

SENATE BILL NO. 172—COMMITTEE ON JUDICIARY

(ON BEHALF OF ATTORNEY GENERAL)

FEBRUARY 11, 1999

Referred to Committee on Judiciary

SUMMARY—Makes various changes concerning placing graffiti on or otherwise defacing property. (BDR 15-305)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~for omitted material~~ is material to be omitted.

AN ACT relating to the defacement of property; making it unlawful for certain persons to possess aerosol containers of paint, paint sticks or etchers; making it unlawful for a person to furnish to a person under the age of 24 years an aerosol container of paint, a paint stick or etcher; requiring a business to maintain records of sales of aerosol containers, paint sticks and etchers; providing penalties; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND
ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** Chapter 206 of NRS is hereby amended by adding thereto a
2 new section to read as follows:
3 ***1. Unless a greater penalty is provided pursuant to subsection 2, a***
4 ***person who:***
5 ***(a) Is under the age of 24 years and possesses an aerosol container of***
6 ***paint, a paint stick or an etcher that is capable of being used to create***
7 ***graffiti or to otherwise deface property, unless he is using it for a lawful***
8 ***purpose;***
9 ***(b) Has previously been convicted of violating the provisions of NRS***
10 ***206.125 or 206.330 and possesses an aerosol container of paint, a paint***
11 ***stick or an etcher that is capable of being used to create graffiti or***
12 ***otherwise deface property, unless he is using it for a lawful purpose; or***
13 ***(c) Carries an aerosol container of paint, a paint stick or an etcher***
14 ***while in any public facility, park, playground, swimming pool, restroom***

1 *or recreational area, unless he has first received valid authorization from*
2 *the governing body of the governmental entity that controls the public*
3 *place,*

4 *is guilty of a misdemeanor.*

5 *2. A person who:*

6 *(a) Is under the age of 24 years and possesses more than one aerosol*
7 *container of paint, a paint stick or an etcher, or any combination thereof,*
8 *that are capable of being used to create graffiti or otherwise deface*
9 *property, unless he is using them for a lawful purpose;*

10 *(b) Has previously been convicted of violating the provisions of NRS*
11 *206.125 or 206.330 two or more times and possesses an aerosol container*
12 *of paint, a paint stick or an etcher that is capable of being used to create*
13 *graffiti or otherwise deface property, unless he is using it for a lawful*
14 *purpose; or*

15 *(c) Carries more than one aerosol container of paint, a paint stick or*
16 *an etcher, or any combination thereof, while in any public facility, park,*
17 *playground, swimming pool, restroom or recreational area, unless he has*
18 *first received valid authorization from the governing body of the*
19 *governmental entity that controls the public place,*
20 *is guilty of a gross misdemeanor.*

21 *3. As used in this section:*

22 *(a) "Etcher" means a device used to etch or scratch any surface,*
23 *including, without limitation, glass, metal or wood.*

24 *(b) "Paint stick" means a device used to apply paint, indelible ink or*
25 *grease paint to an object.*

26 *Sec. 2. Chapter 597 of NRS is hereby amended by adding thereto a*
27 *new section to read as follows:*

28 *1. Except for the parent, legal guardian or employer of a person*
29 *under the age of 24 years and except as otherwise provided in this*
30 *subsection, a person who sells, gives or in any way furnishes to a person*
31 *who is under the age of 24 years an aerosol container of paint, a paint*
32 *stick or an etcher that is capable of being used to create graffiti or*
33 *otherwise deface property is guilty of a misdemeanor. A school or*
34 *university may furnish an aerosol container of paint, a paint stick or an*
35 *etcher to a pupil for use in the curriculum of a class.*

36 *2. A person who is under the age of 24 years who purchases or*
37 *solicits another person other than his parent, legal guardian or employer*
38 *to purchase for him an aerosol container of paint, a paint stick or an*
39 *etcher is guilty of a misdemeanor.*

40 *3. A business shall:*

41 *(a) Obtain proper identification from a person whom it reasonably*
42 *believes is under the age of 24 years before it sells an aerosol container*
43 *of paint, a paint stick or an etcher to that person;*

1 ***(b) Maintain a record of each person to whom it sells an aerosol***
2 ***container of paint, a paint stick or an etcher including, without***
3 ***limitation, the full name, residence address and driver's license number***
4 ***of that person; and***

5 ***(c) Make the records maintained pursuant to paragraph (b) open for***
6 ***inspection by all peace officers of this state at all reasonable times, and***
7 ***preserve the records for a period of at least 3 years.***

8 ***4. As used in this section:***

9 ***(a) "Etcher" has the meaning ascribed to it in subsection 3 of section***
10 ***1 of this act.***

11 ***(b) "Graffiti" has the meaning ascribed to it in NRS 206.005.***

12 ***(c) "Paint stick" has the meaning ascribed to it in subsection 3 of***
13 ***section 1 of this act.***

14 ***Sec. 3.*** The amendatory provisions of this act do not apply to offenses
15 which are committed before October 1, 1999.