

S.B. 107

POSSESSION OF GRAFFITI PARAPHERNALIA

Senator **Karen Mayne** proposes 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, or other~~
56 ~~item with the intent that it be used in the violation of Section 76-6-107, is guilty of a class B~~
57 ~~misdemeanor.~~

58 ——— ~~(2) Intent that the item is to be used in graffiti may be inferred from the totality 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 an intent to use or knowledge that some person intends to use the same in the commission of a violation of Section 76-6-107 is guilty of a class C misdemeanor.