

Second Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 10-0421.01 Michael Dohr

HOUSE BILL 10-1120

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HOUSE SPONSORSHIP

Ferrandino,

SENATE SPONSORSHIP

(None),

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House Committees

Judiciary  
Finance

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING THE UNLAWFUL SALE OF GRAFFITI MATERIALS.

Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

The bill prohibits a person from selling items used to produce graffiti to a person under 18 years of age without the written consent of the person's parent or guardian. A store that sells graffiti materials must place signs in the store educating patrons about the penalties related to graffiti crimes. Half of the moneys collected from the fines will be deposited in the juvenile diversion cash fund.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2           **SECTION 1.** Part 5 of article 4 of title 18, Colorado Revised  
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
4 read:

5           **18-4-510.5. Furnishing graffiti materials to minors prohibited.**

6           (1) A PERSON, OTHER THAN A PARENT OR LEGAL GUARDIAN, SHALL NOT  
7 SELL, EXCHANGE, GIVE, LOAN, OR OTHERWISE FURNISH, OR CAUSE OR  
8 PERMIT TO BE EXCHANGED, GIVEN, LOANED, OR OTHERWISE FURNISHED,  
9 AN AEROSOL PAINT CONTAINER, BROAD-TIPPED MARKER, OR PAINT STICK  
10 TO A PERSON UNDER EIGHTEEN YEARS OF AGE WITHOUT THE WRITTEN  
11 CONSENT OF SAID PERSON'S PARENT OR LEGAL GUARDIAN.

12           (2) EACH PERSON WHO OPERATES A RETAIL COMMERCIAL  
13 ESTABLISHMENT SELLING AEROSOL PAINT CONTAINERS, BROAD-TIPPED  
14 MARKERS, OR PAINT STICKS SHALL:

15           (a) PLACE A SIGN IN CLEAR PUBLIC VIEW AT OR NEAR THE DISPLAY  
16 OF SUCH PRODUCTS, STATING:

17           GRAFFITI IS AGAINST THE LAW. ANY PERSON WHO DEFACTES  
18 REAL OR PERSONAL PROPERTY WITH PAINT OR ANY OTHER  
19 LIQUID OR DEVICE IS GUILTY OF A CRIME PUNISHABLE BY  
20 IMPRISONMENT OF UP TO 18 MONTHS IN JAIL AND A FINE OF  
21 UP TO \$5,000.

22           (b) PLACE A SIGN IN DIRECT VIEW OF PERSONS WHO ARE  
23 RESPONSIBLE FOR ACCEPTING CUSTOMER PAYMENT FOR GRAFFITI  
24 IMPLEMENTS, STATING:

25           SELLING SPRAY PAINT, BROAD-TIPPED MARKERS, OR PAINT  
26 STICKS TO A PERSON UNDER 18 YEARS OF AGE IS AGAINST

1 THE LAW AND IS PUNISHABLE BY A FINE OF UP TO \$1,000.

2 (3) A VIOLATION OF SUBSECTION (1) OF THIS SECTION IS AN  
3 UNCLASSIFIED MISDEMEANOR. THE COURT MAY IMPOSE:

4 (a) A FINE OF UP TO TWO HUNDRED FIFTY DOLLARS FOR A FIRST  
5 VIOLATION OF SUBSECTION (1) OF THIS SECTION;

6 (b) A FINE OF UP TO FIVE HUNDRED DOLLARS FOR A SECOND  
7 VIOLATION OF SUBSECTION (1) OF THIS SECTION; AND

8 (c) A FINE OF UP TO ONE THOUSAND DOLLARS AND UP TO SIXTY  
9 DAYS IN JAIL FOR A THIRD OR SUBSEQUENT VIOLATION OF SUBSECTION (1)  
10 OF THIS SECTION.

11 (4) IN THE CASE OF A VIOLATION OF SUBSECTION (1) OF THIS  
12 SECTION BY A PERSON UNDER EIGHTEEN YEARS OF AGE, THE PERSON'S  
13 PARENT OR LEGAL GUARDIAN SHALL BE JOINTLY AND SEVERALLY LIABLE  
14 WITH THE PERSON FOR THE PAYMENT OF ALL FINES. FAILURE OF THE  
15 PARENT OR LEGAL GUARDIAN TO MAKE PAYMENT MAY RESULT IN THE  
16 FILING OF A LIEN ON THE PARENT OR LEGAL GUARDIAN'S PROPERTY.

17 (5) UPON AN APPLICATION AND FINDING OF INDIGENCE, THE COURT  
18 MAY DECLINE TO ORDER FINES AGAINST THE MINOR, PARENT, OR LEGAL  
19 GUARDIAN.

20 (6) FIFTY PERCENT OF THE MONEYS COLLECTED PURSUANT TO  
21 SUBSECTION (3) OF THIS SECTION SHALL BE CREDITED TO THE JUVENILE  
22 DIVERSION CASH FUND CREATED IN SECTION 19-2-303.5, C.R.S.

23 **SECTION 2.** 19-2-303.5 (1), Colorado Revised Statutes, is  
24 amended to read:

25 **19-2-303.5. Juvenile diversion cash fund - creation.** (1) Fifty  
26 percent of the moneys collected pursuant to ~~section~~ SECTIONS 18-4-509  
27 (2) (a) AND 18-4-510.5, C.R.S., shall be transmitted to the state treasurer,

1 who shall credit the same to the juvenile diversion cash fund, which fund  
2 is hereby created and referred to in this section as the "fund". The  
3 moneys in the fund shall be subject to annual appropriation by the general  
4 assembly for the direct and indirect costs associated with the  
5 implementation of the juvenile diversion program pursuant to section  
6 19-2-303.

7 **SECTION 3. Act subject to petition - effective date -**  
8 **applicability.** (1) This act shall take effect at 12:01 a.m. on the day  
9 following the expiration of the ninety-day period after final adjournment  
10 of the general assembly (August 11, 2010, if adjournment sine die is on  
11 May 12, 2010); except that, if a referendum petition is filed pursuant to  
12 section 1 (3) of article V of the state constitution against this act or an  
13 item, section, or part of this act within such period, then the act, item,  
14 section, or part shall not take effect unless approved by the people at the  
15 general election to be held in November 2010 and shall take effect on the  
16 date of the official declaration of the vote thereon by the governor.

17 (2) The provisions of this act shall apply to offenses committed on  
18 or after the applicable effective date of this act.