

Regular Session, 2010

HOUSE BILL NO. 1264

BY REPRESENTATIVES LAFONTA AND HINES

1 AN ACT

2 To enact R.S. 14:56.5, relative to damage to property; to create the crime of criminal
3 damage to historic buildings and landmarks by defacing with graffiti; to provide for
4 penalties; to provide for definitions; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:56.5 is hereby enacted to read as follows:

7 §56.5. Criminal damage to historic buildings or landmarks by defacing with graffiti

8 A. It shall be unlawful for any person to intentionally deface with graffiti any
9 historic building or landmark, whether publicly or privately owned, without the
10 consent of the owner.

11 B. As used in this Section, the following terms shall have the following
12 meanings:

13 (1) "Deface" or "defacing" is the damaging of any historic building or
14 landmark by means of painting, marking, scratching, drawing, or etching with
15 graffiti.

16 (2) "Graffiti" includes but is not limited to any sign, inscription, design,
17 drawing, diagram, etching, sketch, symbol, lettering, name, or marking placed upon
18 any historic building or landmark in such a manner and in such a location as to
19 deface the property and be visible to the general public.

20 (3) "Historic building or landmark" means any of the following:

21 (a) Any building or landmark specifically designated as historically
22 significant by the state historic preservation office, historic preservation district
23 commission, landmarks commission, the planning or zoning commission of a
24 governing authority, or by official action of a local political subdivision.

1 **(b) Any structure located within a National Register Historic District, a local**
2 **historic district, a Main Street District, a cultural products district, or a downtown**
3 **development district.**

4 **C.(1) Whoever commits the crime of criminal damage to historic buildings**
5 **or landmarks by defacing with graffiti shall be fined up to one thousand dollars and**
6 **may be imprisoned, with or without hard labor, for not more than two years.**

7 **(2) The court shall also order the offender to perform the following hours of**
8 **community service as follows:**

9 **(a) For a first conviction, not to exceed thirty-two hours over a period not to**
10 **exceed one hundred eighty days.**

11 **(b) For a second or subsequent conviction, sixty-four hours over a period not**
12 **to exceed one hundred eighty days.**

13 **(3) The fine and community service imposed by the provisions of this**
14 **Section shall not be suspended.**

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____