

MAR 24 2009

RESOLUTION RULES & GOVERNMENT

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, graffiti is a costly and pervasive problem affecting residents, property owners, businesses, local governments, and public agencies around the state; and

WHEREAS, the California Research Institute estimates that the statewide cost of graffiti abatement is potentially upwards of \$350 million annually. The majority of these costs are borne entirely by local governments because cost recovery procedures are too cumbersome and ineffective; and

WHEREAS, existing law provides that a person who defaces real or personal property with graffiti is guilty of vandalism. A victim of vandalism shall receive restitution for economic losses incurred as a result of that crime. However, existing law only permits restitution to a business or governmental entity when it is the direct victim of vandalism. Therefore, local governments cannot recover the costs of graffiti abatement via criminal restitution because they are not considered the direct victim. Consequently, local governments are forced to absorb costs associated with graffiti abatement and enforcement; and

WHEREAS, AB 576 would amend Penal Code section 594 to require a person convicted of vandalism to pay reasonable costs incurred by law enforcement in identifying and apprehending the defendant; and

WHEREAS, AB 576 would amend Penal Code section 1202.4(k) and Welfare and Institutions Code section 730.6(j) to expand the definition of victim. Specifically, this bill would add to the definition of victim, any governmental entity responsible for restoring property that has been defaced with graffiti and has sustained an economic loss as a result of the graffiti violation; and

WHEREAS, AB 576 would ensure that local governments are able to recover the costs of graffiti abatement through criminal restitution.

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2009-2010 State Legislative Program SUPPORT of AB 576, which would ensure that local governments are able to recover the costs of graffiti abatement through criminal restitution.

PRESENTED BY

DENNIS P. ZINE
Councilmember, 3rd District

SECONDED BY

E.G.

AD

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