
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 610 Session of
1993

INTRODUCED BY FUMO, REIBMAN, AFFLERBACH, O'PAKE, STOUT, LYNCH
AND FISHER, MARCH 8, 1993

REFERRED TO JUDICIARY, MARCH 8, 1993

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, prohibiting the sale of aerosol spray-
3 paint cans and broad-tipped markers to minors; regulating the
4 display of such cans and markers; and providing a penalty.

5 The General Assembly of the Commonwealth of Pennsylvania
6 finds that for the health, safety and welfare of the residents
7 of this Commonwealth, the laws designed to deter the defacement
8 of public and private property through the use of aerosol spray-
9 paint cans, broad-tipped indelible markers and other marking
10 devices should be solidified. The General Assembly finds further
11 that such defacement of property is more often committed by
12 persons under 18 years of age using aerosol cans or markers and
13 that, where the need exists, such aerosol cans or markers may be
14 furnished by a parent or guardian; and, therefore, the sale of
15 such aerosol cans and markers to persons under 18 years of age
16 should be prohibited, and persons engaged in the retail sale of
17 such aerosol cans and markers should be required to take
18 reasonable steps to prevent the theft of such cans and markers.

1 The General Assembly of the Commonwealth of Pennsylvania
2 hereby enacts as follows:

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

5 § 7328. Sale and display of aerosol spray-paint cans and broad-
6 tipped markers prohibited in certain instances.

7 (a) Offense defined.--A person may not sell or offer to sell
8 an aerosol spray-paint can or broad-tipped indelible marker to
9 any person under 18 years of age. Persons who sell or offer to
10 sell these cans or markers may not display these items and may
11 display only facsimiles of the cans or markers containing no
12 paint or ink.

13 (b) Penalty.--A person who violates this section commits a
14 summary offense and shall, upon conviction, be sentenced to pay
15 a fine of not more than \$1,000 or to imprisonment for not more
16 than six months, or both.

17 Section 2. This act shall take effect in 60 days.