

2010 -- H 7189

LC00284

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO CRIMINAL OFFENSES -- TRESPASS AND VANDALISM

Introduced By: Representative Edwin R. Pacheco

Date Introduced: January 21, 2010

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 11-44-1, 11-44-2, 11-44-4, 11-44-5, 11-44-11, 11-44-12, 11-44-  
2 12.1, 11-44-13, 11-44-14, 11-44-15, 11-44-16, 11-44-17, 11-44-19, 11-44-21, 11-44-21.1, 11-44-  
3 22, 11-44-23, 11-44-25 and 11-44-26.1 of the General Laws in Chapter 11-44 entitled "Trespass  
4 and Vandalism" are hereby amended to read as follows:

5 **11-44-1. Vandalism -- Obstruction of lawful pursuits.** -- (a) Every person who shall  
6 willfully and maliciously or mischievously injure or destroy or write upon, paint, or otherwise  
7 deface the property of another, or obstruct the use of the property of another, or obstruct another  
8 in the prosecution of his or her lawful business or pursuits, in any manner, the punishment of  
9 which is not specifically provided for by statute, shall be guilty of a misdemeanor and shall be  
10 fined not exceeding one thousand dollars (\$1,000) and/or be imprisoned not exceeding one year,  
11 and shall be liable to make restitution for the injury or damage caused. Every person convicted of  
12 a first offense under this section shall be required to perform ~~up to~~ one hundred (100) hours of  
13 public community restitution work, and for a second or subsequent conviction shall be required to  
14 perform ~~up to~~ two hundred (200) hours of public community restitution work. Provided, further  
15 that every person who shall willfully and maliciously or mischievously injure or destroy or write  
16 upon, paint or otherwise deface government property, or obstruct the use of that property, shall be  
17 punished in accordance with this statute. Jurisdiction for matters involving government property  
18 shall be concurrent with the district court or the respective city or town police or municipal court.

19 (b) Where the provisions of The Domestic Violence Prevention Act, chapter 29 of title

1 12, are applicable, the penalties for violation of this section shall also include the penalties as  
2 provided in section 12-29-5.

3 **11-44-2. Injury or removal of vegetation -- Buildings and fences. --** Every person who  
4 shall take and carry away, without the consent of the owner, any corn, grain, fruit, or growing  
5 vegetable out of any field, garden, or orchard, or who shall willfully and without the consent of  
6 the owner root up, cut down, or otherwise injure or destroy or take and carry away any tree or  
7 underwood growing or standing upon the land of another, or remove any cord wood, or shall  
8 maliciously root up, cut down, or otherwise injure or destroy any tree, root, fruit, or vegetable  
9 growing in any garden, field, orchard, highway, common, or public square, or who shall take and  
10 carry away, without the consent of the owner, any cultivated plant, tree, or shrub from any  
11 graveyard or from any public or private grounds, or who shall wantonly or maliciously injure or  
12 destroy any plant or shrub growing upon the land or in the building of another, or who shall  
13 poison the earth about any plant or shrub so as to prevent or injure its growth, or who shall  
14 maliciously or wantonly in any way injure or deface any building not his or her own, or break the  
15 glass or any part of it in any building, or shall maliciously injure any fence or stone wall on or  
16 enclosing lands not his or her own, shall be imprisoned not exceeding one year or be fined not  
17 exceeding triple the value of the damage ~~or one thousand dollars (\$1,000), whichever is lower;~~  
18 ~~and shall be required to pay the party injured a penalty not to exceed triple the value of the~~  
19 ~~damage caused by the person;~~ provided, that if any person shall knowingly use or permit to be  
20 used any vehicle for the commission of any of the offenses enumerated in this section, he or she  
21 shall also be penalized in the manner specified in title 31.

22 **11-44-4. Shooting, trapping or fishing on posted lands -- Destruction of signs. --**  
23 Whoever shall enter upon the land of another without the owner's permission for the purpose of  
24 either shooting, trapping, or fishing when that land shall be conspicuously posted with clear and  
25 legible signs stating that shooting, trapping or fishing, as the case may be, is prohibited, or  
26 whoever shall remain upon the premises of another for the purpose of shooting, trapping, or  
27 fishing after having been forbidden to do so by the owner of the premises or the owner's  
28 authorized agent, or whoever shall without right mutilate, destroy, or remove any sign stating that  
29 shooting, trapping or fishing, as the case may be, is prohibited, shall be fined not exceeding  
30 ~~twenty dollars (\$20.00)~~ three hundred dollars (\$300) for the first offense and five hundred dollars  
31 (\$500) for any subsequent offense.

