

SB0250S01 compared with SB0250

~~{deleted text}~~ shows text that was in SB0250 but was deleted in SB0250S01.

Inserted text shows text that was not in SB0250 but was inserted into SB0250S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Senator Wayne A. Harper proposes the following substitute bill:

GRAFFITI AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: _____

LONG TITLE

General Description:

This bill ~~{makes changes to a graffiti conviction and }~~ addresses victims of graffiti.

Highlighted Provisions:

This bill:

~~{~~ → changes the offense classification of a graffiti conviction;

→ creates an offense enhancement for subsequent graffiti offenses;

} ▶ restricts when a victim of graffiti may be cited for failing to clean graffiti; and

▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

SB0250S01 compared with SB0250

Utah Code Sections Affected:

AMENDS:

76-6-107, as last amended by Laws of Utah 2013, Chapter 278

Be it enacted by the Legislature of the state of Utah:

Section 1. Section 76-6-107 is amended to read:

76-6-107. Graffiti defined -- Penalties -- Removal costs -- Reimbursement liability -- Victim 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]~~ is defaced by ~~[the]~~ graffiti and who bears the expense for ~~[its]~~ removal of the graffiti.

~~{(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.~~

~~{ (2) An individual who creates, or assists in creating, graffiti is guilty of a class B misdemeanor.~~

~~{ (3) An individual who has previously been convicted under Subsection (2), and commits a subsequent offense under Subsection (2), is guilty of a class A misdemeanor.~~

~~{ (4) The court [upon conviction or adjudication,] shall order an individual convicted under Subsection (2) to pay restitution to the victim in [the amount of removal, repair, or replacement costs] an amount equal to the costs incurred by the victim as a result of the graffiti.~~

SB0250S01 compared with SB0250

(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]~~ An individual who voluntarily, ~~[and at his]~~ at the individual's own expense, and with the consent of the property owner, removes graffiti for which ~~[he]~~ the individual is responsible may be credited for the removal costs against restitution ordered by a court.

(7) Before an authorized government agency may issue a citation or assess a fine to a victim for the victim's failure to remove graffiti from the victim's property, the agency shall:

(a) provide written notice to the victim alerting the victim of the graffiti;

(b) allow the victim one week after the day on which the agency provides written notice of the graffiti to remove the graffiti; and

(c) provide the victim with a list of resources available to assist the victim with removal of the graffiti.

(8) (a) After receiving notification of graffiti under Subsection (7)(a), a victim who is unable to remove the graffiti due to physical or financial hardship may alert the agency that provided notice under Subsection (7)(a) of the hardship.

(b) If an authorized government agency finds a victim has demonstrated that the victim would experience significant hardship in removing the graffiti, the agency:

(i) may not issue a citation or assess a fee to the victim for failure to remove the graffiti; and

(ii) shall provide, or hire an outside entity to provide, the assistance necessary to remove the graffiti from the victim's property.

(c) An authorized government agency that provides, or hires an outside agency to provide, assistance under Subsection (8)(b)(ii), may request reimbursement from a restitution order, under Subsection (4), against an individual who used graffiti to damage the property that the agency removed, or paid another to remove.