

House Bill 729

By: Representatives Bannister of the 77th, Johnson of the 35th, Parsons of the 40th, Davis of the 60th and Holmes of the 53rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 7 of Title 16 of the Official Code of Georgia Annotated,
2 relating to criminal trespass and damage to property, so as to make it illegal to possess or sell
3 graffiti materials under certain circumstances; to provide definitions; to provide penalties;
4 to provide for notices; to provide for related matters; to repeal conflicting laws; and for other
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 2 of Chapter 7 of Title 16 of the Official Code of Georgia Annotated, relating to
9 criminal trespass and damage to property, is amended by adding a new Code Section 16-7-29
10 to read as follows:

11 "16-7-29.

12 (a) As used in this Code section, the term:

13 (1) 'Broad-tipped indelible markers' shall mean any felt-tipped marker or similar
14 instrument which contains a fluid which is not water soluble and which has a flat or
15 angled writing surface with a width of one-quarter inch or greater.

16 (2) 'Graffiti materials' shall mean aerosol and spray paint cans and canisters, broad-
17 tipped indelible markers, glass cutting tools and instruments, and glass etching tools and
18 instruments.

19 (b) A person commits the offense of defacing property when he or she writes, paints, or
20 draws any inscription, design, figure, symbol, or other mark of any type on any public or
21 private building or other public or private property, whether real or personal property,
22 without the express permission of the owner, lessee, or operator of such building or
23 property.

24 (c) A person under 18 years of age commits the offense of possession of graffiti materials:

1 (1) When such person has in his or her possession graffiti materials while on public
2 property, public highways, public streets, public alleyways, or public rights of way unless
3 such person is accompanied by a supervising adult; and

4 (2) When such person has in his or her possession graffiti materials while on private
5 property unless the owner, agent, manager, or person in possession of such private
6 property has consented to such person having graffiti materials in such person's
7 possession while on such property.

8 (d) A person commits the offense of sale of graffiti materials when he or she sells, trades,
9 or otherwise transfers any graffiti materials to any person under the age of 18 years.

10 (e) A person convicted of the crime of defacing property shall be punished by
11 imprisonment for not more than twelve months, a fine not to exceed \$1,000.00, or both.

12 (f) A person convicted of the crime of possession of graffiti materials shall be punished
13 by imprisonment for not more than 60 days, a fine not to exceed \$1,000.00, or both.

14 (g) A person convicted of the crime of sale of graffiti materials shall be punished by
15 imprisonment for not more than 60 days, a fine not to exceed \$1,000.00, or both.

16 (h) This Code section shall be cumulative to and shall not prohibit the enactment of any
17 other general or local laws, rules, or regulations of any state or local authorities or agencies
18 or local ordinances prohibiting such activities which are more restrictive than this Code
19 section."

20 SECTION 2.

21 All laws and parts of laws in conflict with this Act are repealed.