



UTAH STATE SENATE

UTAH STATE CAPITOL COMPLEX • 320 STATE CAPITOL
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January 25, 2012

Mr. President:

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 107**, POSSESSION OF GRAFFITI PARAPHERNALIA, by Senator K. Mayne, with the following amendments:

1. *Page 2, Line 53 through Page 3, Line 59:*

- 53 Section 2. Section **76-6-107.5** is enacted to read:
54 76-6-107.5. Possession of instrument for making graffiti.
55 {~~(1) Any person who possesses any material, instrument, tool, device, article,~~
56 ~~or other~~
57 ~~item with the intent that it be used in the violation of Section 76-6-107, is guilty of a~~
58 ~~class B~~
59 ~~misdemeanor.~~
59 —(2) Intent that the item is to be used in graffiti may be inferred from the totality
59 of the
59 circumstances under which the person possesses it.
-} Any person who possesses any instrument, tool, device, article, material, or
other thing adapted, designed, or commonly used in advancing or facilitating the
commission of a violation of Section 76-6-107 under circumstances manifesting that

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person's intent that any of these items be used in the commission of a violation of Section 76-6-107 is guilty of a class C misdemeanor.

Respectfully,

Mark B. Madsen
Committee Chair

Voting: 5-0-2

3 SB0107.SC1.WPD /NWB SCA/NWB 1/25/12 5:03 pm

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