

# RESOLUTION OF THE CITY COUNCIL

No. 258

Approved April 17, 1995

RESOLVED, That the City Council endorses and urges passage by the General Assembly of Senate Bill 95-S 0934 and House Bill 95-H 6812 relating to Tax Exempt Property in the City of Providence, in substantially the form attached.

IN CITY COUNCIL  
APR 6 1995  
READ AND PASSED

*Evelyn V. Fargnoli*  
ACTING PRES.

*Michael H. Clement*  
CLERK



PRO2

95-

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

95-S 934

JANUARY SESSION, A.D. 1995

AN ACT

RELATING TO TAX EXEMPT PROPERTY IN THE  
CITY OF PROVIDENCE

95-S 934

Introduced By: Senators Ruggiero  
and Palazzo

Date Introduced: February 16, 1995

Referred To: Senate Committee on  
Corporations

**It is enacted by the General Assembly as follows:**

SECTION 1. Services charges--(a) Notwithstanding the provisions of section 44-3-3 of the general laws or of any other law or legislative charter, the city council of the city of Providence, at its option, may impose a levy in the form of a service charge upon the owners of the following classes of real and personal property within the city of Providence;

(i) the land, buildings and personal property used exclusively as a college or university or other institution of higher education as defined and as certified by the commissioner of post-secondary education;

(ii) the land, buildings and personal property used exclusively as a nonprofit hospital as licensed by the director of health or by the director of mental health, retardation and hospitals; unless the state of Rhode Island reimburses the city for the amount of service charges imposed.

(b) Such service charge shall not exceed the levy that would have otherwise been imposed upon such property had that property been subject to taxation pursuant to title 44 of the general laws.

(c) The city assessor shall calculate the service charge levy on said properties in the following manner:

(i) as of June 30 of each year, the city assessor shall assess the value of land, buildings and personal property owned by each entity subject to a service charge.

(ii) for each such tax exempt entity, the assessor will determine a percentum by the division of the assessed value of land, buildings and personal property owned by the otherwise tax exempted entity into the total assessed value of land, buildings and personal property in the city of Providence.

(iii) the assessor shall then multiply that percentum times the total amount of monies expended by the city of Providence for fire protection, police protection and the maintenance of city roads.

(iv) that amount shall be charged to such entity as a service charge and recorded as such on the tax roll of the city.

(v) such service charge shall be payable and subject to appeal as otherwise set forth in chapters 4, 5, 7, 8 and 9 of title 44 of the general laws as amended.

SECTION 2. Income producing properties.-- Notwithstanding the provision of section 44-3-3 of the general laws or of any other law or legislative charter, the city council of the city of Providence, at its option, may impose a levy and subject to ad valorem taxation, on real or personal property otherwise exempted pursuant to section 44-3-3, if such property is not utilized on a regular basis for non-profit activities, is income producing and its use is not directly related to and necessary for the purposes of the tax exemption provided by state law as determined by the tax assessor, subject to an appeal by the owner of said property to the city council of the city of Providence.

SECTION 3. Tax Exempted Disclosures. -- The owner of any property located in the city of Providence which property is exempt pursuant to section 44-3-3 or pursuant to a special act or legislative charter, shall file, on or before March of each year, with the tax assessor, a disclosure statement indicating the location, use, amount of square footage of land and buildings and the amount and sources of income generated by the property which is exempted. Property exempted shall be certified by the tax assessor. Any owner of tax exempted property in the city of Providence failing to file such disclosure shall be subject to taxation as otherwise provided in chapters 4, 5, 7 and 9 of title 44 of the general laws.

SECTION 4. Public utilities.-- Notwithstanding any other law or legislative charter, any public utility located in the city of Providence, including the Narragansett Bay Water Quality Management District Commission and the Providence Water Supply Board, shall be subject to property taxation as otherwise provided in chapters 4, 5, 7 and 9 of title 44 of the general laws.

SECTION 5. Additions to tax exempted property.-- Ownership of real property acquired after July 1, 1990 by entities subject to the benefits of the provisions of subsections 44-3-3 (1), (4), (8), (9), (10), (13) and (14) and/or special charters or acts in the city of providence shall be subject to taxation as provided in chapters 4, 5, 7 and 9 of title 44 of the general laws unless the council of the city of Providence either by ordinance exempts such additional property or imposes an annual service fee upon said property as provided in Section 1 above.

