

Jim Graham
Councilmember Jim Graham

Harold Brazil
Councilmember Harold Brazil

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Councilmember Graham and Councilmember Brazil co-introduced the following bill, which was referred to the Committee of the Whole on _____.

To amend the Anti-Intimidation and Defacing of Public or Private Property Criminal Penalty Act of 1982 to prohibit the sale of graffiti implements to persons under the age of 18; to make the act of graffiti or sale of graffiti materials to persons under the age of 18 a crime punishable by fines and / or imprisonment; to increase fines and/ or imprisonment to juvenile offenders; and to hold parents accountable for graffiti by their children.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, that this act may cited as the "Restricting Minors Access to Graffiti Materials Amendment Act of 2003".

Sec. 2. The Anti-Intimidation and Defacing of Public or Private Property Criminal Penalty Act of 1982, effective March 10, 1982 (D.C. Law 4-203; D.C. Code § 22-3113.1 et seq.), is amended as follows:

A new Sec. 22-3312.03 is amended by adding the following:

"§22-3312.03c. Restriction on the possession of graffiti materials"

"No person under the age of 18 may possess any tool, instrument, solution, spray paint container, marking pen with a one-quarter inch wide tip, etching acid, aerosol can, bottle or spray device, or any other mechanism designed to dispense paint or similar substance under pressure, commonly used to paint, cover, draw upon or otherwise place a mark upon a piece of property, public or private, without the consent of the owner, manager or agent in charge of the property."

"§22-3312.03d. Limiting access and possession of graffiti material.

1 “(a) No person who owns, operates, or manages a retail commercial establishment may sell or
2 allow to be sold spray paint containers, marking pens with one-quarter inch wide tips or etching
3 acid to a person under the age of 18 unless:”
4

5 “(1) a parent or legal guardian accompanies and supervises their child in the use of spray
6 paint, markers or etching acid;”

7 “(2) a teacher or assisting and supervising his/her students in the use of spray paint,
8 markers or etching acid;”

9 “(3) an employer assisting and supervising his/her employees in the use of spray paint or
10 markers.”
11

12 “(b) No person other than the ones listed in Section 22.3312.03d may sell, exchange, give, loan
13 or otherwise furnish, aid, or assist the person under the age of 18 to obtain spray paint containers,
14 marking pens with one-quarter inch wide tips, or etching acid.”
15

16 A new Sec. 22-3312.04 is amended by adding the following:
17

18 “(g) Any act in violation of section 22-3312.03 (c) committed by a person under the age of 18
19 shall be imputed to that minor’s parent or legal guardian. A parent or legal guardian of a minor
20 shall be civilly liable for the payment of any civil fines and restoration.”
21

22 “(h) Any minor caught violating section 22-3312.03 (c) shall be subject to incarceration of up to
23 15 days in a juvenile correction facility and shall be subject to performance of up to 24 hours
24 community service, including graffiti removal service, and subject to a \$1000 fine in addition to
25 all other penalties and restoration work. The Court may require a parent or guardian to be
26 present at the community service performance requirement for at least one-half of the community
27 service required of the minor.
28

29 “(i) Any minor under the age of 18 in violation of § 22-3312.03c or a person who owns,
30 operates, or manages a retail commercial establishment in violation of §22-3312.03d may be
31 subject to a fine of up to \$2000, or imprisoned for a period not to exceed 180 days or both.”
32

33 Sec. 7. Fiscal Impact

34 The Committee adopts the fiscal impact statement in the committee report as the fiscal
35 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,
36 approved December 24, 1973 (87 Stat 602(c)(3) D.C. Official Code § 1-206.02(c)(3)).
37

38 Sec. 8. Effective date.

39 This act shall take effect following approval by the Mayor (or in the event of veto by the
40 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as
41 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
42 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
43 Columbia Register.
44