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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
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MEMORANDUM

To: All Members of the House of Representatives
From: Representative Eddie Day Pashinski
Date: March 8, 2011
Subject: Co-sponsorship: Punishment for Graffiti Offenses

In the near future, I will be re-introducing legislation that would amend Title 42 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, Sections 6352 (relating to disposition of delinquent child) and 9720 (relating to sentence for criminal mischief), to provide our juvenile and adult courts with additional sentencing tools intended to reduce the prevalence of graffiti in our Commonwealth.

Graffiti is vandalism that defaces private and public property and is costly to repair or restore. Although current sentencing laws include provisions applicable to persons who deface property with graffiti, they are seldom used by our courts. My legislation will amend the specific sentencing provisions in Title 42 dealing with adults who are sentenced for criminal mischief and will enact a similar provision affecting juvenile offenders to better enable our courts to fashion an appropriate sentence for any individual who commits a graffiti offense. Importantly, the court will retain its discretion to determine whether to impose punishment under these graffiti specific sections or whether to proceed under the other general provisions applicable to all offenses.

Under my legislation, the courts could require both juvenile and adult graffiti offenders to complete a period of supervised community service, including the repair or restoration of any damaged property. If any damaged property is not repaired or restored by the offender, the offender would be required to pay restitution in an amount that would ensure the property was repaired or restored. Under my bill, an offender could also be ordered to pay a fine in an amount the court believes necessary to prevent the offender from defacing property with graffiti in the future. In addition, my legislation will amend the community service levels and time frames applicable to graffiti offenses so that our courts are more likely to utilize these provisions as statistics show little use of the existing section 9720.

I ask you to join me in co-sponsoring this important legislation. Please contact Lauren Bordner via e-mail at lbordner@pahouse.net.