32 **11-44-5. Willful damage while hunting, trapping or fishing. --** Whoever shall enter  
33 upon land of another for the purpose of hunting, trapping or fishing, and while upon the land shall  
34 do any willful damage to the property of the owner of the land, shall be fined not exceeding

1 ~~twenty dollars (\$20.00)~~ five hundred dollars (\$500). The owner of the property may recover from  
2 any person convicted of a violation of the provisions of this section, in an action of the case, twice  
3 the amount of the damages so sustained; and the license to pursue, hunt, and kill game in the state  
4 of Rhode Island during the open season issued under the provisions of chapter 13 of title 20 to  
5 any persons who shall thereafter be convicted of a violation of the provisions of this section shall  
6 be forfeited and no license shall be issued to him or her under the provisions of title 20 for a  
7 period of one year after that conviction.

8 **11-44-11. Injury to boundary or line markers.** -- Every person who shall willfully  
9 break down, remove, injure, obscure, or destroy any monument erected for the purpose of  
10 designating the boundaries of any town or city or any tract or lot of land, or any tree marked for  
11 that purpose, or any stake set up to mark the line or grade of any railroad, or any marker erected  
12 for the purpose of designating a public right-of-way to water areas of the state, shall be  
13 imprisoned not exceeding one year or be fined not exceeding ~~five hundred dollars (\$500)~~ one  
14 thousand dollars (\$1,000).

15 **11-44-12. Injury to public property.** -- Every person who shall willfully cut or deface or  
16 otherwise injure any public building or fence or other property shall be fined not less than ~~one~~  
17 ~~hundred dollars (\$100)~~ five hundred dollars (\$500) unless the amount of damage exceeds ~~one~~  
18 ~~hundred dollars (\$100)~~ five hundred dollars (\$500). If that amount shall exceed ~~one hundred~~  
19 ~~dollars (\$100)~~ five hundred dollars (\$500), then he or she shall be punished by a fine which is not  
20 less than three (3) times the amount of the damage nor more than ~~five hundred dollars (\$500)~~ one  
21 thousand five hundred (\$1,500), or imprisonment not exceeding one year, or both, and, in  
22 addition to any sentence, shall be ordered to make restitution in the full amount of damage done.

23 **11-44-12.1. Damage to instrumentality of public transportation.** -- Every person who  
24 shall willfully cut or deface or otherwise injure any instrumentality of public transportation  
25 managed by or belonging to a public corporation shall be punished by a fine of not less than ~~one~~  
26 ~~hundred dollars (\$100)~~ one thousand dollars (\$1,000) nor more than ~~five hundred dollars (\$500)~~  
27 five thousand dollars (\$5,000), or by imprisonment not exceeding thirty (30) days, or both.

28 **11-44-13. Injury to public statues and monuments.** -- Every person who shall willfully  
29 trespass upon, deface, mutilate, or otherwise injure the Soldiers' and Sailors' Monument in the  
30 city of Providence, or any other public statue or monument, shall be punished by a fine not  
31 exceeding ~~five hundred dollars (\$500)~~ three thousand dollars (\$3,000), or by imprisonment not  
32 exceeding one year, or both fine and imprisonment.

33 **11-44-14. Breaking lamps or windows.** -- Every person who shall willfully break any  
34 lamp, lantern, or window shall, for every lamp, lantern, or window broken, be fined not

1 exceeding ~~two hundred dollars (\$200)~~ five hundred dollars (\$500), and shall be liable to make  
2 restitution for the injury and/or damage.

3 **11-44-15. Injuring or destroying books and other property of libraries, archives, or**

4 **other records repositories.** -- (a) Any person who willfully, maliciously, or wantonly writes

5 upon, injures, defaces, tears, cuts, mutilates, or destroys any book, record, or other property

6 belonging to or in the custody of any public county or regional library, the state library, the state

7 archives, the state records center or other repository of public records, museum, or any library or

8 collection belonging to or in the custody of any educational, eleemosynary, benevolent,

9 hereditary, or historical library, or patriotic institution, organization, or society, or state or local

10 agency, shall be guilty of a misdemeanor and shall be ordered to make restitution in the full retail

11 value of the books, records or other property, and may be fined not more than ~~one hundred dollars~~

12 ~~(\$100)~~ one thousand dollars (\$1,000), to be for use of the library, archives, or records repository.

13 (b) "Book, records, or other property" as used in this section includes any book, plate,

14 picture, photograph, engraving, painting, drawing, map, newspaper, magazine, pamphlet,

15 broadside, manuscript, document, letter, public record, equipment, microform, sound recording,

16 audiovisual materials in any format, magnetic or other tapes, electronic data processing records,

17 artifacts, or other documentary, written, or printed material, regardless of physical form or

18 characteristics, belonging to, on loan to, or otherwise in the custody of, any library, museum,

19 archives, or repository of public or other records institution.