SECTION 6. Leases of tax exempted property. -- Tax exempted real property leased or rented in the city of Providence shall be taxable to the persons or entities to whom such properties are leased or rented pursuant to the provisions of chapter 5 of title 44 unless said leased or rented property is subject to the payment of an annual service fee or has been exempted by an ordinance of the council of the city of Providence.

SECTION 7. Transfers of tax exempted properties. -- Any purchasers, heir, successor or assigns of any real or personal property otherwise previously exempt from property taxation shall be liable to property taxation pursuant to the provisions of chapter 5 of title 44 from the date of the conveyance to the purchaser

to December 31 of that year on a prorated basis on the basis of the value of said previously exempted property as of December 31 of previous year. Any new non-tax exempt owner of such previously exempted property may appeal such pro rata assessment and levy within thirty (30) days of receipt of a tax bill as otherwise provided in chapter 4 of title 44.

SECTION 8. Repeal. -- To the extent that any corporate charter of a college or hospital, special act or other legislative act is inconsistent or in conflict with this act such portion of such charter or acts are hereby repealed.

SECTION 9. This act shall take effect upon its passage.

**95-S 934**

EXPLANATION  
OF AN  
ACT  
RELATING TO  
TAX EXEMPT PROPERTY IN  
THE CITY OF PROVIDENCE

This Act would allow the City Council of the City of Providence to impose a levy in the form of a service charge upon real and personal property.

This Act shall take effect upon its passage.

PD646

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

95-H 6812

JANUARY SESSION, A.D. 1995

A N A C T

RELATING TO PROPERTY SUBJECT TO TAXATION

95-H 6812

Introduced By: Reps. Giannini, Slater,  
Wasylyk, Lima and Smith

Date Introduced: March 21, 1995

Referred To: Committee on Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 44-3 of the General Laws entitled "Property  
2 Subject to Taxation" is hereby amended by adding thereto the following  
3 section:

4 44-3-40. Service charge on real and personal property -- City of  
5 Providence. -- (1) Services -- Charges. -- (a) Notwithstanding the  
6 provisions of section 44-3-3 of the general laws or of any other law  
7 or legislative charter, the city council of the city of Providence, at  
8 its option, may impose a levy in the form of a service charge upon the  
9 owners of the following classes of real and personal property within  
10 the city of Providence:

11 (i) the land, buildings, and personal property used exclusively  
12 as a college or university or other institution of higher education as  
13 defined and as certified by the commissioner of post-secondary educa-  
14 tion;

15 (ii) the land, buildings and personal property used exclusively  
16 as a nonprofit hospital as licensed by the director of health or by  
17 the director of mental health, retardation and hospitals; unless the

1 state of Rhode Island reimburses the city for the amount of service  
2 charges imposed;

3 (b) Such service charge shall not exceed the levy that would have  
4 otherwise been imposed upon such property had that property been sub-  
5 ject to taxation pursuant to title 44 of the general laws;

6 (c) The city assessor shall calculate the service charge levy on  
7 said properties in the following manner:

8 (i) as of June 30 of each year, the city assessor shall assess  
9 the value of land, buildings and personal property owned by each  
10 entity subject to a service charge;

11 (ii) for each such tax exempt entity, the assessor will determine  
12 a percentum by the division of the assessed value of land, buildings  
13 and personal property owned by the otherwise tax exempted entity into  
14 the total assessed value of land, buildings and personal property in  
15 the city of Providence;

16 (iii) the assessor shall then multiply that percentum times the  
17 total amount of monies expended by the city of Providence for fire  
18 protection, police protection and the maintenance of city roads;

19 (iv) that amount shall be charged to such entity as a service  
20 charge and recorded as such on the tax roll of the city;

21 (v) such service charge shall be payable and subject to appeal as  
22 otherwise set forth in chapters 4, 5, 7, 8 and 9 of title 44 of the  
23 general laws as amended.

