

SENATE BILL REPORT

SB 6460

As of February 5, 2020

Title: An act relating to criminal sentences requiring the removal of graffiti.

Brief Description: Concerning criminal sentences requiring the removal of graffiti.

Sponsors: Senator Fortunato.

Brief History:

Committee Activity: Law & Justice: 2/04/20.

Brief Summary of Bill

- Imposes restitution of graffiti removal for a mandatory 30-day period for convictions of malicious mischief in the 3rd degree or criminal street gang tagging and graffiti.
- Imposes restitution consecutively to any other restitution imposed by the court.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Tim Ford (786-7423)

Background: Malicious Mischief in the Third Degree. A person commits the crime of malicious mischief in the third degree when they knowingly and maliciously cause physical damage to the property of another, or writes, paints, or draws any inscription, figure, or mark of any type on any public or private building or other structure or any real or personal property owned by any other person. Malicious mischief in the third degree is a gross misdemeanor.

Criminal Street Gang Tagging and Graffiti. A person commits the crime of criminal street gang tagging and graffiti when they commit malicious mischief in the third degree, and:

- have multiple current convictions of malicious mischief in the third degree for graffiti, or;
- have previously been convicted for malicious mischief in the third degree for graffiti or a comparable municipal offense, and;
- the current offense is a criminal street gang related offense.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Criminal street gang tagging and graffiti is a gross misdemeanor.

For adults, gross misdemeanor convictions are punished by imprisonment in a county jail for a maximum term up to 364 days, or by a fine of not more than \$5,000, or by both imprisonment and fine.

For juveniles, gross misdemeanor convictions for malicious mischief in the third degree is governed by local sanctions. Local sanctions means one or more of the following:

- 0-30 days of confinement;
- 0-12 months of community supervision;
- 0-150 hours of community restitution; or
- \$0-\$500 fine.

Summary of Bill: When any person is found guilty of malicious mischief in the third degree or guilty of criminal street gang tagging and graffiti, the court must order a mandatory 30-day period of community restitution to require the removal of graffiti from buildings in the local area where the offense was committed, unless the court finds that such an order is not practical. The community restitution must be imposed consecutively to any other community restitution the court imposes for the offense.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Graffiti is a sign of social decay. Scrubbing off the graffiti would be a deterrent to further graffiti. You see it on highway signs and train cars. The fine is not a deterrent. There is language in the bill that gives a judge discretion or flexibility to decide whether the sentence would be imposed or not.

Persons Testifying: PRO: Senator Phil Fortunato, Prime Sponsor.

Persons Signed In To Testify But Not Testifying: No one.