20 **11-44-16. ~~Removal of gravel from or deposit of debris on Easton's Beach~~ Removal**

21 **of gravel from or deposit of debris on state and/or municipal beaches.** -- Every person who

22 shall remove any sand or any gravel from any part of ~~Easton's Beach, as defined in section 11-44-~~

23 ~~18 a state and/or municipal beach~~, shall be fined ~~twenty dollars (\$20.00)~~ five hundred dollars

24 (\$500) for every offense. Every person who shall deposit or leave on the beach any dead animal,

25 offal, filth, rubbish, or refuse matter, shall be fined ~~twenty dollars (\$20.00)~~ not more than five

26 hundred dollars (\$500) for every offense.

27 **11-44-17. ~~Enforcement of section 11-44-16~~ Enforcement of section 11-44-16 and 11-**

28 **44-19.** -- Any police constable ~~of Newport or of Middletown~~, viewing any offense committed in

29 violation of ~~section~~ sections 11-44-16 and 11-44-19, shall immediately arrest the offender;

30 ~~whether in Newport or in Middletown~~, and cause him or her to be prosecuted for the offense as

31 soon as may be possible before the district court.

32 **11-44-19. ~~Deposit of debris on Middletown beaches~~ Deposit of debris on beaches.** --

33 Every person who shall deposit or leave on any state and/or municipal beach ~~in the town of~~

34 ~~Middletown~~, any dead animal, offal, filth, rubbish, waste, or refuse matter, shall be fined ~~twenty~~

1 ~~dollars (\$20.00)~~ not more than five hundred dollars (\$500) for every offense.

2 **11-44-21. Vandalizing alarms or call boxes -- False alarms.** -- Whoever opens a signal  
3 box connected with a police, fire, or motorist aid call system for the purpose of giving or causing  
4 to be given a false alarm, or interferes in any way with a signal box by breaking, cutting, injuring,  
5 or defacing it; or, without authority, opens, tampers, or meddles with a signal box, or with any  
6 part or parts of it, or with the police signal wires, or with anything connected with it, or, with that  
7 purpose, willfully or knowingly tampers or meddles with a signal box connected with a fire signal  
8 system or with any part or thing connected with it, or, with that purpose, willfully or knowingly  
9 tampers or meddles with a motorist aid call box, or by any means gives or aids or abets in the  
10 giving of a false alarm of fire or emergency or falsely summons an ambulance or rescue  
11 apparatus, shall be subject to punishment by imprisonment for up to one year, or fined not more  
12 than ~~five hundred dollars (\$500)~~ one thousand dollars (\$1,000), or both. Upon conviction for any  
13 offense referred to in this section, the court shall, in addition to imposing a fine and/or  
14 imprisonment, order the offender to make restitution to the appropriate state, city, or town  
15 authority or agency for any expenditures necessitated by the commission of the offense.

16 **11-44-21.1. Graffiti -- Defacing private residences, offices, businesses or commercial**  
17 **property.** -- Every person who shall willfully, maliciously or mischievously write upon, paint, or  
18 otherwise deface the private property or residence of another, any office building, business or  
19 commercial property or public building, shall be guilty of a misdemeanor. For the first offense,  
20 said penalty shall not exceed a five hundred dollar (\$500) fine and community service not  
21 exceeding one hundred (100) hours. Every person convicted of a second offense under this  
22 section shall be fined up to one thousand dollars (\$1,000) and shall be required to perform up to  
23 two hundred (200) hours of community service, and shall be liable to make restitution for the  
24 injury and/or damage.

25 **11-44-22. Throwing articles at moving vehicles.** -- Every person who shall willfully  
26 throw, shoot, or in any other manner propel a snowball or any other object at any moving motor  
27 or other vehicle in use upon the roads or highways of this state shall, upon conviction, be  
28 punished by a fine not exceeding five hundred dollars (\$500), or by imprisonment not exceeding  
29 one year, or both, and shall be liable to make restitution for the injury and/or damage.

