

2024 -- H 7634

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

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A N A C T

RELATING TO CRIMINAL OFFENSES -- TRESPASS AND VANDALISM

Introduced By: Representative Patricia A. Serpa

Date Introduced: February 15, 2024

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.**

5 (a)(1) Every person who shall willfully, maliciously or mischievously write upon, paint, or
6 otherwise deface the private property or residence of another, any office building, business or
7 commercial property or public building or public property, shall be guilty of a misdemeanor, for
8 the first and second offense, said penalty shall not exceed a one thousand dollars (\$1,000) fine and
9 community service not less than forty (40) hours and not exceeding ~~two one~~ hundred ~~(200)~~ (100)
10 hours cleaning and remediating graffiti vandalism on state or local properties. Every person
11 convicted of a third or subsequent offense under this section shall be guilty of a felony, subject to
12 imprisonment not exceeding two (2) years, a fine of up to two thousand dollars (\$2,000), and shall
13 be required to perform not less than forty (40) hours and not exceeding ~~up to~~ three hundred (300)
14 hours of community service cleaning and remediating graffiti vandalism on state or local properties.
15 The court, upon conviction or adjudication, shall order restitution to the victim in the amount of
16 removal, repair, or replacement costs.

17 (2) If the graffiti is positioned on an overpass or an underpass and requires that traffic be
18 interfered with in order to remove it, or the entity responsible for the area in which the clean-up is
19 to take place must provide assistance in order for the removal to take place safely, the court shall

1 order an additional assessment of one thousand dollars (\$1,000).

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

3 (a):

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

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

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

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

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

18 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would change the community service requirements of a sentence related to the
2 violation of § 11-44-21.1 relating to defacing private residences, offices, businesses or commercial
3 property.

4 Every person convicted of a first and second offense under this section would be required
5 to perform not less than forty (40) hours and not more than one hundred (100) hours cleaning and
6 remediating graffiti vandalism on state or local properties.

7 Every person convicted of a third or subsequent offense under this section would be
8 required to perform not less than forty (40) hours and not more than three hundred (300) hours of
9 community service cleaning and remediating graffiti vandalism on state or local properties.

10 This act would take effect upon passage.

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