24 (2) Income producing properties. -- Notwithstanding the provision  
25 of section 44-3-3 of the general laws or of any other law or legis-  
26 lative charter, the city council of the city of Providence at its  
27 option, may impose a levy and subject to ad valorem taxation on real  
28 or personal property otherwise exempted pursuant to section 44-3-3, if  
29 such property is not realized on a regular basis for nonprofit activi-  
30 ties, is income producing and its use is not directly related to and  
31 necessary for the purposes of the tax exemption provided by state law  
32 as determined by the tax assessor, subject to an appeal by the owner  
33 of said property to the city council of the city of Providence.

1           (3) Tax exempted disclosures. -- The owner of any property locat-  
2 ed in the city of Providence which property is exempt pursuant to  
3 section 41-3-3 or pursuant to a special act or legislative charter,  
4 shall file, on or before March of each year, with the tax assessor, a  
5 disclosure statement indicating the location, use, amount of square  
6 footage of land and buildings and the amount and sources of income  
7 generated by the property which is exempted. Property exempted shall  
8 be certified by the tax assessor. Any owner of tax exempted property  
9 in the city of Providence failing to file such disclosure shall be  
10 subject to taxation as otherwise provided in chapters 4, 5, 7 and 9 of  
11 title 44 of the general laws.

12           (4) Public utilities. -- Notwithstanding any other law or legis-  
13 lative charter, any public utility located in the city of Providence,  
14 including the Narragansett Bay Water Quality Management District Com-  
15 mission and the Providence Water Supply Board, shall be subject to  
16 property taxation as otherwise provided in chapters 4, 5, 7 and 9 of  
17 title 44 of the general laws.

18           (5) Additions to tax exempted property. -- Ownership of real  
19 property acquired after July 1, 1990 by entities subject to the bene-  
20 fits of the provisions of subsections 44-3-3(1), (4), (8), (9), (10),  
21 (13) and (14) and/or special charters or acts in the city of Provi-  
22 dence shall be subject to taxation as provided in chapters 4, 5, 7 and  
23 9 of title 44 of the general laws unless the council of the city of  
24 Providence either by ordinance exempts such additional property or  
25 imposes an annual service fee upon said property as provided in  
26 section (1) above.

27           (6) Leases of tax exempted property. -- Tax exempted real prop-  
28 erty leased or rented in the city of Providence shall be taxable to  
29 the persons or entities to whom such properties are leased or rented  
30 pursuant to the provisions of chapter 5 of title 44 unless said leased  
31 or rented property is subject to the payment of an annual service fee  
32 or has been exempted by an ordinance of the council of the city of  
33 Providence.

# 95-H 6812

1           (7) Transfers of tax exempted properties. -- Any purchasers,  
2 heir, successor or assigns of any real or personal property otherwise  
3 previously exempt from property taxation shall be liable to property  
4 taxation pursuant to the provisions of chapter 5 of title 44 from the  
5 date of the conveyance to the purchaser to December 31 of that year on  
6 a prorated basis on the basis of the value of said previously exempted  
7 property as of December 31 of previous year. Any new non-tax exempt  
8 owner of such previously exempted property may appeal such pro rata  
9 assessment and levy within thirty (30) days of receipt of a tax bill  
10 as otherwise provided in chapter 4 of title 44.  
11           SECTION 2. This act shall take effect upon passage.

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PD646  
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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
AN ACT  
RELATING TO PROPERTY SUBJECT TO TAXATION

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1           This act would allow the City Council of the City of Provi-  
2           dence to impose a levy in the form of a service charge upon real  
3           and personal property.  
4           This act would take effect upon passage.

# RESOLUTION OF THE CITY COUNCIL

No. 259

Approved April 17, 1995

RESOLVED, that the City Council endorses and urges passage by the General Assembly of Senate Bill 95-S 0930 and House Bill 95-H6050 Relating to Graffiti Vandalism, in substantially the form attached.

IN CITY COUNCIL  
APR 6 1995  
READ AND PASSED  
*Evelyn V. Fargnoli*  
ACTING PRES.  
*Michael L. Clement*  
CLERK

APPROVED  
APR 17 1995  
*Vincent A. Cianci*  
MAYOR

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ES450  
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S T A T E   O F   R H O D E   I S L A N D

95-H 6050

I N   G E N E R A L   A S S E M B L Y

J A N U A R Y   S E S S I O N ,   A . D .   1 9 9 5

A N   A C T

R E L A T I N G   T O   C R I M I N A L   O F F E N S E S   --  
T R E S P A S S   A N D   V A N D A L I S M

95-H 6050

Introduced By: Reps. Carpenter, Slater,  
Cicilline, McCauley, Giannini

Date Introduced: February 14, 1995

Referred To: Committee on Judiciary

It is enacted by the General Assembly as follows:

1           SECTION 1. Chapter 11-44 of the General Laws entitled "Trespass  
2 and Vandalism" is hereby amended by adding thereto the following  
3 section:

4           11-44-1.1. Graffiti. -- For the purposes of this section, the  
5 term "graffiti" shall mean the etching, painting, covering, drawing  
6 upon or otherwise placing a mark upon public or private property with  
7 intent to do damage to such property.

