

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 420

BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

AN ACT

1 RELATING TO INJURY BY GRAFFITI; AMENDING SECTION 18-7036, IDAHO CODE, TO  
2 PROVIDE FELONY PENALTIES FOR CERTAIN ACTIONS OF INJURY BY GRAFFITI AND  
3 TO MAKE A TECHNICAL CORRECTION.  
4

5 Be It Enacted by the Legislature of the State of Idaho:

6 SECTION 1. That Section 18-7036, Idaho Code, be, and the same is hereby  
7 amended to read as follows:

8 18-7036. INJURY BY GRAFFITI. No person shall purposely or knowingly  
9 vandalize, deface or otherwise damage the property of another by painting,  
10 writing, drawing, or otherwise inscribing thereon in any fashion that which  
11 is commonly known as graffiti. Graffiti includes any form of painting,  
12 writing, or inscription regardless of the content or the nature of the  
13 materials used ~~which~~ that is applied to any public or private surface without  
14 the consent of the owner of the property. Every person who is convicted of a  
15 violation of the provisions of this section is guilty of a misdemeanor and  
16 shall be punished by imprisonment in the county jail for up to one (1) year or  
17 a fine of not more than one thousand dollars (\$1,000) or by both such fine and  
18 imprisonment, unless:

19 (1) The damages caused by a violation of the provisions of this section  
20 exceed one thousand dollars (\$1,000) in value; or

21 (2) Any series of individual violations of the provisions of this  
22 section are part of a common scheme or plan and are aggregated in one (1)  
23 count and the damages from such violations when considered together exceed  
24 one thousand dollars (\$1,000) in value.

25 (3) Any person who pleads guilty to or is found guilty of the provisions  
26 of this section who previously has been found guilty or has pled guilty to two  
27 (2) or more violations of the provisions of this section within a period of  
28 five (5) years shall be guilty of a felony.

29 (4) Any person who is found guilty of the provisions of subsection (1),  
30 (2) or (3) of this section is guilty of a felony, punishable by a fine of at  
31 least one thousand dollars (\$1,000), but not exceeding five thousand dollars  
32 (\$5,000) and imprisonment in the state prison for not less than one (1) year  
33 nor more than five (5) years or both such fine and imprisonment.