

AMENDED IN ASSEMBLY JANUARY 28, 1998

AMENDED IN ASSEMBLY JANUARY 6, 1998

AMENDED IN ASSEMBLY APRIL 7, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 1386

Introduced by Assembly Member Goldsmith

February 28, 1997

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1386, as amended, Goldsmith. ~~Crimes~~ *Punishment:* vandalism.

Existing law provides punishment for vandalism based upon the amount of the damage caused by acts of vandalism. If the damage is less than \$400, the punishment is not more than 6 months imprisonment in a county jail, or a fine of not more than \$1,000, or both; if the damage is \$400 or more but less than \$5,000, the punishment is imprisonment of not more than one year in a county jail, or by a fine of \$5,000, or both; if the damage is \$5,000 or more but less than \$50,000, punishment is imprisonment in the state prison or in a county jail not exceeding one year, or by a fine of not more than \$10,000, or both.

This bill would instead provide that if the damage is less than \$400, punishment is imprisonment in a county jail not exceeding one year, or by a fine of not more than \$1,000, or

~~both, or if the damage is \$400 or more, punishment is imprisonment in the state prison or in a county jail not exceeding one year, or by a fine of not more than \$10,000, or if the damage is \$10,000 or more, by a fine of not more than \$50,000, or by both that fine and imprisonment. By increasing the punishment for a crime, this bill would impose a state-mandated local program.~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

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

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

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

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

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

18 (b) (1) If the amount of defacement, damage, or
19 destruction is four hundred dollars (\$400) or more,
20 vandalism is punishable by imprisonment in the state
21 prison or in a county jail not exceeding one year, or by a
22 fine of not more than ten thousand dollars (\$10,000), or



1 if the amount of defacement, damage, or destruction is
2 ten thousand dollars (\$10,000) or more, by a fine of not
3 more than fifty thousand dollars (\$50,000), or by both that
4 fine and imprisonment.

5 (2) If the amount of defacement, damage, or
6 destruction is less than four hundred dollars (\$400),
7 vandalism is punishable by imprisonment in a county jail
8 ~~not exceeding one year, or for not more than six months,~~
9 or by a fine of not more than one thousand dollars
10 (\$1,000), or by both that fine and imprisonment.

11 (c) Upon conviction of any person under this section
12 for acts of vandalism consisting of defacing property with
13 graffiti or other inscribed materials, the court may, in
14 addition to any punishment imposed under subdivision
15 (b), order the defendant to clean up, repair, or replace
16 the damaged property himself or herself, or, if the
17 jurisdiction has adopted a graffiti abatement program,
18 order the defendant, and his or her parents or guardians
19 if the defendant is a minor, to keep the damaged property
20 or another specified property in the community free of
21 graffiti for up to one year. Participation of a parent or
22 guardian is not required under this subdivision if the
23 court deems this participation to be detrimental to the
24 defendant, or if the parent or guardian is a single parent
25 who must care for young children.

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

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

36 (f) As used in this section, “graffiti abatement
37 program” means a program adopted by a city, county, or
38 city and county by resolution or ordinance that provides
39 for the administration and financing of graffiti removal,



1 community education on the prevention of graffiti, and
2 enforcement of graffiti laws.

3 (g) The court may order any person ordered to
4 perform community service or graffiti removal pursuant
5 to subdivision (c) to undergo counseling.

6 SEC. 2. No reimbursement is required by this act
7 pursuant to Section 6 of Article XIII B of the California
8 Constitution because the only costs that may be incurred
9 by a local agency or school district will be incurred
10 because this act creates a new crime or infraction,
11 eliminates a crime or infraction, or changes the penalty
12 for a crime or infraction, within the meaning of Section
13 17556 of the Government Code, or changes the definition
14 of a crime within the meaning of Section 6 of Article
15 XIII B of the California Constitution.

16 Notwithstanding Section 17580 of the Government
17 Code, unless otherwise specified, the provisions of this act
18 shall become operative on the same date that the act
19 takes effect pursuant to the California Constitution.

