

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 80

Session of
1991

INTRODUCED BY MCGEEHAN, KRUSZEWSKI, DONATUCCI, BUTKOVITZ,
ROEBUCK, HAYDEN, KOSINSKI, RIEGER, ACOSTA, GIGLIOTTI, BILLOW,
HANNA, SURRA, STURLA, WILLIAMS, COLAIZZO, MARKOSEK, MAIALE,
NOYE, STABACK, CAWLEY, STISH, HERMAN, KENNEY AND PETRARCA,
FEBRUARY 6, 1991

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 6, 1991

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, defining an offense relating to
3 graffiti and other vandalism of property; providing
4 penalties; and making repeals.

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

7 Section 1. Sections 3307 and 3309 of Title 18 of the
8 Pennsylvania Consolidated Statutes are repealed.

9 Section 2. Title 18 is amended by adding a section to read:

10 § 3310. Graffiti and vandalism.

11 (a) Offense defined.--It shall be unlawful for any person to
12 knowingly deface, vandalize, mark or paint upon, desecrate as
13 defined in section 5509 (relating to desecration of venerated
14 objects), or otherwise damage any of the following:

15 (1) Any church, synagogue or other facility or place
16 used for religious worship or other religious purposes.

17 (2) Any cemetery, mortuary or other facility used for

1 the purpose of burial or memorializing the dead.

2 (3) Any school, educational facility, community center,
3 municipal building, courthouse facility or juvenile detention
4 center.

5 (4) The grounds adjacent to and owned or occupied by any
6 facility set forth in paragraph (1), (2) or (3).

7 (5) Any personal property located in any facility set
8 forth in this subsection.

9 (6) Any real or personal property used in farming or
10 other agricultural activity.

11 (7) Any other real or personal property.

12 (b) Grading.--

13 (1) For an adult, a first offense constitutes a
14 misdemeanor of the second degree, punishable by a period of
15 community service, the length and type of which shall be
16 determined by the court.

17 (2) For an adult, a second offense constitutes a
18 misdemeanor of the first degree.

19 (3) For an adult, a third or subsequent offense
20 constitutes a felony of the second degree.

21 (4) For a minor, a first offense constitutes a
22 misdemeanor of the third degree, punishable by a period of
23 community service, the length and type of which shall be
24 determined by the court.

25 (5) For a minor, a second offense constitutes a
26 misdemeanor of the second degree, punishable by a term to be
27 served in a motivational boot camp, as the court shall
28 direct.

29 (6) For a minor, a third or subsequent offense
30 constitutes a misdemeanor of the first degree, punishable by

1 a term to be served in a juvenile detention center, as the
2 court shall direct.

3 (c) Restitution.--

4 (1) In addition to any penalty imposed under subsection
5 (b), the court shall sentence an adult offender, or the
6 parents or legal guardian of a minor offender, to make full
7 restitution to the victim of the offense for all of the
8 victim's pecuniary loss.

9 (2) In the case of an adult, restitution shall be
10 imposed under section 1106 (relating to restitution for
11 injuries to person or property). An order for restitution in
12 connection with an offense under this section shall, however,
13 be mandatory and for the full amount of the victim's loss.

14 (3) In the case of a minor, restitution shall be imposed
15 under 23 Pa.C.S. § 5503 (relating to establishing liability
16 in criminal or juvenile proceedings). The provisions of 23
17 Pa.C.S. § 5505 (relating to monetary limits of liability)
18 shall not, however, apply. The imposition of restitution
19 shall be mandatory and for the full amount of the victim's
20 loss.

21 (4) The amount of pecuniary loss in relation to damage
22 of real property shall be ascertained by a certified
23 Pennsylvania evaluator.

24 (d) Motivational boot camp.--The Department of Corrections
25 shall, by regulation, establish a juvenile motivational boot
26 camp program in this Commonwealth. These regulations shall
27 provide for the establishment, location and operation of these
28 camps. These camps shall provide rigorous physical activity,
29 intensive regimentation and discipline and counseling.

30 (e) Definitions.--As used in this section, the term "minor"

1 means a person under 18 years of age.

2 Section 2. All acts and parts of acts are repealed insofar
3 as they are inconsistent with this act.

4 Section 3. This act shall take effect in 60 days.