

GRAFFITI PARAPHERNALIA

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jim Nielson

Senate Sponsor: Karen Mayne

LONG TITLE

General Description:

This bill modifies the definition of the crime of graffiti.

Highlighted Provisions:

This bill:

- ▶ modifies the definition of graffiti to include etching; and
- ▶ defines etching as defacing, damaging, or destroying hard surfaces by use of a chemical action.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-6-107, as enacted by Laws of Utah 1996, Chapter 142

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **76-6-107** is amended to read:

76-6-107. Graffiti defined -- Penalties -- Removal costs -- Reimbursement liability.

(1) As used in this section:

(a) "Etching" means defacing, damaging, or destroying hard surfaces by means of a chemical action which uses any caustic cream, gel, liquid, or solution.

30 [~~(1)~~] (b) "Graffiti" means any form of unauthorized printing, writing, spraying,
31 scratching, affixing, etching, or inscribing on the property of another regardless of the content
32 or the nature of the material used in the commission of the act.

33 [~~(2)~~] (c) "Victim" means the person or entity whose property was defaced by the
34 graffiti and bears the expense for its removal.

35 [~~(3)~~] (2) Graffiti is a:

- 36 (a) second degree felony if the damage caused is in excess of \$5,000;
- 37 (b) third degree felony if the damage caused is in excess of \$1,000;
- 38 (c) class A misdemeanor if the damage caused is equal to or in excess of \$300; and
- 39 (d) class B misdemeanor if the damage caused is less than \$300.

40 [~~(4)~~] (3) Damages under Subsection [~~(3)~~] (2) include removal costs, repair costs, or
41 replacement costs, whichever is less.

42 [~~(5)~~] (4) The court, upon conviction or adjudication, shall order restitution to the victim
43 in the amount of removal, repair, or replacement costs.

44 [~~(6)~~] (5) An additional amount of \$1,000 in restitution shall be added to removal costs
45 if the graffiti is positioned on an overpass or an underpass, requires that traffic be interfered
46 with in order to remove it, or the entity responsible for the area in which the clean-up is to take
47 place must provide assistance in order for the removal to take place safely.

48 [~~(7)~~] (6) A person who voluntarily and at his own expense, removes graffiti for which
49 he is responsible may be credited for the removal costs against restitution ordered by a court.