

**HOUSE . . . . . No. 1488**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Brian R. Mannel***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to tagging.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Brian R. Mannel</i>	<i>2nd Barnstable</i>	
<i>Timothy R. Madden</i>	<i>Barnstable, Dukes and Nantucket</i>	

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By Mr. Mannal of Barnstable, a petition (accompanied by bill, House, No. 1488) of Brian R. Mannal and Timothy R. Madden relative to the penalty for the so-called "tagging" of objects with paint or stickers. The Judiciary.

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Thirteen**  
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An Act relative to tagging.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Section 126B of chapter 266 of the General Laws, as appearing in the 2010  
2 Official Edition, is hereby amended by striking out the first and second paragraphs and inserting  
3 in place thereof the following two new paragraphs:-

4 Whoever sprays or applies paint or places a sticker upon a building, wall, fence, sign,  
5 tablet, gravestone, monument, or other object or thing on a public way or adjoined to it, or in  
6 public view, or on private property, such person known or commonly known as "taggers" and  
7 such conduct or activity known or commonly known as "tagging", or other words or phrases  
8 associated to such persons, conduct or activity, and either as an individual or in a group, joins  
9 together with said group, with the intent to deface, mar, damage, mark, or destroy such property,  
10 shall be punished by a fine of not less than five hundred dollars nor more than one thousand  
11 dollars.

12 The court shall treat a violation of this section as a civil infraction. A person complained  
13 of for such civil infraction shall be adjudicated responsible upon such finding by the court and  
14 shall neither be sentenced to a term of incarceration nor be entitled to appointed counsel pursuant  
15 to chapter 211D. An adjudication of responsibility under this section may include an order of  
16 restitution. An adjudication of responsibility under this section shall not be used in the  
17 calculation of second and subsequent offenses under any chapter, nor as the basis for the  
18 revocation of parole or of probation surrender.