



SENATE BILL No. 1329

December 6, 1994, Introduced by Senator HART and referred to the Committee on Judiciary.

A bill to amend Act No. 328 of the Public Acts of 1931, entitled as amended

"The Michigan penal code,"

as amended, being sections 750.1 to 750.568 of the Michigan Compiled Laws, by adding section 377c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 328 of the Public Acts of 1931, as
2 amended, being sections 750.1 to 750.568 of the Michigan Compiled
3 Laws, is amended by adding section 377c to read as follows:

4 SEC. 377C. (1) A PERSON SHALL NOT PLACE GRAFFITI UPON THE
5 PROPERTY OF ANOTHER PERSON. A PERSON WHO VIOLATES THIS SECTION
6 IS GUILTY OF A CRIME AS FOLLOWS:

7 (A) IF THE PLACEMENT OF THAT GRAFFITI DAMAGES THAT PROPERTY
8 AND THAT DAMAGE EXCEEDS \$100.00, OR THE COST OF REMOVING THAT

1 GRAFFITI EXCEEDS \$100.00, THE PERSON IS GUILTY OF A FELONY
2 PUNISHABLE BY 1 OR MORE OF THE FOLLOWING:

3 (i) IMPRISONMENT FOR NOT MORE THAN 4 YEARS.

4 (ii) A FINE OF NOT MORE THAN \$1,500.00.

5 (iii) COMMUNITY SERVICE FOR NOT MORE THAN 500 HOURS.

6 (B) IF THE PLACEMENT OF THAT GRAFFITI DAMAGES THAT PROPERTY
7 AND THAT DAMAGE IS \$100.00 OR LESS AND THE COST OF REMOVING THAT
8 GRAFFITI IS \$100.00 OR LESS, THE PERSON IS GUILTY OF A MISDE-
9 MEANOR PUNISHABLE BY 1 OR MORE OF THE FOLLOWING:

10 (i) IMPRISONMENT FOR NOT MORE THAN 90 DAYS.

11 (ii) A FINE OF NOT MORE THAN \$100.00.

12 (iii) COMMUNITY SERVICE FOR NOT MORE THAN 100 HOURS.

13 (2) THE COURT SHALL ORDER A PERSON CONVICTED UNDER THIS SEC-
14 TION WHO IS FINANCIALLY ABLE TO PAY RESTITUTION FOR THE PROPERTY
15 DAMAGE OR THE COST OF REMOVING THE GRAFFITI TO PAY THAT RESTITU-
16 TION TO THE PROPERTY OWNER. THE ORDER MAY REQUIRE THE PERSON TO
17 PAY THE RESTITUTION IN 1 LUMP SUM OR IN INSTALLMENTS, AS DETER-
18 MINED APPROPRIATE BY THE COURT.

19 (3) THE COURT SHALL ORDER A PERSON CONVICTED UNDER THIS SEC-
20 TION WHO IS FINANCIALLY ABLE TO PAY THE COST INCURRED BY THIS
21 STATE OR A LOCAL UNIT OF GOVERNMENT OF THIS STATE FOR COMMUNITY
22 SERVICE PERFORMED BY THAT PERSON TO PAY THE COST OF THAT COMMU-
23 NITY SERVICE. THE COURT MAY ORDER THE PERSON TO PAY THAT COST IN
24 1 LUMP SUM OR IN INSTALLMENTS, AS DETERMINED APPROPRIATE BY THE
25 COURT.

26 (4) PHOTOGRAPHIC EVIDENCE OF THE GRAFFITI AND EXPERT
27 TESTIMONY REGARDING THE NATURE OR ORIGIN OF THE GRAFFITI ARE

1 ADMISSIBLE AS PROVIDED BY COURT RULE IN A CRIMINAL PROCEEDING
2 UNDER THIS SECTION.

3 (5) AS USED IN THIS SECTION, "GRAFFITI" MEANS THE UNAUTHO-
4 RIZED APPLICATION OF A DRAWING, INSCRIPTION, FIGURE, OR MARK IN
5 PAINT, INK, CHALK, DYE, OR OTHER SUBSTANTIALLY SIMILAR SUBSTANCE.