

# VANDALISM

## School • Graffiti • Car • Mail Box • Law Definition • Consequence

### **Vandalism is a Crime**

If it doesn't belong to you and you deface, destroy, or damage it without the owner's permission - you have committed the **crime of vandalism**.

According to the California Vandalism Law, under **Penal Code 594**, the *definition of vandalism* is, "Every person who maliciously commits any of the following acts:

- Defaces with graffiti or other inscribed material
- Damages or
- Destroys the real or personal property of another."

Vandalism is recognized as the deliberate damage or destruction of public or private property, without the owner's permission. While subway "graffiti art", keying a parked car, or defacing a street sign may seem inconsequential, these crimes qualify as *vandalism* by California lawmakers, determined to bring an end to vandalism throughout the state.

### **Types of Vandalism**

California Vandalism Law may encompass a variety of criminal activities. Prominent acts of vandalism include **school vandalism, church vandalism, cemetery vandalism, mail box vandalism, and car vandalism**.

| <b>California Vandalism Examples</b>   |   |
|--|---|
| <ul style="list-style-type: none"><li>• Slashing a tire</li><li>• Breaking a window</li><li>• Damaging a bench</li><li>• Ripping a bus seat</li><li>• Toppling a headstone</li></ul> | <ul style="list-style-type: none"><li>• Etching a window</li><li>• Removing an emblem off a car</li><li>• Carving initials into a desk</li><li>• Putting graffiti (with spray paint or permanent marker) on a school wall</li></ul> |

### **Other Vandalism Crimes**

Vandalism is not limited to the most common **property damage crimes** seen throughout Los Angeles and the state of California. Additional crimes prosecuted under the **California Vandalism Laws** include:

- Possession of aerosol containers of paint under 18 (**Penal Code 594.1**)
- Possession of vandalism tools (**Penal Code 594.2**)
- Vandalism to a church or synagogue (**Penal Code 594.3**)
- Vandalism to government facilities or vehicles (**Penal Code 640.5**)
- Vandalism on or near a highway (**Penal Code 640.7**)
- Vandalism on a freeway (**Penal Code 640.8**)
- Vandalism using noxious or caustic chemicals (**Penal Code 594.4**)

## **Vandalism: Misdemeanor or Felony**

According to the California Vandalism Law, vandalism may fall under the classification of either a **misdemeanor** or a **felony** based on the circumstances under which the crime was committed. Despite the mitigating *cause of vandalism*; indifference, juvenile mischief, creative expression, or malicious intent, there are severe **consequences of vandalism** that include community service, probation, steep fines, and possible incarceration.

### **Misdemeanor**

First time vandalism charges with minimal damage (less than \$400) is generally considered a **vandalism misdemeanor** and comes with:

- No jail time
- Fines
- Restitution
- Community service
- 3 years of informal probation

### **Felony**

If the damage is \$400 or more and the defendant has a *prior conviction for vandalism*, then you could be facing a **vandalism felony** with:

- Jail time
- Formal probation
- Restitution
- Community service

Fines for vandalism charges range from \$400 to \$5,000. In some cases, a vandalism conviction could result in a one-year driver's license suspension.

### **Elevating a Misdemeanor to a Felony**

In some cases a *misdemeanor vandalism charge* can be elevated to a *felony vandalism charge*. A **prior criminal record, gang involvement, and hate crime** implications can all elevate what would be a misdemeanor vandalism charge into a felony vandalism charge. If a gang enhancement (a crime intended to further the gang as a whole) is charged, then not only is the charge a **felony** but a "**strike**" - as in **California Three Strikes Law**. Avoid

## **Prosecution**

In California, particularly *Los Angeles* and *Orange counties*, **vandals are prosecuted** to the fullest extent of the law as a vandalism prevention initiative. Strong legal representation is critically important for anyone who is accused of vandalism, especially when charged with a felony. A skilled criminal defense attorney can take early action to improve your chances of dismissal or to secure a reduction in charges at the pre-filing stage.

If you have been involved in a *California Vandalism charge*, please contact the Law Offices of Jerry Nicholson to discuss the facts that surround your case.