

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**SENATE BILL****No. 612** Session of  
1993

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

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AS AMENDED ON THIRD CONSIDERATION, MAY 24, 1993

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## AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and  
2 Judicial Procedure) of the Pennsylvania Consolidated  
3 Statutes, further providing for criminal mischief.

4 The General Assembly finds and declares as follows:

5 (1) For the health, safety and welfare of the residents  
6 of this Commonwealth, the laws designed to deter the  
7 defacement of public and private property through the use of  
8 aerosol spray-paint cans, broad-tipped indelible markers and  
9 other marking devices should be strengthened.

10 (2) Where appropriate, the court should require those  
11 who commit acts of defacement to restore the damaged property  
12 to its original condition.

13 The General Assembly of the Commonwealth of Pennsylvania  
14 hereby enacts as follows:

15 Section 1. Section 3304(a) of Title 18 of the Pennsylvania  
16 Consolidated Statutes is amended to read:

17 § 3304. Criminal mischief.

18 (a) Offense defined.--A person is guilty of criminal

1 mischief if he:

2 (1) damages tangible property of another intentionally,  
3 recklessly, or by negligence in the employment of fire,  
4 explosives, or other dangerous means listed in section  
5 3302(a) of this title (relating to causing or risking  
6 catastrophe);

7 (2) intentionally or recklessly tampers with tangible  
8 property of another so as to endanger person or property;  
9 [or]

10 (3) intentionally or recklessly causes another to suffer  
11 pecuniary loss by deception or threat[.]; or

12 (4) intentionally defaces or otherwise damages tangible  
13 public property or tangible property of another with an  
14 aerosol spray-paint can, broad-tipped indelible marker or  
15 similar marking device.

16 \* \* \*

17 Section 2. Title 42 is amended by adding a section to read:

18 § 9720.1. Sentencing for criminal mischief.

19 (a) Sentencing.--A person convicted of an offense under 18  
20 Pa.C.S. §§ 3304(a)(4) (relating to criminal mischief) and  
21 3307(a.1) (relating to institutional vandalism), and who in the  
22 opinion of the sentencing court would benefit, shall be  
23 sentenced to a term of supervised community service, including  
24 repairing or restoring damaged property, in accordance with the  
25 following:

26 (1) If the damage to the property is less than \$200, the  
27 term of community service shall not be less than 50 days nor  
28 more than 74 days.

29 (2) If the damage to the property is at least \$200, but  
30 less than \$1,000, the term of community service shall not be

1     less than 75 days nor more than 99 days.

2           (3) If the damage to the property is \$1,000 or more, the  
3     term of community service shall not be less than 100 days nor  
4     more than 200 days.

5     (b) Satisfactory completion of community service program.--  
6     Satisfactory completion of the community service program under  
7     subsection (a) shall result in a dismissal of charges and  
8     expungement of the record of the person convicted under 18     <—  
9     Pa.C.S. § 3307 SENTENCED UNDER SUBSECTION (A). The court shall     <—  
10    follow procedures similar to those established for the  
11    Accelerated Rehabilitative Disposition Program.

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