H.B. NO. 1635

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### A BILL FOR AN ACT

RELATING TO GRAFFITI.

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

1	SECTION 1. Chapter 706, Hawaii Revised Statutes, is
2	amended by adding a new section to part III to be appropriately
3	designated and to read as follows:
4	"§706- Criminal damage to property; graffiti;
5	restitution; reward. (1) In any prosecution for an offense
6	under chapter 708, part III, the commission of which includes
7	the creation of graffiti, the court, in addition to any other
8	lawful orders, shall order the offender to pay a fine in
9	accordance with section 706-640.
10	(2) Fifty per cent of the fine under subsection (a) shall
11	be awarded to the person, if any, who reported the creation of
12	graffiti.
13	(3) As used in this section, "graffiti" means any
14	unauthorized drawing, inscription, figure, or marking created by
15	paint, ink, chalk, dye, or similar substances."
16	SECTION 2. Section 577-3.5, Hawaii Revised Statutes, is



amended to read as follows:

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"[+] §577-3.5[+] Property damage, parental 1 2 **responsibility**[-]; **restitution**, **fines**. (a) The parents or 3 legal guardians of a minor child shall be jointly and severally liable for graffiti damage caused by the minor to real or 4 personal property, whether publicly or privately owned. As used 5 in this section, "graffiti" means any unauthorized drawing, 6 7 inscription, figure, or marking created by paint, ink, chalk, 8 dye, or similar substances.

In addition to any other lawful orders, if a minor is 9 (b) 10 found under chapter 571 to have committed an act constituting 11 graffiti, the court may order the minor, the minor's parents, or 12 the legal quardians of the minor to pay the actual cost of 13 having the damaged property repaired or replaced and may order 14 the minor to perform community service. If the court orders 15 payment for the actual cost of the damage, the court shall give 16 due consideration to the financial resources of the minor, the 17 minor's parents, or the legal guardians of the minor to ensure that they will be able to pay the costs of the damage. If the 18 19 court determines that the minor, the minor's parents, or the 20 legal guardians of the minor are unable to pay the actual cost of the damage, the court may order payment in an amount for 21 22 which they are able to pay or in a manner in which they are able



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1	to pay, a	nd may order the minor to perform community service
2	work in a	n amount commensurate with the costs of the damage for
3	which the	y are unable to pay.
4	<u>(C)</u>	In addition to any other lawful orders, if a minor is
5	found und	er chapter 571 to have committed an act constituting
6	graffiti,	the court may order the minor, the minor's parents, or
7	the legal	guardians of the minor to pay a fine according to the
8	following	schedule:
9	(1)	If the minor:
10		(A) Intentionally or knowingly damages property and
11		thereby recklessly places another person in
12		danger of death or bodily injury; or
13		(B) Intentionally or knowingly damages the property
14		of another, without the other's consent, in any
15		amount exceeding \$20,000,
16		the fine shall not exceed \$25,000;
17	(2)	If the minor intentionally or knowingly damages the
18		property of another, without the other's consent, in
19		an amount exceeding \$1,500, the fine shall not exceed
20		<u>\$10,000;</u>
21	(3)	If the minor intentionally or knowingly damages the
22		property of another, without the other's consent, in



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1	an amount exceeding \$500, the fine shall not exceed
2	\$2,000; and
3	(4) If the minor intentionally or knowingly damages the
4	property of another in an amount up to \$500, without
5	the other's consent, the fine shall not exceed \$1,000.
6	If the court imposes a fine, the court shall give due
7	consideration to the financial resources of the minor, the
8	minor's parents, or the legal guardians of the minor to ensure
9	that they will be able to pay the fine. If the court determines
10	that the minor, the minor's parents, or the legal guardians of
11	the minor are unable to pay the actual cost of the damage, the
12	court may order payment in an amount for which they are able to
13	pay or in a manner in which they are able to pay, and may order
14	the minor to perform community service work in an amount
15	commensurate with the costs of the damage for which they are
16	unable to pay.
17	Fifty per cent of the fine imposed, if any, shall be
18	awarded to the person, if any, who reported the creation of
19	graffiti.
20	$\left[\frac{(c)}{(c)}\right]$ (d) Nothing in this section shall affect the right
21	of any person to maintain a civil action arising out of graffiti
22	damage to property."



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1 SECTION 3. This Act does not affect rights and duties that 2 matured, penalties that were incurred, and proceedings that were 3 begun, before its effective date.

4 SECTION 4. Statutory material to be deleted is bracketed 5 and stricken. New statutory material is underscored.

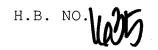
6 SECTION 5. This Act shall take effect upon its approval.

INTRODUCED BY: Calle Muy Rida T.R. Cabamilla

JAN 2 3 2007

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Report Title:

Graffiti damage; award for reporting

#### Description:

Establishes an award for persons who report offenders who cause graffiti damage.

