The New York City Council

City Hall
New York, NY 10007

Legislation Details (With Text)

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Type:	Introduction			**Status:**	Enacted
				In control:	Committee on Public Safety
On agenda:	2/2/2005				
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Title: A Local Law to amend the administrative code of the city of New York, in relation to the possession and sale of graffiti instruments.

Sponsors: Peter F. Vallone, Jr., Gale A. Brewer, Leroy G. Comrie, Jr., Lewis A. Fidler, James F. Gennaro, Vincent J. Gentile, Alan J. Gerson, Eric N. Gioia, Sara M. Gonzalez, G. Oliver Koppell, John C. Liu, Miguel Martinez, Michael E. McMahon, Michael C. Nelson, Helen Sears, Kendall Stewart, David I. Weprin, James S. Oddo, Robert Jackson, Betsy Gotbaum

Indexes:

Attachments: 1. Committee Report 2/15/05, 2. Hearing Transcript 2/15/05, 3. Committee Report 12/12/05, 4. Hearing Transcript 12/12/05, 5. Fiscal Impact Statement - A, 6. Hearing Transcript - Stated Meeting 12/21/05, 7. Local Law

Date	Ver.	Action By	Action	Result
2/2/2005	*	City Council	Introduced by Council	
2/2/2005	*	City Council	Referred to Comm by Council	
2/15/2005	*	Committee on Public Safety	Hearing Held by Committee	
2/15/2005	*	Committee on Public Safety	Laid Over by Committee	
12/12/2005	*	Committee on Public Safety	Hearing Held by Committee	
12/12/2005	*	Committee on Public Safety	Amendment Proposed by Comm	
12/12/2005	*	Committee on Public Safety	Amended by Committee	
12/12/2005	A	Committee on Public Safety	Approved by Committee	Pass
12/21/2005	A	City Council	Approved by Council	Pass
12/21/2005	A	City Council	Sent to Mayor by Council	
12/29/2005	A	Mayor	Hearing Held by Mayor	
12/29/2005	A	Mayor	Signed Into Law by Mayor	
12/30/2005	A	City Council	Recved from Mayor by Council	

Int. No. 556-A

By Council Members Vallone Jr., Brewer, Comrie, Fidler, Gennaro, Gentile, Gerson, Gioia, Gonzalez, Koppell, Liu, Martinez, McMahon, Nelson, Sears, Stewart, Weprin, Oddo, Jackson and The Public Advocate (Ms. Gotbaum)

A Local Law to amend the administrative code of the city of New York, in relation to the possession and sale of graffiti instruments.

Be it enacted by the Council as follows:

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Section 1. Subdivision b of section 10-117 of the administrative code of the city of New York, as amended by local law 3 of 2003, is amended to read as follows:

§10-117 Defacement of property, possession, sale and display of aerosol spray paint cans, broad tipped markers and etching acid prohibited in certain instances.

b. [No person shall carry an aerosol spray paint can, broad tipped indelible marker or etching acid into any public building or other public facility with the intent to violate the provisions of subdivision a of this section.] No person shall possess an aerosol spray paint can, broad tipped indelible marker or etching acid in any public place, any public building or any public facility with the intent to violate the provisions of subdivision a of this section. No person shall possess an aerosol spray paint can, broad tipped indelible marker or etching acid in or upon any motor vehicle with the intent to violate the provisions of subdivision a of this section. For purposes of this subdivision only, "public place" means a place to which the public or a substantial group of persons has access, and includes, but is not limited to, any highway, street, road, parking lot, plaza, sidewalk, playground, park, beach, or transportation facility.

§ 2. Subdivision c of section 10-117 of the administrative code of the city of New York, as amended by local law 3 of 2003, is amended to read as follows:

c. No person shall sell or offer to sell an aerosol spray paint can, broad tipped indelible marker or etching acid to any person under [eighteen] twenty-one years of age.

§ 3. Section 10-117 of the administrative code of the city of New York, as amended by local law 3 of 2003, is amended by adding a new subdivision c-1, to read as follows:

c-1. No person under twenty-one years of age shall possess an aerosol spray paint can, broad tipped indelible marker or etching acid on the property of another or in any public building or upon any public facility.

§ 4. Section 10-117 of the administrative code of the city of New York, as amended by local law 3 of 2003, is amended by adding a new subdivision c-2, to read as follows:

c-2. When a person is found to possesses an aerosol spray paint can, broad tipped indelible marker or etching

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acid while on the property of another or in any public building or upon any public facility in violation of subdivision c-1 of this section, it is an affirmative defense that:

(1) the owner, operator or other person having control of the property, building or facility consented to the presence of the aerosol spray paint can, broad tipped indelible marker or etching acid; or

(2) such person is traveling to or from his or her place of employment, where it was or will be used during the course of such employment and used only under the supervision of his or her employer or such employer's agent.

§ 5. Subdivision f of section 10-117 of the administrative code of the city of New York, as amended by local law 5 of 2003, is amended to read as follows:

f. Any person who violates the provisions of paragraph a of this section shall be guilty of a class [B] A misdemeanor punishable by a fine of not more than [five hundred] one thousand dollars or imprisonment of not more than [three months] one year, or both. Any person who violates the provisions of paragraph b of this section shall be guilty of a class B misdemeanor punishable by a fine of not more than five hundred dollars or a term of imprisonment of not more than three months, or both. Any person who violates the provisions of paragraphs c or d of this section shall be guilty of a misdemeanor punishable by a fine of not more than five hundred dollars or imprisonment of not more than three months, or both. Any person who has been previously convicted of violating the provisions of paragraphs c or d of this section shall be guilty of a class A misdemeanor punishable by a fine of not more than one thousand dollars or imprisonment of not more than one year, or both. Any person who violates the provisions of paragraph c-1 of this section shall be guilty of a violation punishable by a fine of not more than two hundred fifty dollars or imprisonment of not more than fifteen days, or both.

§ 6. This local law shall take effect immediately.

12/08/05