8           No person shall make graffiti of any type on or in any building,  
9 public or private, or any other property real or personal owned by any  
10 person, firm, or corporation or any public agency, or to instrumental-  
11 ity or public transportation as defined in section 11-44-12.1, without  
12 the express written permission of the owner or operator of said prop-  
13 erty.

14           11-44-1.2. Possession of graffiti instruments. -- A person is  
15 guilty of possession of graffiti instruments when he possesses any  
16 tool, instrument, article, substance, solution or other compound  
17 designed or commonly used to etch, paint, cover, draw upon, or other-

1 wise mark upon a piece of property which that person has no permission  
2 or authority to etch, paint, cover, draw upon or otherwise mark, under  
3 circumstances evincing an intent to use same in order to damage such  
4 property.

5 11-44-1.3. Graffiti -- Public or private property -- Facilities  
6 or vehicles of governmental entity -- Fine -- Community service --  
7 Mandatory jail sentences. -- (a) Any person who writes, sprays, or  
8 otherwise affixes graffiti as defined in section 11-44-1.1 shall be  
9 fined not less than two hundred dollars (\$200) nor more than five hun-  
10 dred dollars (\$500) and shall be required to perform a minimum of  
11 fifty (50) hours of community service up to a maximum of one hundred  
12 (100) hours of community service over a period not to exceed ninety  
13 (90) days, during a time other than his or her hours of school attend-  
14 ance or employment.

15 (b) If a person has been previously convicted under subsection  
16 (a) or has a prior conviction under section 11-44-1, 11-44-2,  
17 11-44-12.1, 11-44-21 or 11-44-31 than any such person who writes,  
18 sprays or otherwise affixes graffiti as defined in section 11-44-1.1  
19 shall be punished by a fine not less than five hundred dollars (\$500)  
20 nor more than one thousand dollars (\$1,000), or by imprisonment for a  
21 term not to exceed six (6) months, or both. As a condition of proba-  
22 tion, the court shall order the defendant to perform a minimum of one  
23 hundred (100) hours of community service up to a maximum of two hun-  
24 dred (200) hours of community service over a period not to exceed one  
25 hundred eighty (180) days during a time other than his or her hours of  
26 school attendance or employment.

27 (c) Every person who, having been convicted previously under sub-  
28 section (a) or sections 11-44-1, 11-44-2, 11-44-12.1, 11-44-21 or  
29 11-44-31, or any combination of these offenses, on two separate occa-  
30 sions, and having been incarcerated pursuant to a sentence, a condi-  
31 tional sentence, or a grant of probation, for at least one (1) of the  
32 convictions, is subsequently convicted under this section, shall be  
33 punished by a fine of not less than one-thousand dollars (\$1,000), and

1 by imprisonment for a term of up to one (1) year. As a condition of  
2 probation, the court shall order the defendant to perform community  
3 service for not less than three hundred (300) hours over a period not  
4 to exceed two hundred forty (240) days during a time other than his or  
5 her hours of school attendance or employment.

6 (1) Any such person as defined in section 11-44-1.3(c), shall be  
7 imprisoned for a minimum term of ten (10) days.

8 (d) Upon conviction of any person under subsection (a), (b), or  
9 (c) the court, at the victim's option, may order the defendant to per-  
10 form the necessary labor to clean up, repair, or replace the property  
11 damaged by that person, and shall order the related costs incurred by  
12 the clean up, repair, or replacement deducted from the amount of the  
13 fine imposed, not to exceed the total amount of the fine.

14 (e) No fines, and/or community service imposed under sections  
15 11-44-1.1(a), (b) and/or (c) can be suspended.

