



## Legislation Text

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**File #:** Res 1596-2008, **Version:** \*

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### Res. No. 1596

Resolution calling on the New York State Assembly to pass A.10294, which would amend the New York State Penal Law to increase penalties for crimes relating to making graffiti and possession of graffiti instruments.

By Council Members Vallone Jr., Felder, Fidler, Gentile, Jackson, Nelson and Recchia Jr.

Whereas, Graffiti vandalism continues to be a problem in the United States and in New York City; and  
Whereas, Graffiti is a destructive offense that communicates a message of disorder and lawlessness in all neighborhoods throughout New York State; and

Whereas, The New York City Police Department (NYPD) has made significant efforts to address and prevent graffiti, including taking enforcement action against violators and working with the Mayor's Anti-Graffiti Task Force to facilitate removal; and

Whereas, In addition to graffiti's negative visual and aesthetic impacts, graffiti causes economic damage due to its effect on property value and the costs of cleaning and repairing vandalized surfaces; and

Whereas, There has been a 162 percent increase in graffiti related arrests made by the NYPD between 2004 and 2007; and

Whereas, A.10294, currently pending in the New York State Assembly (Assembly), seeks to amend the New York State Penal Law (Penal Law) by significantly increasing criminal penalties for graffiti related offenses; and

Whereas; S.7072, a companion bill to A.10294, was passed by the New York State Senate on June 3, 2008 and sent to the Assembly on the same date; and

Whereas, A.10294 would amend section 145.60 of the Penal Law, "making graffiti", by renaming the section "making graffiti in the second degree"; and

Whereas, A.10294 would create a section 145.61 in the Penal Law “making graffiti in the first degree,” making the crime a class E felony if such person had been previously convicted within 10 years of making graffiti in the second degree, criminal mischief, and/or aggravated harassment; and

Whereas, A.10294 would amend section 145.65 of the Penal Law to make possession of graffiti instruments a class A misdemeanor instead of a class B misdemeanor; and

Whereas, A.10294 would not only increase the penalties associated with graffiti related convictions, but it would also serve as a strong deterrent and help keep New York’s neighborhoods free from graffiti; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Assembly to pass A.10294, which would amend the New York State Penal Law to increase penalties for crimes relating to making graffiti and possession of graffiti instruments.

WJH  
LS# 5728  
8/5/08