

HOUSE BILL NO. HB0080

Graffiti.

Sponsored by: Representative(s) Esquibel, K. and
Senator(s) Cooper and Fecht

A BILL

for

1 AN ACT relating to crimes and offenses against property;
2 creating the crime of vandalism by graffiti; providing
3 penalties; providing a definition; creating the crime of
4 selling aerosol paint to minors and of minors purchasing
5 aerosol paint; providing for posting of notices; and
6 providing for an effective date.

7

8 *Be It Enacted by the Legislature of the State of Wyoming:*

9

10 **Section 1.** W.S. 6-3-205 and 6-3-206 are created to
11 read:

12

13 **6-3-205. Vandalism by graffiti; penalties.**

14

1 (a) Any person who defaces with graffiti or other
2 inscribed material any real or personal property not his
3 own is guilty of vandalism by graffiti.

4

5 (b) Vandalism by graffiti is:

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7 (i) A misdemeanor punishable by imprisonment of
8 not more than six (6) months, a fine of not more than seven
9 hundred fifty dollars (\$750.00), or both, if the cost of
10 restoring the defaced property, or the value of the
11 property if destroyed is four hundred dollars (\$400.00) or
12 less;

13

14 (ii) A misdemeanor punishable by imprisonment of
15 not more than one (1) year, a fine of not more than ten
16 thousand dollars (\$10,000.00), or both, if the cost of
17 restoring the defaced property, or the value of the
18 property if destroyed is more than four hundred dollars
19 (\$400.00) and less than one thousand dollars (\$1,000.00);
20 or

21

22 (iii) A felony punishable by imprisonment of not
23 more than ten (10) years, a fine of not more than twenty
24 thousand dollars (\$20,000.00), or both, if the cost of

1 restoring the defaced property, or the value of the
2 property if destroyed is one thousand dollars (\$1,000.00)
3 or more.

4

5 (c) Upon conviction of any person under this section
6 for vandalism by graffiti the court may, in addition to any
7 punishment imposed under subsection (b) of this section,
8 order the person personally, and his parents or guardians
9 if the person is a minor, to clean up, repair or replace
10 the damaged property.

11

12 (d) If a minor is personally unable to pay a fine
13 levied for acts prohibited by this section, the parent of
14 that minor shall be liable for payment of the fine. A
15 court may waive payment of the fine, or any part thereof,
16 by the parent upon finding of good cause.

17

18 (e) As used in this section, "graffiti or other
19 inscribed material" includes any unauthorized inscription,
20 word, figure, mark or design that is written, marked,
21 etched, scratched, drawn or painted on real or personal
22 property.

23

1 **6-3-206. Sale, purchase or possession of aerosol**
2 **paint container; posting of notice by retailers.**

3
4 (a) No individual, other than the parent or legal
5 guardian of the recipient, shall sell, offer for sale, give
6 away or deliver any aerosol container of paint that is
7 capable of being used to deface property to any person
8 under the age of eighteen (18) years.

9
10 (b) No person under the age of eighteen (18) years
11 shall purchase or attempt to purchase any aerosol container
12 of paint that is capable of being used to deface property,
13 or misrepresent his identity or age, or use any false or
14 altered identification for the purpose of purchasing or
15 attempting to purchase any aerosol container of paint that
16 is capable of being used to deface property.

17
18 (c) Every retailer selling or offering for sale
19 aerosol containers of paint capable of being used to deface
20 property shall post in a conspicuous place a sign stating
21 "Any person who maliciously defaces real or personal
22 property with paint is guilty of vandalism by graffiti
23 which is punishable by a fine, imprisonment or both".

24

1 (d) Violation of this section is a misdemeanor
2 punishable by imprisonment of not more than six (6) months,
3 a fine of not more than seven hundred fifty dollars
4 (\$750.00), or both.

5

6 **Section 2.** This act is effective July 1, 2008.

7

8 (END)