16 11-44-1.4. Violations of 11-44-1, 11-44-1.1, 11-44-1.2, or  
17 11-44-1.3 on or within one hundred (100) feet of a highway or its  
18 appurtenances -- Fines -- Community Service. -- (a) Any person who  
19 violates sections 11-44-1, 11-44-1.1, 11-44-1.2, or 11-44-1.3 on or  
20 within one hundred (100) feet of a highway, or its appurtenances,  
21 including, but not limited to, retaining walls, abutments, guardrails,  
22 signs, traffic signals, and similar facilities shall be punished by  
23 imprisonment for a term not to exceed six (6) months, or by a fine of  
24 not less than five hundred dollars (\$500) nor more than one thousand  
25 dollars (\$1,000), or both.

26 (b) As a condition of probation the court shall order the defen-  
27 dant to perform community service not less than forty eight (48) hours  
28 over a period not to exceed ninety (90) days during a time other than  
29 his or her hours of school attendance or employment. If the person  
30 has been previously convicted of this offense or any of the offenses  
31 enumerated in section 11-44-1.3(b), the court shall, in addition,  
32 order the defendant to perform community service not less than one  
33 hundred (100) hours over a period not to exceed one hundred eighty

1     (180) days.

2             (c) For a third offense, or any combination of the offenses  
3 listed in subsection 11-44-1.3(b), the court, in addition, shall order  
4 the defendant to perform not less than three hundred (300) hours of  
5 community service over a period not to exceed two hundred forty (240)  
6 days.

7             (1) Any such person as defined in section 11-44-1.4(b) shall be  
8 imprisoned for a minimum term of ten (10) days.

9             (2) Any such person as defined in section 11-44-1.4(c) shall be  
10 imprisoned for a minimum term of thirty (30) days.

11            (d) No fines and/or community service imposed under sections  
12 11-44-1.4 (a), (b), and/or (c) can be suspended.

13            11-44-1.5. Penalties for minors. -- (a) Any minor who writes,  
14 sprays, or otherwise affixes graffiti as defined in sections 11-44-1.1  
15 or 11-44-1.3 or who possesses graffiti instruments as defined in  
16 section 11-44-1.2 shall, upon the first offense, be fined not less  
17 than fifty dollars (\$50.00), nor more than one hundred dollars (\$100),  
18 and be required to perform a minimum of fifty (50) hours of community  
19 service up to a maximum of one hundred (100) hours of community ser-  
20 vice over a period not to exceed one hundred eighty (180) days, during  
21 a time other than his or her hours of school attendance.

22            (b) If the minor has been previously convicted under subsection  
23 (a) or has a prior conviction under section 11-44-1, 11-44-2,  
24 11-44-12.1, 11-44-21 or 11-44-31, then any such minor who writes,  
25 sprays or otherwise affixes graffiti as defined in section 11-44-1.1  
26 shall be punished by a fine of one hundred dollars (\$100), or be con-  
27 fined for a term not to exceed three (3) months, or both. As a condi-  
28 tion of probation, the court shall order the minor to perform a mini-  
29 mum of one hundred (100) hours of community service up to a maximum of  
30 two hundred (200) hours of community service over a period not to  
31 exceed two hundred forty (240) days during a time other than his or  
32 her hours of school attendance.

33            (c) Every minor who, having been convicted previously under sub-

1 section (a), or sections 11-44-1, its subsections, 11-44-2,  
2 11-44-12.1, 11-44-21, or 11-44-31, or any combination of these  
3 offenses, on two separate occasions, and having been confined pursuant  
4 to a sentence, a conditional sentence, or a grant of probation for at  
5 least one (1) of the convictions, and is subsequently convicted under  
6 this section, shall be punished by confinement at the training school  
7 for a term of up to six (6) months. As a condition of probation, the  
8 court shall order the minor to perform not less than three hundred  
9 (300) hours of community service over a period not to exceed one (1)  
10 year during a time other than his or her hours of school attendance.

11 (1) Any such person as defined in section 11-44-1.5(c) shall  
12 serve a minimum term of ten (10) days confinement at the training  
13 school.

14 (d) If the minor is personally unable to pay any fine imposed  
15 under section 11-44-1.5(a) - (c) the parent or legal guardian of the  
16 minor shall be liable for payment of the fine.

