

GOV. MSG. NO. 954

## EXECUTIVE CHAMBERS

HONOLULU

LINDA LINGLE

June 19, 2007

The Honorable Colleen Hanabusa, President and Members of the Senate Twenty-Fourth State Legislature State Capitol, Room 409 Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on June 19, 2007, the following bill was signed into law:

SB228 SD1 HD1 CD1

A BILL FOR AN ACT RELATING TO GRAFFITI. (ACT 196)

Sincerely,

JAMES R. AIONA, JR.

Acting Governor

THE SENATE TWENTY-FOURTH LEGISLATURE, 2007 STATE OF HAWAII

**ACT 196** S.B. NO. S.D. 1 C.D. 1

## A BILL FOR AN ACT

RELATING TO GRAFFITI.

SB228 CD1 JDL.doc

	BE IT ENAC	CTED BY THE LEGISLATURE OF THE STATE OF HAWAII:
1	SECT	ION 1. Section 577-3.5, Hawaii Revised Statutes, is
2	amended b	y amending subsection (b) to read as follows:
3	"(b)	In addition to any other lawful orders, if a minor is
4	found und	er chapter 571 to have committed an act constituting
5	graffiti,	the court [may order the minor, the parents, or the
6	<del>legal gua</del>	rdians of the minor to pay the actual cost of having
7	the damag	ed property repaired or replaced] shall:
8	(1)	Require the minor, the parents, or the legal guardians
9		to remove the graffiti from the affected property
10		within sixty days of the order and pay for the cost of
11		paint and materials; or if appropriate, pay for the
12		actual cost of having the damaged property repaired or
13		replaced; and [may order]
14	(2)	Order the minor to perform a minimum of eighty hours
15		of community service[+] to remove graffiti from other
16		properties.
17	[If the co	ourt orders payment for the actual cost of the damage,
18	the court	shall give due consideration to the financial

1	resources of the minor, the parents, or the legal guardians of
2	the minor to ensure that they will be able to pay the costs of
3	the damage. If the court determines that the minor, the

- 4 parents, or the legal guardians of the minor are unable to pay
- 5 the actual cost of the damage, the court may order payment in an
- 6 amount for which they are able to pay or in a manner in which
- 7 they are able to pay, and may order the minor to perform
- 8 community service work in an amount commensurate with the costs
- 9 of the damage for which they are unable to pay.] "
- 10 SECTION 2. Section 708-823.5, Hawaii Revised Statutes, is

  11 amended by amending subsection (1) to read as follows:
- "(1) A person commits the offense of aggravated criminalproperty damage if the person by means other than fire:
- 14 (a) Intentionally damages the property of another without
  15 the other's consent; and
- 16 (b) Has been convicted two or more times of an offense

  17 under section 708-822 or 708-823 [in the preceding

  18 five years]."
- SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

- 1 SECTION 4. Statutory material to be repealed is bracketed
- 2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect upon approval.

JAMES R. AIONA JE

ACTING

GOVERNOR OF THE STATE OF HAWAII

Approved this day: JUN 1 9 2007