

ACT 216

H.B. NO. 491

A Bill for an Act Relating to Vandalism in the Schools.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The Hawaii Revised Statutes is amended by adding a new section to be appropriately designated and to read:

**“Sec.        Damage to public school property.** (a) Any pupil found to be responsible for an act of vandalism against any public school, building, facility, or ground may make restitution in any manner including monetary restitution by the pupil or pupil’s parents.

For the purpose of this section, “vandalism” shall include, but not be limited to, mischievous or malicious destruction of property, such as breakage of windows, lockers, doors, and other such acts. The provisions of this section shall be in addition to and shall in no way limit the provisions of any other law concerning offenses against property rights.

(b) No pupil, parent or guardian shall be required to make restitution in any manner unless the pupil and the parents or guardian have been notified and have been given an opportunity to be heard, on any report of vandalism involving the pupil, and the pupil, parent or guardian have executed a written agreement to make such restitution.

(c) The principal of the school in which the vandalism occurred shall make or order an investigation of the vandalism. If after such investigation, the prin-

principal has reasonable cause to believe that a specific pupil is responsible for the vandalism, the principal shall schedule a conference with such pupil and his or her parents or guardian, and a public officer or employee designated by the district superintendent shall witness the conference proceedings. Except for the principal of the school in which the vandalism occurred, the officer or employee designated by the district superintendent, the pupil and the parents or guardian, no other person shall be permitted to be in the conference for any reason.

(d) At the conference, the principal of the school in which the vandalism occurred shall present its findings of the investigation and the requirements of restitution to the pupil and parents or guardian.

If the pupil and the parents or guardian agree with the findings of the principal and the manner in which restitution is to be made, the principal and the pupil and parent or guardian shall execute a written agreement which shall specify the manner in which restitution is to be made. The agreement shall be acknowledged and approved by the officer or employee designated by the district superintendent to witness the conference proceedings. The amount of liability shall not exceed \$2,000 in any agreement of the parties.

If restitution is made in this fashion, then all records and documents regarding the investigation and conference shall be destroyed. No information about the investigation, conference and the actions taken shall be communicated to any person not directly involved in the proceedings.

If the pupil and parent or guardian do not agree with the findings made by the principal, the principal shall preserve all the records and documents regarding the investigation and conference and may report to the district superintendent of the findings for any further action. Such further action includes, but is not limited to, conducting a hearing by the district superintendent on the matters reported by the principal as a contested case pursuant to Chapter 91.

(e) Notwithstanding any provisions herein to the contrary, the State may elect to bring any appropriate action for the recovery of all damages to school properties. Nothing in this act shall limit the right of the State to bring such action against any person to recover such damages."

SECTION 2. New statutory material is underscored. In printing this Act, the revisor of statutes need not include the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved June 5, 1978.)

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\*Edited accordingly.