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SENATE BILL 480

42ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1996

INTRODUCED BY

GLORIA HOWES

AN ACT

RELATING TO CRIMINAL LAW; REQUIRING THE PARENT OF OR LEGAL
GUARDIAN FOR A CHILD WHO COMMITS GRAFFITI TO ASSIST THE CHILD IN
PERFORMING COMMUNITY SERVICE; AMENDING A SECTION OF THE CRIMINAL
CODE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 30-15-1.1 NMSA 1978 (being Laws 1990,
Chapter 36, Section 1, as amended) is amended to read:

"30-15-1.1. UNAUTHORIZED GRAFFITI ON PERSONAL OR REAL
PROPERTY. --

A. Graffiti consists of intentionally and
maliciously defacing any real or personal property of another
with graffiti or other inscribed material inscribed with ink,
paint, spray paint, crayon, charcoal or the use of any object
without the consent or reasonable ground to believe there is

. 109101.2

Underscored material = new
[bracketed material] = delete

1 consent of the owner of the property.

2 B. Whoever commits graffiti to real or personal
3 property when the damage to the property is one thousand dollars
4 (\$1,000) or less is guilty of a petty misdemeanor and shall be
5 required to perform a mandatory one hundred hours of community
6 service within a continuous six-month period immediately
7 following his conviction and shall be required to make
8 restitution to the property owner for the cost of damages and
9 restoration.

10 C. Whoever commits graffiti to real or personal
11 property when the damage to the property is greater than one
12 thousand dollars (\$1,000) is guilty of a fourth degree felony
13 and shall be required to perform a mandatory one hundred sixty
14 hours of community service within a continuous eight-month
15 period immediately following his conviction and shall be
16 required to provide restitution to the property owner for the
17 cost of damages and restoration as a condition of probation or
18 following any term of incarceration as a condition of parole.

19 D. When a single occurrence of graffiti is committed
20 by more than one individual, the court may apportion the amount
21 of restitution owed by each offender in accordance with each
22 offender's degree of culpability.

23 E. When a child less than eighteen years of age
24 commits graffiti and the court orders that child to perform
25 community service pursuant to the provisions of Subsection B or

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1 C of this section, the court shall also order a parent of that
2 child or a legal guardian for that child to assist the child in
3 performing the community service. "

4 Section 2. EFFECTIVE DATE. --The effective date of the
5 provisions of this act is July 1, 1996.

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