

No. 1994-17

AN ACT

SB 612

Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for criminal mischief.

The General Assembly finds and declares as follows:

(1) For the health, safety and welfare of the residents of this Commonwealth, the laws designed to deter the defacement of public and private property through the use of aerosol spray-paint cans, broad-tipped indelible markers and other marking devices should be strengthened.

(2) Where appropriate, the court should require those who commit acts of defacement to restore the damaged property to its original condition.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 3304(a) of Title 18 of the Pennsylvania Consolidated Statutes is amended to read:

§ 3304. Criminal mischief.

(a) Offense defined.—A person is guilty of criminal mischief if he:

(1) damages tangible property of another intentionally, recklessly, or by negligence in the employment of fire, explosives, or other dangerous means listed in section 3302(a) of this title (relating to causing or risking catastrophe);

(2) intentionally or recklessly tampers with tangible property of another so as to endanger person or property; [or]

(3) intentionally or recklessly causes another to suffer pecuniary loss by deception or threat[.]; or

(4) *intentionally defaces or otherwise damages tangible public property or tangible property of another with an aerosol spray-paint can, broad-tipped indelible marker or similar marking device.*

* * *

Section 2. Title 42 is amended by adding a section to read:

§ 9720. *Sentencing for criminal mischief.*

(a) *Sentencing.—A person convicted of an offense under 18 Pa.C.S. §§ 3304(a)(4) (relating to criminal mischief) and 3307(a.1) (relating to institutional vandalism), and who in the opinion of the sentencing court would benefit, shall be sentenced to a term of supervised community service, including repairing or restoring damaged property, in accordance with the following:*

(1) *If the damage to the property is less than \$200, the term of community service shall not be less than 50 days nor more than 74 days.*

(2) If the damage to the property is at least \$200 but less than \$1,000, the term of community service shall not be less than 75 days nor more than 99 days.

(3) If the damage to the property is \$1,000 or more, the term of community service shall not be less than 100 days nor more than 200 days.

(b) Satisfactory completion of community service program.—Satisfactory completion of the community service program under subsection (a) shall result in a dismissal of charges and expungement of the record of the person sentenced under subsection (a). The court shall follow procedures similar to those established for the Accelerated Rehabilitative Disposition Program.

Section 3. This act shall take effect in 60 days.

APPROVED—The 21st day of April, A.D. 1994.

ROBERT P. CASEY