Vandalism

Vandalism is an offense that occurs when a person destroys or defaces someone else’s property without permission. Effects of vandalism may include broken windows, graffiti, damage to vehicles, and even damage or destruction of a person’s website. The results of vandalism may be found on billboards, street signs, and building structures, as well as near bus stops, tunnels, cemeteries, and many other public spaces.

While vandalism may be considered “art” by some, it is nonetheless a crime against property that is punishable by jail time, monetary fines, or both.

What Constitutes Vandalism?

Vandalism is a broad category crime that is used to describe a variety of behaviors. Generally, vandalism includes any willful behavior aimed at destroying, altering, or defacing property belonging to another.

Common behaviors that may lead to a vandalism charge include:

• Spray painting another's property with the purpose of defacing;
• "Egging" someone's car or window;
• Keying (or scratching) paint off of someone's car;
• Breaking someone's windows;
• Defacing public property with graffiti and other forms of "art";
• Slashing someone's tires;
• Defacing park benches; and
• Altering or knocking down street signs;
• Kicking and damaging someone's property with your hands or feet; and several other behaviors.

In addition, a person who possesses the means to commit vandalism, including possession of a drill bit, glass cutter, or other substance, may also face vandalism charges under certain circumstances (for example, a person under eighteen who carries a can of spray paint at a park or on school grounds).

Vandalism Laws

Vandalism is covered by state statutes, and varies by state. Some states refer to vandalism as "criminal damage", "malicious trespass", "malicious mischief", or other terms. In an effort to control the impact of vandalism, many states have specific laws that may decrease certain forms of vandalism. For example, some states have local "aerosol container laws" that limit the purchase of spray paint containers or other "vandalism tools" which could be used for graffiti or vandalism purposes.

In addition, some states have laws that prohibit vandalism to certain types of property, such as autos, churches, school property, and government facilities.

Moreover, some states have laws that prohibit specific acts of vandalism, such as breaking windows, graffiti, and using man-made substances to destroy property.

Purpose of the Law

Vandalism laws exist to prevent the destruction of property and public spaces, and may also exist to protect against hate crimes and other behavior that is directed at religious or minority groups, such as ransacking a church or synagogue, writing racist or sexist graffiti on school property, or etching a swastika in a car.

Penalties and Punishment
Depending on the specific state and value of the property damage, vandalism is either a misdemeanor or felony offense. Penalties typically include fines, imprisonment in county jail, or both. In addition, a person convicted of vandalism is frequently ordered to wash, repair or replace the damaged property (known as "restitution"), and/or participate in programs to clean up graffiti and other forms of vandalism. Moreover, a parent of a minor child may be ordered to pay fines resulting from their child’s vandal behavior under a "parental liability" theory.

**Related Offenses**

Vandalism, on its own, is often considered a non-violent crime that generally affects one’s "quality of life”, but may escalate to more serious crimes typically involving juveniles including **theft/larceny**, **burglary**, **drug possession**, **disturbing the peace**, and other random acts of violence.

**Defenses to Vandalism**

Defenses to vandalism typically include circumstances that might "mitigate" or lessen the penalties, such as indifference, accident, mischief, or creative expression. Even though vandalism is a crime that generally requires completion of the act, it does not require you to get "caught in the act". You may be charged with vandalism after the fact if there are witnesses, surveillance, or other evidence that might implicate you with the crime.

**Conclusion**

Vandalism has the potential to cost states millions of dollars each year in clean-up efforts and other program costs, and may cause psychological or emotional damage to property owners as well. When a person defaces, alters, or otherwise destroys someone’s property, he or she may be required to clean-up, repair, or replace the damaged property or, more substantially, face criminal penalties in the form of jail time, fines, or both.
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