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I MINA' BENTE NUEBI NA LIHESLATURAN GUÅHAN
2008 (SECOND) Regular Session

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Bill No. 339(EL)

Introduced by:

T. R. Muña-Barnes

J. T. Won Pat

D. L. G. Shimizu

**AN ACT TO AMEND SECTIONS 34.70(F), 34.70(H),
34.70(I), 34.70(L), 34.70 (M), 34.70 (N) OF TITLE 9 GCA,
RELATIVE TO INCREASING THE PENALTIES FOR
GRAFFITTI.**

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that unsightly
3 graffiti dramatically affects property prices and contributes to a negative image of the
4 community for residents and visitors alike. Graffiti Vandalism has adverse effects towards
5 local government, police, businesses, and home owners, as well.

6 *I Liheslaturan Guåhan* also finds, In addition to the monetary costs of graffiti vandalism
7 removal and prevention, there are also the environmental and physical harms to consider.
8 Graffiti vandalism and its removal involve chemicals that can be harmful to the
9 environment. These same chemicals can affect the physical wellbeing of perpetrators of
10 graffiti vandalism.

11 The negative impact of graffiti on Guam and its residents is a concern that Guam's youth,
12 the demographic largely responsible for this type of vandalism. Through **PROJECT**
13 **CITIZEN**, a civic education program for Elementary, Middle and High schools students,
14 **V.S.A. Benavente Middle School** in Dededo, identified and studied the issue and public

1 policy of graffiti on Guam; and have developed a legislative measure addressing this
2 critical issue to enhance the quality of life on Guam for residents and protect the beauty of
3 our island.

4 **Section 2. Section 34.70 (f) of Title 9 GCA is hereby amended to read:**

5 (f) Any person violating subsections (b), (c), (d) or (e) shall be punished by a fine of ~~two~~
6 ~~hundred fifty~~ one thousand dollars (~~\$250.00~~) (\$1,000.00) for the first offense, and two
7 thousand five hundred dollars (\$2,500.00) for the second offense; and for each subsequent
8 offense by a fine of ~~one~~ five thousand dollars (~~\$1-5,000.00~~) or by imprisonment for a term
9 not to ~~exceed sixty (60) days~~ be less than ninety (90) days for persons under the age of
10 eighteen (18) and for persons eighteen (18) and over, one hundred twenty (120) days or by
11 both fine and imprisonment at the discretion of the court. In the case of a minor, the
12 parents or legal guardian shall be responsible for payment of all fines. Failure of the
13 parents or legal guardian to make payment will result in the filing of a lien on the parents
14 or legal guardian's property to include the fine and court costs.

15 **Section 3. Section 34.70 (h) of Title 9 GCA is hereby amended to read:**

16 (h) In addition to any punishment listed in subsections (f) and restitution ordered under
17 subsection (g), the court shall order any person found in violation of subsection (b), (c), (d)
18 or (e) to perform monitored community service in the removal of graffiti of not less than
19 ~~one hundred eighty (180)~~ two hundred fifty (250) hours and not more than ~~three hundred~~
20 ~~sixty (360)~~ five hundred (500) hours.

21 **Section 4. Section 34.70 (i) of Title 9 GCA is hereby amended to read:**

22 (i) In addition to any punishment listed in subsections (f), (g) and (h), any adult convicted
23 for violating subsections (b), (c), (d) or (e) is guilty of a misdemeanor punishable by
24 imprisonment for not less than a mandatory ~~forty-eight (48) hours~~ ~~thirty (30)~~ sixty (60)
25 days.

26 **Section 5. Section 34.70 (l) of Title 9 GCA is hereby amended to read:**

1 (l) Every person who owns, conducts, operates or manages a retail commercial
2 establishment selling aerosol containers of spray paint or broad-tipped indelible markers
3 shall ~~within in forty five (45) days of enactment of this section:~~

4 (1) Place a sign in clear public view at or near the display of such products stating:

5 GRAFFITI IS A CRIME. ANY PERSON DEFACING REAL OR
6 PERSONAL PROPERTY NOT HIS OR HER OWN WITH PAINT OR
7 ANY OTHER LIQUID OR DEVICE IS GUILTY OF A CRIME
8 PUNISHABLE BY IMPRISONMENT OF UP TO ~~SIXTY (60)~~ NINETY
9 (90) DAYS FOR PERSONS UNDER AGE OF EIGHTEEN (18), ONE
10 HUNDRED TWENTY (120) DAYS FOR PERSONS EIGHTEEN AND
11 OVER AND/OR A FINE UP TO ~~ONE~~ FIVE THOUSAND DOLLARS
12 (\$15,000.00).

13 (2) Place a sign in the direct view of such persons responsible for
14 accepting customer payment for aerosol containers of spray paint or
15 broad-tipped indelible markers which states:

16 IT IS A VIOLATION OF THE LAW TO SELL AEROSOL CONTAINERS
17 OF SPRAY PAINT OR BROAD-TIPPED INDELIBLE MARKERS TO
18 PERSONS UNDER 18 YEARS OF AGE PUNISHABLE BY A CIVIL FINE
19 OF TW0 HUNDRED FIFTY DOLLARS (~~\$10~~250.00)

20 **Section 6. Section 34.70 (m) of Title 9 GCA is hereby amended to read:**

21 (m) Violation of subsection (l) shall result in a civil penalty of ~~one two~~ two hundred fifty dollars
22 (~~\$10~~250.00) for a first offense and ~~two~~ five hundred dollars (\$2500.00) for subsequent
23 offenses. When three (3) violations of subsection (l) occur within any calendar year at a
24 commercial establishment, that establishment shall be subject to an injunction from a court
25 of competent jurisdiction forbidding the sale of aerosol containers of spray paints and
26 broad-tipped indelible markers for a period up to two (2) years. Violation of such
27 injunction shall be punished by a fine of ~~one two~~ two hundred fifty hundred dollars (\$10250.00)
28 per day of violation in addition to any other penalties levied by the Court. Failure to make

1 payment of fines will be subject to an injunction from a court of competent jurisdiction
2 forbidding the sale of aerosol containers of spray paints and broad-tipped indelible
3 markers until payment of the fine, attorney's fees and costs.

4 **Section 7. Section 34.70 (n) of Title 9 GCA is hereby amended to read:**

5 (n) In addition to any punishment ordered under Subsection (f), (g), (h), (i) and (j), the court
6 shall immediately, upon conviction of an offender charged with the defacement of
7 property, revoke the license or instruction permit of any driver in violation of this Section
8 subject to a period of time described hereafter:

9 (a) after one (1) conviction, ~~three (3)~~ six (6) months;

10 (b) after a second or subsequent conviction, ~~six (6) months~~ one year for
11 each conviction.

12 Any person who was convicted of any offense as described in this Act upon being eligible
13 to receive a license or instruction permit, shall not be eligible to receive a license or
14 instruction permit until the entire penalty period has elapsed.

15 Any prior convictions resulting in the revocation of a driver's license or instruction permit
16 shall not run concurrently with any existing or subsequent suspension, revocation,
17 cancellation or denial which is provided for by law.