



HOUSE BILL 552: Graffiti Vandalism

2015-2016 General Assembly

Committee:
Introduced by:
Analysis of: S.L. 2015-72

Date:
Prepared by: Susan Sitze
Staff Attorney

SUMMARY: S.L. 2015-72 creates the criminal offense of graffiti vandalism for anyone who unlawfully writes, scribbles on, marks, paints, defaces, or besmears the walls of any real property, any public building or facility, or any statue or monument situated in a public place. The offense is a Class 1 misdemeanor with a mandatory fine of \$500, but may be elevated to a Class H felony under certain circumstances.

This act became effective December 1, 2015, and applies to offenses committed on or after that date.

CURRENT LAW: G.S. 14-132 provides for a Class 2 misdemeanor for anyone to "unlawfully write or scribble on, mark, deface, besmear, or injure the walls of any public building or facility, or any statue or monument situated in any public place."

BILL ANALYSIS: This act creates the criminal offense of "graffiti vandalism" for anyone who unlawfully writes, scribbles on, marks, paints, defaces, or besmears the walls of any real property, any public building or facility, or any statue or monument situated in a public place, by any type of pen, paint, or marker.

Except as otherwise provided, the offense is a Class 1 misdemeanor with a mandatory fine of \$500. Punishment as a misdemeanor also requires 24 hours of community service if the person receives a community or intermediate sentence.

The offense is a Class H felony if any of the following apply:

- The person has two or more prior convictions for violation of this section.
- The person commits five or more violations of this section within a 60-day period.

EFFECTIVE DATE: This act became effective December 1, 2015, and applies to offenses committed on or after that date.

BACKGROUND:

§ 14-132. Disorderly conduct in and injuries to public buildings and facilities.

...

(c) The term "public building or facility" as used in this section includes any building or facility which is:

- (1) One to which the public or a portion of the public has access and is owned or controlled by the State, any subdivision of the State, any other public agency, or any private institution or agency of a charitable, educational, or eleemosynary nature; or

O. Walker Reagan
Director



Research Division
(919) 733-2578

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- (2) Dedicated to the use of the general public for a purpose which is primarily concerned with public recreation, cultural activities, and other events of a public nature or character.
- (3) Designated by the Director of the State Bureau of Investigation in accordance with G.S. 143B-987.

The term "building or facility" as used in this section also includes the surrounding grounds and premises of any building or facility used in connection with the operation or functioning of such building or facility.