

***Superseded 5/14/2019***

**76-6-107 Graffiti defined -- Penalties -- Removal costs -- Reimbursement liability.**

- (1) As used in this section:
  - (a) "Etching" means defacing, damaging, or destroying hard surfaces by means of a chemical action which uses any caustic cream, gel, liquid, or solution.
  - (b) "Graffiti" means any form of unauthorized printing, writing, spraying, scratching, affixing, etching, or inscribing on the property of another regardless of the content or the nature of the material used in the commission of the act.
  - (c) "Victim" means the person or entity whose property was defaced by the graffiti and bears the expense for its removal.
- (2) Graffiti is a:
  - (a) second degree felony if the damage caused is in excess of \$5,000;
  - (b) third degree felony if the damage caused is in excess of \$1,000;
  - (c) class A misdemeanor if the damage caused is equal to or in excess of \$300; and
  - (d) class B misdemeanor if the damage caused is less than \$300.
- (3) Damages under Subsection (2) include removal costs, repair costs, or replacement costs, whichever is less.
- (4) The court, upon conviction or adjudication, shall order restitution to the victim in the amount of removal, repair, or replacement costs.
- (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 order to remove it, or the entity responsible for the area in which the clean-up is to take place must provide assistance in order for the removal to take place safely.
- (6) A person who voluntarily, and at his own expense, removes graffiti for which he is responsible may be credited for the removal costs against restitution ordered by a court.