the person shall be fined not
16 more than \$5,000, or imprisoned not more than one year, or both.

17 Any person who, wilfully or through gross negligence,
18 destroys, damages, or loses any shelter[7] or protective



1 device~~[, or warning or signal device,]~~ shall if the same was
2 installed or constructed by the United States, the State, or a
3 political subdivision, or is the property of the United States,
4 the State, or a political subdivision, be fined not more than
5 \$2,000 or imprisoned not more than ninety days, or both. The
6 governor, by rule or regulation, may make further provisions for
7 the protection from misuse of shelters~~[,]~~ and protective
8 ~~[devices, and warning and signal]~~ devices."

9 SECTION 3. Section 264-45, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "~~[§]§264-45[§]~~ **Highway lighting.** (a) To the extent that
12 it is practical and not in conflict with any safety regulation
13 or federal law, regulation, or mandate, if any highway rule or
14 standard relating to highway lighting conflicts with any county
15 ordinance or other rule regarding highway lighting, the more
16 stringent requirement or standard shall govern all new
17 installations of highway lighting.

18 (b) No person shall, without lawful authority, attempt to
19 or in fact alter, deface, injure, knock down, or remove any
20 highway lighting or any other part thereof. Violation of this
21 section shall be a class C felony.



1 (c) A person charged with a violation of this section may
2 assert a vehicular accident as an affirmative defense to
3 prosecution under this section."

4 SECTION 4. Section 291C-37, Hawaii Revised Statutes, is
5 amended to read as follows:

6 **"[+]§291C-37[+] Interference with official traffic-control**
7 **devices or railroad signs or signals. (a) No person shall,**
8 without lawful authority, attempt to or in fact alter, deface,
9 injure, knock down, or remove any official traffic-control
10 device or any railroad sign or signal or any inscription,
11 shield, or insignia thereon, or any other part thereof.
12 Violation of this section shall be a class C felony.

13 (b) A person charged with a violation of this section may
14 assert a vehicular accident as an affirmative defense to
15 prosecution under this section."

16 SECTION 5. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

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

19
INTRODUCED BY:

Will Egan

Carol Johnson
Robert H. H. H.

Mike Gattuso

[Handwritten signatures]



S.B. NO. **2196**

Mitchell



S.B. NO. 2196

Report Title:

Warning Devices; Highway Lighting; Traffic-control Devices

Description:

Makes defacing, injuring, knocking down or removing any warning or signal device, highway lighting, or traffic-control device, or attempting to deface, injure, knock down or remove any of the same, a class C felony. Creates an affirmative defense in cases involving highway lighting or traffic-control devices.

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