

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 601 Session of
1989

INTRODUCED BY PERZEL, BOYES, KOSINSKI, SCHULER, E. Z. TAYLOR,
CORNELL, CAWLEY, REINARD, CIVERA AND J. TAYLOR,
FEBRUARY 15, 1989

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 15, 1989

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, defining the offense of graffiti
3 mischief; and providing penalties.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 18 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 3310. Graffiti mischief.

9 (a) Offense defined.--A person commits graffiti mischief if
10 he damages the tangible property of another intentionally,
11 recklessly or by negligence through the application of any
12 paint, marking or other substance.

13 (b) Grading.--Graffiti mischief is a felony of the first
14 degree punishable by a fine of \$5,000 if the actor intentionally
15 causes pecuniary loss in excess of \$1,000, a felony of the
16 second degree punishable by a fine of \$2,500 if the actor
17 intentionally causes pecuniary loss in excess of \$500, or a
18 felony of the third degree punishable by a fine of \$1,000 if he

1 intentionally or recklessly causes pecuniary loss in excess of
2 \$200. Otherwise, graffiti mischief is a misdemeanor of the first
3 degree.

4 (c) Parent or guardian responsible.--The parent or guardian
5 of any minor convicted under this section shall be liable for
6 the amount of any fine imposed by the court.

7 (d) Restitution.--The court shall order a defendant
8 convicted under this section to make restitution to the victim.

9 (e) Publication.--The court shall publish, in the Sunday
10 edition of any newspaper of general circulation within the
11 county, the name of any person convicted under this section.

12 (f) Definitions.--As used in this section, the following
13 words and phrases shall have the meanings given to them in this
14 subsection:

15 "Indelible marker." Any felt tip marker, china marker or
16 similar device which applies a substance which is not water
17 soluble.

18 "Paint, marking or other substance." Any adherent, pigmented
19 substance which is not water soluble and which is applied as
20 spray paint or by indelible marker or otherwise.

21 "Spray paint." Any adherent, pigmented substance dispersed
22 in particles by means of an atomizer or other simple mechanical
23 instrument or applicator.

24 Section 2. This act shall take effect immediately.