

First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 11-0185.01 Richard Sweetman

HOUSE BILL 11-1061

HOUSE SPONSORSHIP

Ferrandino and Kerr J.,

SENATE SPONSORSHIP

(None),

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING GRAFFITI.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill allows an offender to be charged with defacing property based upon the aggregate cost of the damage that he or she causes over multiple criminal episodes.

The department of transportation is authorized to enter into a memorandum of understanding with a city, county, city and county, or other municipality to allow the city, county, city and county, or other municipality to remove graffiti from a departmental facility at the expense

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

of the city, county, city and county, or other municipality.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** 18-4-509 (2) (a), Colorado Revised Statutes, is
3 amended to read:

4 **18-4-509. Defacing property - definitions.** (2) (a) (I) Defacing
5 property is a class 2 misdemeanor; except that:

6 (A) A second ~~or subsequent~~ conviction for the offense of defacing
7 property is a class 1 misdemeanor and the court shall impose a mandatory
8 minimum fine of seven hundred fifty dollars upon conviction; AND

9 (B) WHEN A PERSON VIOLATES PARAGRAPH (b) OF SUBSECTION (1)
10 OF THIS SECTION TWICE OR MORE WITHIN A PERIOD OF EIGHTEEN MONTHS,
11 THE DAMAGES CAUSED BY TWO OR MORE OF THE VIOLATIONS MAY BE
12 AGGREGATED AND CHARGED IN A SINGLE COUNT, IN WHICH EVENT THE
13 VIOLATIONS SO AGGREGATED AND CHARGED SHALL CONSTITUTE A SINGLE
14 OFFENSE, AND, IF THE AGGREGATE DAMAGES ARE FIVE HUNDRED DOLLARS
15 OR MORE BUT LESS THAN ONE THOUSAND DOLLARS, IT IS A CLASS 1
16 MISDEMEANOR.

17 (II) WHEN A PERSON VIOLATES PARAGRAPH (b) OF SUBSECTION (1)
18 OF THIS SECTION TWICE OR MORE WITHIN A PERIOD OF THREE YEARS, THE
19 DAMAGES CAUSED BY TWO OR MORE OF THE VIOLATIONS MAY BE
20 AGGREGATED AND CHARGED IN A SINGLE COUNT, IN WHICH EVENT THE
21 VIOLATIONS SO AGGREGATED AND CHARGED SHALL CONSTITUTE A SINGLE
22 OFFENSE, AND, IF THE AGGREGATE DAMAGES ARE ONE THOUSAND
23 DOLLARS OR MORE BUT LESS THAN TWENTY THOUSAND DOLLARS, IT IS A
24 CLASS 4 FELONY, AND IF THE AGGREGATE DAMAGES ARE MORE THAN
25 TWENTY THOUSAND DOLLARS, IT IS A CLASS 3 FELONY.

1 (III) Fifty percent of the fines collected pursuant to this paragraph
2 (a) shall be credited to the highway users tax fund, created in section
3 43-4-201, C.R.S., and allocated and expended as specified in section
4 43-4-205 (5.5) (a), C.R.S., and fifty percent of the fines collected
5 pursuant to this paragraph (a) shall be credited to the juvenile diversion
6 cash fund created in section 19-2-303.5, C.R.S.; except that the fines
7 collected pursuant to paragraph (c) of subsection (1) of this section shall
8 be credited to the Colorado travel and tourism promotion fund created in
9 section 24-49.7-106, C.R.S.

10 **SECTION 2.** Part 1 of article 1 of title 43, Colorado Revised
11 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
12 read:

13 **43-1-121. Removal of graffiti from departmental facilities -**
14 **memorandums of understanding.** (1) THE DEPARTMENT MAY, AT ITS
15 DISCRETION, ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH ANY
16 CITY, COUNTY, CITY AND COUNTY, OR OTHER MUNICIPALITY OF THE STATE
17 TO ALLOW THE CITY, COUNTY, CITY AND COUNTY, OR OTHER
18 MUNICIPALITY TO REMOVE GRAFFITI AS NEEDED FROM DEPARTMENTAL
19 PROPERTY LOCATED WITHIN THE CITY, COUNTY, CITY AND COUNTY, OR
20 OTHER MUNICIPALITY.

21 (2) A MEMORANDUM OF UNDERSTANDING ENTERED INTO BY THE
22 DEPARTMENT PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL STATE
23 THAT IF THE CITY, COUNTY, CITY AND COUNTY, OR OTHER MUNICIPALITY
24 CHOOSES TO REMOVE GRAFFITI FROM A DEPARTMENTAL FACILITY, THE
25 CITY, COUNTY, CITY AND COUNTY, OR OTHER MUNICIPALITY SHALL DO SO
26 AT ITS OWN EXPENSE.

27 **SECTION 3. Act subject to petition - effective date.** This act

1 shall take effect at 12:01 a.m. on the day following the expiration of the
2 ninety-day period after final adjournment of the general assembly (August
3 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a
4 referendum petition is filed pursuant to section 1 (3) of article V of the
5 state constitution against this act or an item, section, or part of this act
6 within such period, then the act, item, section, or part shall not take effect
7 unless approved by the people at the general election to be held in
8 November 2012 and shall take effect on the date of the official
9 declaration of the vote thereon by the governor.