STATE OF NEW YORK

525

2017-2018 Regular Sessions

IN ASSEMBLY

January 9, 2017

Introduced by M. of A. GUNTHER, GALEF, SCHIMMINGER, ABBATE, HOOPER, RAIA, LUPINACCI, PALUMBO -- Multi-Sponsored by -- M. of A. FINCH, MAGEE, McDONOUGH, McKEVITT, RIVERA, THIELE, TITONE -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to imposing penalties for making graffiti in a manner to promote or encourage gang related activities

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.

[~~2. No person shall make~~] **A person is guilty of making graffiti in the second degree when he or she 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 makes graffiti in a manner to promote or encourage gang related activities.

Making graffiti in the first degree is a class E felony.

§ 3. This act shall take effect on the first of November next succeeding 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.

LBD02891-01-7