30 **11-44-23. Throwing objects at police officer, firefighter or police or fire vehicles.** --  
31 Every person who shall willfully throw, shoot, or in any other manner propel a rock or any other  
32 object at any police officer, firefighter, or any police or fire vehicle, whether moving or not, shall,  
33 upon conviction, be punished by a fine not exceeding ~~five hundred dollars (\$500)~~ one thousand  
34 dollars (\$1,000) or by imprisonment not exceeding one year, or both, and shall be liable to make

1 [restitution for the injury and/or damage.](#)

2 **11-44-25. Deposit of debris on public rights-of-way to water.** -- Every person who  
3 shall deposit or leave on any public right-of-way to water areas of the state, any dead animal,  
4 offal, filth, rubbish, waste, or refuse matter, shall be fined ~~not exceeding one hundred dollars~~  
5 ~~(\$100)~~ [five hundred dollars \(\\$500\)](#) for every offense.

6 **11-44-26.1. Mandatory minimum fine for willful trespass within school buildings.** --  
7 Every person who willfully trespasses or, having no legitimate purpose for his or her presence, or  
8 having been suspended from attendance at any school, remains within a building used for a public  
9 or private school, college, university, ~~junior college~~, or other public or private educational  
10 institution, or on the school grounds or campus grounds of any public or private school, college,  
11 university, ~~junior college~~, or other public or private educational institution after having been  
12 forbidden so to do by a local or state police officer or a guard, security officer, or an official of  
13 the school, college, university, ~~junior college~~ or other educational institution, shall for the first  
14 offense be punished at least by a fine of not less than ~~fifty dollars (\$50.00)~~ [one hundred dollars](#)  
15 [\(\\$100\)](#) nor more than five hundred dollars (\$500), and shall for the second offense be punished by  
16 a fine of not less than ~~one hundred dollars (\$100)~~ [two hundred dollars \(\\$200\)](#) nor more than five  
17 hundred dollars (\$500), and for the third or any subsequent offense by a fine of not less than ~~one~~  
18 ~~hundred fifty dollars (\$150)~~ [three hundred dollars \(\\$300\)](#) nor more than ~~five hundred dollars~~  
19 ~~(\$500)~~ [one thousand dollars \(\\$1,000\)](#), and may in addition, be imprisoned not exceeding six (6)  
20 months.

21 SECTION 2. Sections 11-44-6, 11-44-8, 11-44-9 and 11-44-10 of the General Laws in  
22 Chapter 11-44 entitled "Trespass and Vandalism" are hereby repealed.

23 ~~**11-44-6. Defacement of bank bills and notes.** -- Every person who shall willfully and~~  
24 ~~mischievously tear, cut, burn, or in any other manner damage and impair the integrity, strength, or~~  
25 ~~usefulness for circulation of any bank bill or note issued by any corporation which is established~~  
26 ~~as a bank in this state, or shall willfully and mischievously write, print, blot, or stamp any~~  
27 ~~impression on a bill or note, or shall aid and abet in any of the offenses provided in this section,~~  
28 ~~shall be imprisoned not exceeding one year nor less than one month.~~

29 ~~**11-44-8. Injury to or interference with water control structures.** -- Every person who~~  
30 ~~shall willfully and maliciously break down, injure, remove, or destroy any dam, reservoir, canal,~~  
31 ~~or trench, or any gate, flume, flash board, or other appurtenance, or any of the wheels, mill gear,~~  
32 ~~or machinery of a water mill, or willfully or wantonly, without color of right, draw off the water~~  
33 ~~contained in a millpond, reservoir, canal, or trench, or willfully and maliciously, without color of~~  
34 ~~right, obstruct the water of a mill pond, reservoir, canal, or trench from flowing out of it, shall be~~

1 ~~imprisoned not exceeding five (5) years or be fined not exceeding two thousand dollars (\$2,000).~~

2 ~~**11-44-9. Firing of weapon near baiting place.** --- Every person who, between the first~~  
3 ~~day of April and the first day of November in any year, shall maliciously fire any gun, musket,~~  
4 ~~blunderbuss, or pistol, within eighty (80) rods of any baiting place, not his or her own property,~~  
5 ~~and actually used in the proper season for the baiting and netting of wild pigeons, shall be fined~~  
6 ~~not exceeding twenty dollars (\$20.00), nor less than five dollars (\$5.00).~~

7 ~~**11-44-10. Injurious substances on baiting places.** --- Every person who shall strew or~~  
8 ~~place any powder or brimstone or other sulfurous substance upon any baiting place not his or her~~  
9 ~~own property, or shall burn upon that place any of those substances saturated with tar or~~  
10 ~~turpentine, shall be fined not less than five dollars (\$5.00) nor more than twenty dollars (\$20.00).~~

11 SECTION 3. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO CRIMINAL OFFENSES -- TRESPASS AND VANDALISM

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1           This act would amend the provisions regarding criminal trespass and vandalism. This act  
2 would also increase the penalties for certain acts of vandalism and would repeal certain sections  
3 with archaic references.

4           This act would take effect upon passage.

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