

## 18 Pa.C.S. § 3304

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*Pennsylvania Statutes, Annotated by LexisNexis® > Pennsylvania Consolidated Statutes (§§ 101 — 9901) > Title 18. Crimes and Offenses (Pts. I — III) > Part II. Definition of Specific Offenses (Arts. A — G) > Article C. Offenses Against Property (Chs. 33 — 41) > Chapter 33. Arson, Criminal Mischief and Other Property Destruction (§§ 3301 — 3313)*

### § 3304. Criminal mischief.

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**(a) Offense defined.** — A person is guilty of criminal mischief if he:

- (1) damages tangible property of another intentionally, recklessly, or by negligence in the employment of fire, explosives, or other dangerous means listed in section 3302(a) of this title (relating to causing or risking catastrophe);
- (2) intentionally or recklessly tampers with tangible property of another so as to endanger person or property;
- (3) intentionally or recklessly causes another to suffer pecuniary loss by deception or threat;
- (4) intentionally defaces or otherwise damages tangible public property or tangible property of another with graffiti by use of any aerosol spray-paint can, broad-tipped indelible marker or similar marking device;
- (5) intentionally damages real or personal property of another; or
- (6) intentionally defaces personal, private or public property by discharging a paintball gun or paintball marker at that property.

**(b) Grading.** — Criminal mischief is a felony of the third degree if the actor intentionally causes pecuniary loss in excess of \$ 5,000, or a substantial interruption or impairment of public communication, transportation, supply of water, gas or power, or other public service. It is a misdemeanor of the second degree if the actor intentionally causes pecuniary loss in excess of \$ 1,000, or a misdemeanor of the third degree if he intentionally or recklessly causes pecuniary loss in excess of \$ 500 or causes a loss in excess of \$ 150 for a violation of subsection (a)(4). Otherwise criminal mischief is a summary offense.

**(c) Definition.** — As used in this section, the term “graffiti” means an unauthorized inscription, word, figure, mark or design which is written, marked, etched, scratched, drawn or painted.

### History

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Act 1972-334 (S.B. 455), P.L. 1482, § 1, approved Dec. 6, 1972, eff. in 6 months; Act 1994-17 (S.B. 612), P.L. 131, § 1, approved Apr. 21, 1994, eff. in 60 days; Act 1996-198 (H.B. 2218), P.L. 1522, § 1, approved Dec. 20, 1996, eff. in 60 days; Act 2002-116 (H.B. 582), P.L. 806, § 1, approved Oct. 2, 2002, eff. immediately; Act 2005-85 (H.B. 1686), P.L. 449, § 1, approved Nov. 22, 2005, eff. in 60 days.

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