

JAN 17 2014

A BILL FOR AN ACT

RELATING TO CRIMINAL DAMAGE TO PROPERTY.

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

SECTION 1. Section 708-823.6, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

"(1) Whenever a person is sentenced under section 708-821, 708-822, 708-823, or 708-823.5 for an offense in which the damage is caused by graffiti, ~~[in addition to any penalty prescribed by those sections, the person shall be required to:]~~ the person shall be sentenced to a term of imprisonment of one year in lieu of any other sentence of imprisonment and any other fines as may be provided in those sections. In addition, the person shall be required to:

(a) Remove the graffiti from the damaged property within thirty days of sentencing, if it has not already been removed and where consent from the respective property owner or owners has been obtained; and

(b) For a period of time not to exceed two years from the date of sentencing, along with any other person or persons who may be sentenced under this section for the same property, perform community service removing,



1 within fourteen days, any graffiti applied to other
2 property within two hundred fifty yards of the site of
3 the offense for which the person was sentenced, where
4 consent from the respective property owner or owners
5 has been obtained, even if the property was damaged by
6 another person;

7 provided that removal of graffiti shall not place the person or
8 others in physical danger nor inconvenience the public."

9 SECTION 2. This Act does not affect rights and duties that
10 matured, penalties that were incurred, and proceedings that were
11 begun before its effective date.

12 SECTION 3. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

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

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INTRODUCED BY: Shianne Chun Oakland




Report Title:

Graffiti; Sentencing; Imprisonment

Description:

Requires a sentence of one year of imprisonment for property damage caused by graffiti in lieu of any other sentence of imprisonment and fines.

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