

3193--A

Cal. No. 383

2015-2016 Regular Sessions

I N   S E N A T E

February 3, 2015

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Introduced by Sens. STAVISKY, AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- recommended to the Committee on Codes in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the penal law, in relation to expanding the crime of making graffiti

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, 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 property.  
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:

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

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1       1.   WITHIN THE PREVIOUS TEN YEAR PERIOD, HAS BEEN CONVICTED THREE OR  
2 MORE TIMES, IN SEPARATE CRIMINAL TRANSACTIONS FOR WHICH SENTENCE WAS  
3 IMPOSED ON SEPARATE OCCASIONS, OF CRIMINAL MISCHIEF IN THE FOURTH DEGREE  
4 AS DEFINED IN SECTION 145.00, CRIMINAL MISCHIEF IN THE THIRD DEGREE AS  
5 DEFINED IN SECTION 145.05, CRIMINAL MISCHIEF IN THE SECOND DEGREE AS  
6 DEFINED IN SECTION 145.10, CRIMINAL MISCHIEF IN THE FIRST DEGREE AS  
7 DEFINED IN SECTION 145.12, MAKING GRAFFITI IN THE SECOND DEGREE AS  
8 DEFINED IN SECTION 145.60, OR MAKING GRAFFITI IN THE FIRST DEGREE AS  
9 DEFINED IN SECTION 145.62 OF THIS ARTICLE; AND  
10       2.   DAMAGES PROPERTY OF ANOTHER PERSON IN AN AMOUNT EXCEEDING TWO  
11 HUNDRED FIFTY DOLLARS.  
12       MAKING GRAFFITI IN THE FIRST DEGREE IS A CLASS E FELONY.  
13       S 3. This act shall take effect on the first of November next succeed-  
14 ing the date on which it shall have become a law.