



NEW YORK STATE SENATOR

Frank Padavan

Senate Passes Padavan's Anti-Graffiti Legislation

FRANK PADAVAN June 3, 2008

New York State Senator Frank Padavan (Queens) announced today that the State Senate has passed his legislation that would significantly increase criminal penalties for graffiti related offenses.

The legislation (S.7072) amends the state Penal Law by establishing the new criminal offense of making graffiti in the second degree. This new offense would be classified as a class A misdemeanor punishable by up to one year in prison or a fine.

“While the New York City Police Department and many communities have been successful in the fight against graffiti, we must do more to strengthen state laws associated with this crime in order to further protect our quality of life,” Padavan said. “This legislation takes the necessary steps that will allow law enforcement to proactively combat graffiti in all communities here in Queens and throughout the state with stronger criminal penalties.”

The legislation also establishes the new criminal offense of making graffiti in the first degree, a class E felony punishable by one to four years in prison. A person is guilty of this new felony offense if they have been previously convicted of making graffiti in the second degree, criminal mischief and or aggravated harassment.

Additionally, the legislation also increases the criminal penalty for the possession of graffiti instruments from a class B misdemeanor to a class A misdemeanor.

“In its essence this legislation amends and strengthens state criminal law by replacing the current statutes for making graffiti with two new crimes of making graffiti,” Padavan said. “By doing so, this legislation would not only increase the penalties associated with graffiti related convictions, but it will also serve as a strong deterrent and help keep our neighborhoods free from graffiti.”

The bill now awaits action in the Assembly (A.10294) where it is sponsored by Assemblywoman Catherine Nolan (D-Queens).