



OFFICE OF THE CITY MANAGER

May 13, 2002

TO: City Council

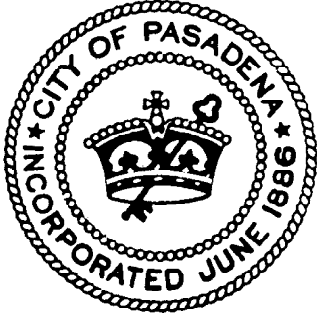
FROM: City Manager

SUBJECT: Support for AB2348 (Cardenas) – Etching Acid

On May 7, 2002, the Legislative Policy Committee reviewed the attached report and recommended approval of the staff recommendation. Following this item, the committee heard a briefing from the City's lobbyist, Ken Emanuels, who advised that the Council also support AB1344. The two bills are virtually identical and it appears that AB1344 is moving more successfully. Based on this recommendation, the Committee supported AB1344 as well.

Respectfully submitted,

CYNTHIA J. KURTZ,
City Manager



Agenda Report

TO: City Council
Through: Legislative Policy Committee
From: City Manager
Subject: Support of Assembly Bill 2348 related to Glass Etching Acid

RECOMMENDATION:

It is recommended that the City Council

1. Support Assembly Bill 2348 (Cardenas & Negrete McCleod), an act to amend Sections 594.1 and 594.2 of the Penal Code, relating to glass etching acid.
2. Authorize the Mayor to send letters to the appropriate authorities stating Pasadena's Position

BILL SUMMARY:

AB 2348 would extend the same restrictive provisions that apply to aerosol paints to include containers of etching acid. This bill would also require retailers selling or offering for sale containers of etching acid to display and store this product in areas from which it would be particularly difficult to steal by taking such actions as having them displayed in closed cabinets and checking identification at the point of sales.

BACKGROUND:

Existing law provides that it is unlawful for anyone to sell, give away, or furnish a minor with an aerosol container of paint capable of defacing property. Existing law also requires retailers selling aerosol containers of paint to post signage stating that defacement of real or personal property with paint is unlawful. It is also unlawful for a minor to possess an aerosol container of paint for the purpose of defacing property while in any public place.

The occurrences of window etching graffiti are numerous and growing. Many different tools and objects such as rocks, spark plugs or other seemingly innocuous items are used to deface property.

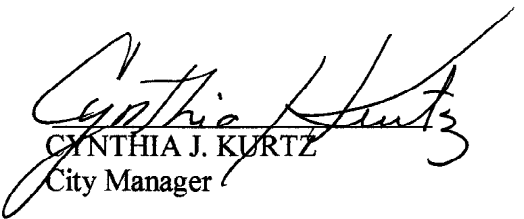
This bill seeks to address the increasing vandalism and graffiti related to window etching and will amend section 594 of the Penal Code to include the same restrictions, constraints and punishments currently applied to aerosol spray paints.

While this action will not eliminate the problem of window etching, staff is confident that it will add one more tool in the toolbox. By making the materials more difficult to obtain and imposing punitive actions for illegal possession of such materials, one more step is taken to address the ongoing problem of graffiti and property damage.

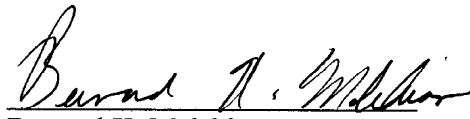
FISCAL IMPACT:

There is no fiscal impact related to the approval of this recommendation. The mechanisms to monitor and enforce this amendment are already in place as they relate to selling and possessing aerosol paints.

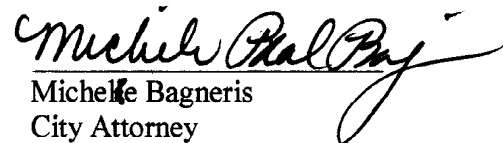
Respectfully Submitted,


CYNTHIA J. KURTZ
City Manager

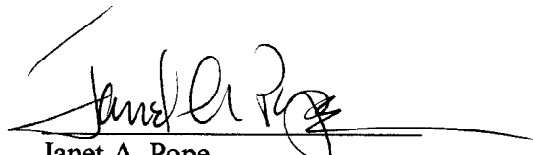
Approved by:


Bernard K. Melekian
Chief of Police

Concurrence:


Michelle Bagneris
City Attorney

Prepared by:


Janet A. Pope
Adjutant to the Chief of Police