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

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ES450  
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# 95-H 6050

EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

AN ACT

RELATING TO CRIMINAL OFFENSES --  
TRESPASS AND VANDALISM

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- 1        This act relates specific sanctions for individuals charged
- 2 with graffiti-related offenses.
- 3        This act would take effect upon passage.

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ES450  
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PROID

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 1995

95-S 930

AN ACT

RELATING TO GRAFFITI VANDALISM

95-S 930

Introduced By: Senators Palazzo, Caprio, Goodwin, Walton, Roney, et. al.  
Date Introduced: February 16, 1995

Referred To: Senate Committee on Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 11-44-1.1 of the General Laws in Chapter 11-44  
2 entitled "Trespass and Vandalism" is hereby amended to read as follows:  
3 11-44-1.1. Making Graffiti -- For the purposes of this section, the term  
4 "graffiti" shall mean the etching, painting, covering, drawing upon or otherwise  
5 placing a mark upon public or private property with intent to do damage to such  
6 property.  
7 No person shall make graffiti of any type on or in any building, public or  
8 private, or any other property real or personal owned by any person, firm, or  
9 corporation or any public agency, or to instrumentality or public transportation as  
10 defined in section 11-44-12.1, without the express written permission of the owner  
11 or operator of said property.  
12 11-44-1.2 Possession of graffiti instruments-- A person is guilty of  
13 possession of graffiti instruments when he possesses any tool, instrument, article,  
14 substance, solution or other compound designed or commonly used to etch, paint,  
15 cover, draw upon, or otherwise mark upon a piece of property which that person  
16 has no permission or authority to etch, paint, cover, draw upon or otherwise mark,  
17 under circumstances evincing an intent to use same in order to damage such  
18 property.  
19 11-44-1.3 Graffiti -- Public or private property --Facilities or vehicles of  
20 governmental entity--fine--community service--mandatory jail sentences. -- (a)  
21 Any person who writes, sprays, or otherwise affixes graffiti as defined in section  
22 11-44-1.1 shall be fined not less than two hundred dollars (\$200) nor more than  
23 five hundred dollars (\$500) and shall be required to perform a minimum of 50  
24 hours of community service up to a maximum of 100 hours of community service  
25 over a period not to exceed 90 days, during a time other than his or her hours of  
26 school attendance or employment.  
27 (b) If a person has been previously convicted under subsection (a) or has a  
28 prior conviction under section 11-44-1, 11-44-2, 11-44-12.1, 11-44-21 or 11-44-  
29 31, than any such person who writes, sprays or otherwise affixes graffiti as defined  
30 in 11-44-1.1 shall be punished by a fine not less than five-hundred (\$500) nor  
31 more than one-thousand (\$1000), or by imprisonment for a term not to exceed six

1 (6) months, or both. As a condition of probation, the court shall order the  
2 defendant to perform a minimum of 100 hours of community service up to a  
3 maximum of 200 hours of community service over a period not to exceed 180 days  
4 during a time other than his or her hours of school attendance or employment.

5 (c) Every person who, having been convicted previously under subsection  
6 (a) or sections 11-44-1, 11-44-2, 11-44-12.1, 11-44-21 or 11-44-31, or any  
7 combination of these offenses, on two separate occasions, and having been  
8 incarcerated pursuant to a sentence, a conditional sentence, or a grant of probation,  
9 for at least one of the convictions, is subsequently convicted under this section,  
10 shall be punished by a fine of not less than one-thousand (\$1,000) dollars, and by  
11 imprisonment for a term of up to one (1) year. As a condition of probation, the  
12 court shall order the defendant to perform community service for not less than 300  
13 hours over a period not to exceed 240 days during a time other than his or her  
14 hours of school attendance or employment.

15 (c)(1) Any such person as defined in 11-44-1.3(c), shall be imprisoned for  
16 a minimum term of ten (10) days.

17 (d) Upon conviction of any person under subsection (a), (b), or (c) the  
18 court, at the victim's option, may order the defendant to perform the necessary  
19 labor to clean up, repair, or replace the property damaged by that person, and shall  
20 order the related costs incurred by the clean up, repair, or replacement deducted  
21 from the amount of the fine imposed, not to exceed the total amount of the fine.

22 (e) No fines, and/or community service imposed under Sections 11-44-1.1  
23 (a), (b) and/or (c) can be suspended.

