

A Bill for an Act Relating to Graffiti.

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

SECTION 1. Chapter 577, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§577- Property damage, parental responsibility. (a) The parents or legal guardians of a minor child shall be jointly and severally liable for graffiti damage caused by the minor to real or personal property, whether publicly or privately owned. As used in this section, “graffiti” means any unauthorized drawing, inscription, figure, or marking created by paint, ink, chalk, dye, or similar substances.

(b) In addition to any other lawful orders, if a minor is found under chapter 571 to have committed an act constituting graffiti, the court may order the minor, the parents, or the legal guardians of the minor to pay the actual cost of having the damaged property repaired or replaced and may order the minor to perform community service. If the court orders payment for the actual cost of the damage, the court shall give due consideration to the financial resources of the minor, the parents, or the legal guardians of the minor to ensure that they will be able to pay the costs of the damage. If the court determines that the minor, the parents, or the legal guardians of the minor are unable to pay the actual cost of the damage, the court may order payment in an amount for which they are able to pay or in a manner in which they are able to pay, and may order the minor to perform community service work in an amount commensurate with the costs of the damage for which they are unable to pay.

(c) Nothing in this section shall affect the right of any person to maintain a civil action arising out of graffiti damage to property.”

SECTION 2. New statutory material is underscored.¹

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

(Approved June 29, 1995.)

Note

1. Edited pursuant to HRS §23G-16.5.