

Representative Tyler Clancy proposes the following substitute bill:

CRIME PENALTY AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Tyler Clancy

Senate Sponsor: Stephanie Pitcher

LONG TITLE

General Description:

This bill amends the penalty for vandalism committed on public lands.

Highlighted Provisions:

This bill:

- ▶ defines terms; and
- ▶ amends the penalty for vandalism committed on public lands.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-6-107.5, as enacted by Laws of Utah 2019, Chapter 292

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

Section 1. Section **76-6-107.5** is amended to read:

76-6-107.5. Vandalism of public lands.

(1) As used in this section:



26 (a) "Etching" means defacing, damaging, or destroying a hard surface by using a
27 chemical, an abrasive object, a knife, or an engraving device.

28 (b) "Graffiti" means unauthorized printing, spraying, scratching, affixing, etching, or
29 inscribing on property owned by the state regardless of the content or the nature of the material
30 used in the commission of the act.

31 (c) "Public lands" means state or federally owned property that is held substantially in
32 its natural state, including canyons, parks owned or managed by the state, national parks, land
33 managed by the Bureau of Land Management, and other lands owned or maintained by a
34 government entity for outdoor recreational use.

35 (2) An individual is guilty of public lands vandalism if the individual creates, or assists
36 in creating, graffiti on any public lands or state-owned object permanently located on public
37 lands.

38 (3) An individual convicted under Subsection (2) is guilty of:

39 (a) a class B misdemeanor; or

40 (b) if the individual was previously convicted of violating this section, a class A
41 misdemeanor.

42 (4) If an individual is convicted of public lands vandalism, the court shall sentence the
43 individual to a term of community service as follows:

44 (a) for a first conviction, the court shall sentence the individual to 100 hours of
45 community service, to be completed within 90 days after the day on which the court issues the
46 order;

47 (b) for a second conviction, the court shall sentence the individual to 200 hours of
48 community service, to be completed within 180 days after the day on which the court issues the
49 order; or

50 (c) for a third or subsequent conviction, the court shall sentence the individual to 300
51 hours of community service, to be completed within 270 days after the day on which the court
52 issues the order.

53 (5) If an individual is enrolled in school or maintains full or part-time employment, the
54 ordered community service may not be scheduled at a time the individual is scheduled to be in
55 school or performing the individual's employment duties.

56 (6) A sentence of community service described in Subjection (4) shall, to the greatest

57 extent possible, be for the benefit of public lands.

58 (7) If an individual is convicted of public lands vandalism, the court may impose a fine
59 up to the full amount of the estimated cost to restore the damaged land, caused by the
60 individual, to the land's original state.

61 (8) An individual who voluntarily, at the individual's own expense, and with the
62 consent of the property owner, removes graffiti for which the individual is responsible shall be
63 credited for costs ordered by the court under Subsection (7).