24 11-44-1.4 Violations of 11-44-1, 11-44-1.1, 11-44-1.2, or 11-44-1.3 on or  
25 within 100 feet of a highway or its appurtenances--fines--community service.

26 (a) Any person who violates sections 11-44-1, 11-44-1.1, 11-44-1.2, or 11-  
27 44-1.3 on or within 100 feet of a highway, or its appurtenances, including, but not  
28 limited to, retaining walls, abutments, guardrails, signs, traffic signals, and similar  
29 facilities shall be punished by imprisonment for a term not to exceed six months,  
30 or by a fine of not less than five hundred dollars (\$500) nor more than one  
31 thousand dollars (\$1,000), or both.

32 (b) As a condition of probation the court shall order the defendant to  
33 perform community service not less than 48 hours over a period not to exceed 90  
34 days during a time other than his or her hours of school attendance or employment.  
35 If the person has been previously convicted of this offense or any of the offenses  
36 enumerated in 11-44-1.3(b), the court shall, in addition, order the defendant to  
37 perform community service not less than 100 hours over a period not to exceed  
38 180 days.

39 (c) If the person has been twice previously convicted of this offense, or any  
40 combination of the offenses listed in subsection 11-44-1.3(b), the court, in  
41 addition, shall order the defendant to perform not less than 300 hours of  
42 community service over a period not to exceed 240 days.

43 (c)(1) Any such person as defined in 11-44-1.4 (b) shall be imprisoned for a  
44 minimum term of ten (10) days.

45 (c)(2) Any such person as defined in 11-44-1.4(c) shall be imprisoned for a  
46 minimum term of thirty (30) days.

47 (d) no fines and/or community service imposed under sections 11-44-1.4  
48 (a), (b), and/or (c) can be suspended.

49 11-44-1.5. Penalties for Minors.

50 (a) Any minor who writes, sprays, or otherwise affixes graffiti as defined  
51 in sections 11-44-1.1 or 11-44-1.3 or who possesses graffiti instruments as defined  
52 in section 11-44-1.2 shall, upon the first offense, be fined not less than fifty dollars  
53 (\$50), nor more than one hundred dollars (\$100), and be required to perform a  
54 minimum of 50 hours of community service up to a maximum of 100 hours of  
55 community service over a period not to exceed 180 days, during a time other than  
56 his or her hours of school attendance.

1 (b) If the minor has been previously convicted under subsection (a) or has a  
2 prior conviction under section 11-44-1, 11-44-2, 11-44-12.1, 11-44-21 or 11-44-31  
3 , then any such minor who writes, sprays or otherwise affixes graffiti as defined in  
4 11-44-1.1 shall be punished by a fine of one hundred dollars (\$100), or by  
5 confined for a term not to exceed three months, or both. As a condition of  
6 probation, the court shall order the minor to perform a minimum of 100 hours of  
7 community service up to a maximum of 200 hours of community service over a  
8 period not to exceed 240 days during a time other than his or her hours of school  
9 attendance.

10 (c) Every minor who, having been convicted previously under subsection  
11 (a), or sections 11-44-1, its subsections, 11-44-2, 11-44-12.1,  
12 11-44-21, or 11-44-31, or any combination of these offenses, on two separate  
13 occasions, and having been confined pursuant to a sentence, a conditional  
14 sentence, or a grant of probation for at least one of the convictions, and is  
15 subsequently convicted under this section, shall be punished by confinement at the  
16 training school for a term of up to six (6) months. As a condition of probation, the  
17 court shall order the minor to perform not less than 300 hours of community  
18 service over a period not to exceed one year during a time other than his or her  
19 hours of school attendance.

20 (c)(1) Any such person as defined in 11-44-1.5(c) shall serve a minimum  
21 term of ten (10) days confinement at the training school.

22 (d) If the minor is personally unable to pay any fine imposed under 11-44-  
23 1.5(a) - (c) the parent or legal guardian of the minor shall be liable for payment of  
24 the fine.

EXPLANATION  
OF AN ACT  
RELATING TO  
GRAFFITI VANDALISM

95-S 930

\* \* \*

- 1           This Act would establish fines and penalties for adults and minors who
- 2 engage in acts of graffiti vandalism.
- 3           This Act shall take effect upon its passage.