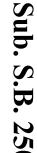
GRAFFITI AMENDMENTS

Senator Wayne A. Harper proposes the following substitute bill:

1	GRAFFITI AMENDMENTS
2	2019 GENERAL SESSION
3	STATE OF UTAH
4	Chief Sponsor: Wayne A. Harper
5	House Sponsor: James A. Dunnigan
6	LONG TITLE
7	LONG TITLE
8	General Description:
9	This bill addresses victims of graffiti.
10	Highlighted Provisions:
11	This bill:
12	 restricts when a victim of graffiti may be cited for failing to clean graffiti; and
13	makes technical changes.
14	Money Appropriated in this Bill:
15	None
16	Other Special Clauses:
17	None
18	Utah Code Sections Affected:
19	AMENDS:
20	76-6-107, as last amended by Laws of Utah 2013, Chapter 278
21	
22	Be it enacted by the Legislature of the state of Utah:
23	Section 1. Section 76-6-107 is amended to read:
24	76-6-107. Graffiti defined Penalties Removal costs Reimbursement liability





-- Victim liability.

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notice of the graffiti to remove the graffiti; and

26 (1) As used in this section: 27 (a) "Etching" means defacing, damaging, or destroying hard surfaces by means of a 28 chemical action which uses any caustic cream, gel. liquid, or solution. (b) "Graffiti" means any form of unauthorized printing, writing, spraying, scratching, 29 30 affixing, etching, or inscribing on the property of another regardless of the content or the nature 31 of the material used in the commission of the act. 32 (c) "Victim" means the person [or entity] whose property [was] is defaced by [the] 33 graffiti and who bears the expense for [its] removal of the graffiti. 34 (2) Graffiti is a: (a) second degree felony if the damage caused is in excess of \$5,000; 35 36 (b) third degree felony if the damage caused is in excess of \$1,000; 37 (c) class A misdemeanor if the damage caused is equal to or in excess of \$300; and 38 (d) class B misdemeanor if the damage caused is less than \$300. 39 (3) Damages under Subsection (2) include removal costs, repair costs, or replacement 40 costs, whichever is less. 41 (4) The court[, upon conviction or adjudication,] shall order an individual convicted 42 under Subsection (2) to pay restitution to the victim in [the amount of removal, repair, or 43 replacement costs an amount equal to the costs incurred by the victim as a result of the graffiti. 44 (5) An additional amount of \$1,000 in restitution shall be added to removal costs if the graffiti is positioned on an overpass or an underpass, requires that traffic be interfered with in 45 46 order to remove it, or the entity responsible for the area in which the clean-up is to take place 47 must provide assistance in order for the removal to take place safely. 48 (6) [A person] An individual who voluntarily, [and at his] at the individual's own 49 expense, and with the consent of the property owner, removes graffiti for which [he] the 50 individual is responsible may be credited for the removal costs against restitution ordered by a 51 court. 52 (7) Before an authorized government agency may issue a citation or assess a fine to a 53 victim for the victim's failure to remove graffiti from the victim's property, the agency shall: 54 (a) provide written notice to the victim alerting the victim of the graffiti; 55 (b) allow the victim one week after the day on which the agency provides written

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57	(c) provide the victim with a list of resources available to assist the victim with
58	removal of the graffiti.
59	(8) (a) After receiving notification of graffiti under Subsection (7)(a), a victim who is
60	unable to remove the graffiti due to physical or financial hardship may alert the agency that
61	provided notice under Subsection (7)(a) of the hardship.
62	(b) If an authorized government agency finds a victim has demonstrated that the victim
63	would experience significant hardship in removing the graffiti, the agency:
64	(i) may not issue a citation or assess a fee to the victim for failure to remove the
65	graffiti; and
66	(ii) shall provide, or hire an outside entity to provide, the assistance necessary to
67	remove the graffiti from the victim's property.
68	(c) An authorized government agency that provides, or hires an outside agency to
69	provide, assistance under Subsection (8)(b)(ii), may request reimbursement from a restitution
70	order, under Subsection (4), against an individual who used graffiti to damage the property that
71	the agency removed, or paid another to remove.