

Assembly Bill No. 392

CHAPTER 38

An act to amend Section 594 of the Penal Code, relating to vandalism.

[Approved by Governor June 30, 1995. Filed with
Secretary of State June 30, 1995.]

LEGISLATIVE COUNSEL'S DIGEST

AB 392, Gallegos. Vandalism: personal property.

Under existing law, every person who maliciously defaces with graffiti or other inscribed material real property belonging to any public entity or the federal government is subject to a permissive inference that he or she neither owned the property nor had the permission of the owner to deface the property.

This bill would make this inference applicable to every person who maliciously defaces with graffiti or other inscribed material, damages, or destroys real property, vehicles, signs, fixtures, or furnishings belonging to any public entity or the federal government.

The people of the State of California do enact as follows:

SECTION 1. Section 594 of the Penal Code is amended to read:

594. (a) Every person who maliciously commits any of the following acts with respect to any real or personal property not his or her own, in cases other than those specified by state law, is guilty of vandalism:

- (1) Defaces with graffiti or other inscribed material.
- (2) Damages.
- (3) Destroys.

Whenever a person violates this subdivision with respect to real property, vehicles, signs, fixtures, or furnishings belonging to any public entity, as defined by Section 811.2 of the Government Code, or the federal government, it shall be a permissive inference that the person neither owned the property nor had the permission of the owner to deface, damage, or destroy the property.

(b) (1) If the amount of defacement, damage, or destruction is fifty thousand dollars (\$50,000) or more, vandalism is punishable by imprisonment in the state prison or in a county jail not exceeding one year, or by a fine of not more than fifty thousand dollars (\$50,000), or by both that fine and imprisonment.

(2) If the amount of defacement, damage, or destruction is five thousand dollars (\$5,000) or more but less than fifty thousand dollars (\$50,000), vandalism is punishable by imprisonment in the state

prison, or in a county jail not exceeding one year, or by a fine of not more than ten thousand dollars (\$10,000), or by both that fine and imprisonment.

(3) If the amount of defacement, damage, or destruction is four hundred dollars (\$400) or more but less than five thousand dollars (\$5,000), vandalism is punishable by imprisonment in a county jail not exceeding one year, or by a fine of five thousand dollars (\$5,000), or by both that fine and imprisonment.

(4) If the amount of defacement, damage, or destruction is less than four hundred dollars (\$400), vandalism is punishable by imprisonment in a county jail for not more than six months, or by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment.

(c) Upon conviction of any person under this section for acts of vandalism consisting of defacing property with graffiti or other inscribed materials, the court may, in addition to any punishment imposed under subdivision (b), at the victim's option, order the defendant to clean up, repair, or replace the damaged property himself or herself, or to pay for someone else to do so.

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

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

