

1751

2009-2010 Regular Sessions

I N S E N A T E

February 5, 2009

Introduced by Sens. STAVISKY, ADDABBO, DIAZ, HUNTLEY, C. JOHNSON, SAMP-
SON -- read twice and ordered printed, and when printed to be commit-
ted to the Committee on Codes

AN ACT to amend the penal law, in relation to increasing penalties for
making graffiti

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 145.60 of the penal law, as added by chapter 458 of
2 the laws of 1992, is amended to read as follows:
3 S 145.60 Making graffiti IN THE SECOND DEGREE.
4 [1.] For purposes of this section AND SECTION 145.62 OF THIS ARTICLE,
5 the term "graffiti" shall mean the etching, painting, covering, drawing
6 upon or otherwise placing of a mark upon public or private property with
7 intent to damage such property. A PERSON IS GUILTY OF MAKING GRAFFITI
8 IN THE SECOND DEGREE WHEN HE OR SHE:
9 [2. No person shall make] MAKES graffiti of any type on any building,
10 public or private, or any other property real or personal owned by any
11 person, firm or corporation or any public agency or instrumentality,
12 without the express permission of the owner or operator of said proper-
13 ty.
14 Making graffiti IN THE SECOND DEGREE is a class A misdemeanor.
15 S 2. The penal law is amended by adding a new section 145.62 to read
16 as follows:
17 S 145.62 MAKING GRAFFITI IN THE FIRST DEGREE.
18 A PERSON IS GUILTY OF MAKING GRAFFITI IN THE FIRST DEGREE WHEN SUCH
19 PERSON DAMAGES PROPERTY OF ANOTHER PERSON IN THE MANNER DESCRIBED IN
20 SECTION 145.60 OF THIS ARTICLE AND HE OR SHE:
21 1. HAS PREVIOUSLY BEEN CONVICTED OF A VIOLATION OF SECTION 145.60 OF
22 THIS ARTICLE; OR
23 2. DAMAGES PROPERTY IN AN AMOUNT EXCEEDING ONE THOUSAND DOLLARS.
24 MAKING GRAFFITI IN THE FIRST DEGREE IS A CLASS E FELONY.
25 S 3. This act shall take effect on the first of November next succeed-
26 ing the date on which it shall have become a law.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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