

House Bill 2882

Sponsored by Representative J SMITH (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits sale of graffiti materials unless graffiti materials are kept in secure location, identification is provided showing prospective purchaser's identity and form is signed by purchaser and initialed by person selling graffiti materials. Requires seller of graffiti materials to maintain sales records for two years.

Allows county to impose, as alternative to criminal enforcement, civil penalty for violation of ordinance adopted to prohibit sale of graffiti materials.

Becomes operative on July 1, 2012.

A BILL FOR AN ACT

1
2 Relating to the sale of graffiti materials.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) A person may not sell or offer for sale graffiti materials in this state**
5 **unless:**

6 (a) **The graffiti materials are kept in a secure location that is locked and cannot be ac-**
7 **cessed by the public without assistance from the person, or an employee or agent of the**
8 **person;**

9 (b) **The prospective purchaser of the graffiti materials provides proof of identity with a**
10 **driver license or permit or other photo identification issued by the Department of Trans-**
11 **portation, or equivalent identification issued in a jurisdiction outside this state;**

12 (c) **The person requires the prospective purchaser to sign the prospective purchaser's**
13 **name on a form that is kept as part of the record maintained in compliance with paragraph**
14 **(e) of this subsection;**

15 (d) **The person initials the form described in paragraph (c) of this subsection confirming**
16 **that the prospective purchaser has presented appropriate proof of identification; and**

17 (e) **The person maintains a record of sales of all graffiti materials for two years from the**
18 **date of sale of the graffiti materials. The record shall be confidential except for inspection**
19 **by law enforcement agencies and shall contain:**

20 (A) **The date of the sale of the graffiti materials;**

21 (B) **The printed name of the purchaser of the graffiti materials;**

22 (C) **A description of the graffiti materials sold;**

23 (D) **The invoice or sales form number for the sale of the graffiti materials;**

24 (E) **The form containing the signature of the purchaser, as required under paragraph (c)**
25 **of this subsection, and the initials of the person selling the graffiti materials, as required**
26 **under paragraph (d) of this subsection;**

27 (F) **The type of identification presented by the purchaser and the official identification**
28 **number appearing on the identification presented; and**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (G) The purchaser's date of birth as it appears on the identification presented by the
2 purchaser.

3 (2) As used in this section and section 2 of this 2011 Act:

4 (a) "Graffiti materials" means aerosol paint containers, broad-tipped markers with a
5 surface area greater than one-quarter inch width and paint sticks.

6 (b) "Law enforcement agency" means:

7 (A) A city or municipal police department.

8 (B) A county sheriff's office.

9 (C) A district attorney.

10 (D) A county juvenile department.

11 **SECTION 2.** (1) A county may adopt an ordinance that imposes a civil penalty, not to
12 exceed \$1,000 per violation, to enforce compliance with the requirements of section 1 of this
13 2011 Act.

14 (2) A civil penalty imposed by an ordinance adopted under this section is an alternative
15 to criminal enforcement of the ordinance. A county that commences or maintains a civil
16 action to collect a civil penalty from a person under this section may not cause a criminal
17 prosecution to be commenced or maintained against that person for the same violation of
18 the ordinance.

19 (3) Moneys collected for a violation of an ordinance adopted under this section shall be
20 deposited in the county treasury.

21 **SECTION 3.** Sections 1 and 2 of this 2011 Act become operative July 1, 2012.
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