

2013 -- H 6276

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LC02838
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO CRIMINAL OFFENSES -- TRESPASS AND VANDALISM

Introduced By: Representative Dennis M. Canario

Date Introduced: June 26, 2013

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 11-44-21.1 of the General Laws in Chapter 11-44 entitled "Trespass
2 and Vandalism" is hereby amended to read as follows:

3 **11-44-21.1. Graffiti -- Defacing private residences, offices, businesses or commercial**
4 **property. -- (a)(1)** Every person who shall willfully, maliciously or mischievously write upon,
5 paint, or otherwise deface the private property or residence of another, any office building,
6 business or commercial property or public building or public property, shall be guilty of a
7 misdemeanor. ~~For~~ for the first and second offense, said penalty shall not exceed a ~~five hundred~~
8 ~~dollar (\$500)~~ one thousand dollars (\$1,000) fine and community service not exceeding ~~one~~
9 ~~hundred (100)~~ two hundred (200) hours. Every person convicted of a ~~second~~ third or subsequent
10 offense under this section shall be guilty of a felony, subject to imprisonment not exceeding two
11 (2) years, a fine of ~~fined~~ up to ~~one thousand dollars (\$1,000)~~ two thousand dollars (\$2,000), and
12 shall be required to perform up to ~~two hundred (200)~~ three hundred (300) hours of community
13 service. The court, upon conviction or adjudication, shall order restitution to the victim in the
14 amount of removal, repair, or replacement costs.

15 (2) If the graffiti is positioned on an overpass or an underpass and requires that traffic be
16 interfered with in order to remove it, or the entity responsible for the area in which the clean-up is
17 to take place must provide assistance in order for the removal to take place safely, the court shall
18 order an additional assessment of one thousand dollars (\$1,000).

19 (b) If the person is a minor, upon adjudication, in addition to the penalties in subsection

1 (a):

2 (1) The family court may, in addition to any other order or decree the court makes under
3 this chapter, order the division of motor vehicles to:

4 (i) Suspend the minor's operator's license; or

5 (ii) Invalidate the minor's learner's permit; for one year beginning the date of the order.

6 (2) Notwithstanding any other provision of this chapter, the family court may order the
7 parent or legal guardian of any minor found to have committed the crime of graffiti, to submit
8 restitution to the victim or victims of such graffiti by payment in money if the minor is in the
9 custody of and residing with such parent or guardian, and if the family court finds, after hearing,
10 that the graffiti was a direct result of the parent or legal guardian having neglected to exercise
11 reasonable supervision and control of the minor's conduct. For the purposes of this section,
12 liability for compensation shall be limited to ten thousand dollars (\$10,000).

13 (3) If the person violates the family court's order to submit restitution under this section,
14 such person shall be guilty of contempt. The court may permit payments under this section to be
15 made in installments, for a period of up to seven (7) years, to be administered by the court.

16 SECTION 2. Chapter 11-44 of the General Laws entitled "Trespass and Vandalism" is
17 hereby amended by adding thereto the following section:

18 **11-44-21.2. Restitution or removal of graffiti -- Rescission of order suspending or**
19 **invalidating operator's license or learner's permit. --** If a court of suitable jurisdiction has
20 entered an order for suspension or invalidation of a minor's operator's license or a learner's permit
21 pursuant to section 11-44-21.1, and if the same court subsequently determines that the minor has
22 fulfilled his or her restitution obligation, the court may:

23 (1) Rescind the order for suspension or invalidation; and/or

24 (2) Allow the minor to receive a license or permit before the period of suspension or
25 invalidation ends.

26 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING TO CRIMINAL OFFENSES -- TRESPASS AND VANDALISM

- 1 This act would amend and expand the penalties for creating graffiti and otherwise
- 2 defacing certain property.
- 3 This act would take effect upon passage.

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