

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 661

Session of  
1987

INTRODUCED BY PERZEL, CAWLEY, VROON, KOSINSKI, CLYMER, KENNEY,  
GANNON, FISCHER, GODSHALL, E. Z. TAYLOR, HERMAN, TRELLO,  
OLASZ, CIVERA, NAHILL AND REBER, MARCH 9, 1987

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 9, 1987

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, defining the offenses of graffiti  
3 mischief and the unlawful sale of spray paint or indelible  
4 marker; and providing penalties.

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

7 Section 1. Title 18 of the Pennsylvania Consolidated  
8 Statutes is amended by adding sections to read:

9 § 3309. Graffiti mischief.

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

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

1 felony of the third degree punishable by a fine of \$1,000 if he  
2 intentionally or recklessly causes pecuniary loss in excess of  
3 \$200. Otherwise, graffiti mischief is a misdemeanor of the first  
4 degree.

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

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

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

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

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

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

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

25 § 3310. Unlawful sale of spray paint or indelible marker.

26 (a) Offense defined.--A person commits the unlawful sale of  
27 spray paint or indelible marker if he sells or offers for sale  
28 at retail any container of spray paint or an indelible marker,  
29 as those terms are defined in section 3309 (relating to graffiti  
30 mischief), to any minor under 18 years of age.

1     (b) Grading.--A violation of this section is a misdemeanor  
2     of the first degree.

3     Section 2. This act shall take effect immediately.