

# STATE OF NEW YORK

10562

## IN ASSEMBLY

May 7, 2018

Introduced by M. of A. D. ROSENTHAL, M. G. MILLER -- read once and referred to the Committee on Codes

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:

Section 1. Section 145.60 of the penal law, as added by chapter 458 of the laws of 1992, is amended to read as follows:

§ 145.60 Making graffiti in the second degree.

~~[1.]~~ For purposes of this section and section 145.62 of this article, the term "graffiti" shall mean the etching, painting, covering, drawing upon or otherwise placing of a mark upon public or private property with intent to damage such property. A person is guilty of making graffiti in the second degree when he or she:

~~[2. No person shall make]~~ makes graffiti of any type on any building, public or private, or any other property real or personal owned by any person, firm or corporation or any public agency or instrumentality, without the express permission of the owner or operator of said property.

Making graffiti in the second degree is a class A misdemeanor.

§ 2. The penal law is amended by adding a new section 145.62 to read as follows:

§ 145.62 Making graffiti in the first degree.

A person is guilty of making graffiti in the first degree when such person damages property of another person in the manner described in section 145.60 of this article and he or she:

1. within the previous ten year period, has been convicted three or more times, in separate criminal transactions for which sentence was imposed on separate occasions, of criminal mischief in the fourth degree as defined in section 145.00, criminal mischief in the third degree as defined in section 145.05, criminal mischief in the second degree as defined in section 145.10, criminal mischief in the first degree as defined in section 145.12, making graffiti in the second degree as

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

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1 defined in section 145.60, or making graffiti in the first degree as  
2 defined in section 145.62 of this article; and  
3 2. damages property of another person in an amount exceeding two  
4 hundred fifty dollars.  
5 Making graffiti in the first degree is a class E felony.  
6 § 3. This act shall take effect on the first of November next succeed-  
7 ing the date on which it shall have become a law.