
ASSEMBLY BILL NO. 23—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE CITY OF RENO)

PREFILED JANUARY 26, 2007

Referred to Committee on Judiciary

SUMMARY—Revises the penalty for placing graffiti on or otherwise defacing property. (BDR 15-436)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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

AN ACT relating to crimes; requiring the suspension or delay in the issuance of the driver's license of a person who places graffiti on or otherwise defaces property; requiring the court to issue an order impounding any motor vehicle used in the commission of such an offense by a person who is 18 years of age or older; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law, the court may issue an order suspending or delaying the
2 issuance of the driver's license of a person who places graffiti on or otherwise
3 defaces the public or private property of another, without the permission of the
4 owner. (NRS 62E.690, 206.330) This bill requires the court to issue an order
5 suspending or delaying the issuance of the driver's license of a person who
6 commits such an offense and who is 18 years of age or older for a period of not less
7 than 6 months but not more than 2 years. If the person who commits such an
8 offense is not yet 18 years of age, the court must suspend or delay the issuance of
9 the driver's license of the person until he reaches 18 years of age. In addition, if the
10 person who commits such an offense is 18 years of age or older, the court must
11 issue an order impounding any motor vehicle used in the commission of the offense
12 for a period of 30 days.



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

Section 1. NRS 206.330 is hereby amended to read as follows:
206.330 1. Unless a greater criminal penalty is provided by a
specific statute, a person who places graffiti on or otherwise defaces
the public or private property, real or personal, of another, without
the permission of the owner:

(a) Where the value of the loss is less than \$250, is guilty of a
misdemeanor.

(b) Where the value of the loss is \$250 or more but less than
\$5,000, is guilty of a gross misdemeanor.

(c) Where the value of the loss is \$5,000 or more or where the
damage results in the impairment of public communication,
transportation or police and fire protection, is guilty of a category E
felony and shall be punished as provided in NRS 193.130.

2. If a person commits more than one offense pursuant to a
scheme or continuing course of conduct, the value of all property
damaged or destroyed by that person in the commission of those
offenses may be aggregated for the purpose of determining the
penalty prescribed in subsection 1.

3. A person who violates subsection 1 shall, in addition to any
other fine or penalty imposed:

(a) For the first offense, perform not less than 50 hours, but not
more than 99 hours, of community service.

(b) For the second offense, perform not less than 100 hours, but
not more than 199 hours, of community service.

(c) For the third and each subsequent offense, perform not less
than 200 hours of community service.

➤ The community service assigned pursuant to this subsection
must, if possible, be related to the abatement of graffiti.

4. The parent or legal guardian of a person under the age of 18
years who violates this section is liable for all fines and penalties
imposed against the person. If the parent or legal guardian is unable
to pay the fine and penalties resulting from a violation of this
section because of financial hardship, the court may require the
parent or legal guardian to perform community service.

5. If a person who is 18 years of age or older is found guilty of
violating this section, **in addition to any other penalty imposed**, the
court ~~may~~ **shall** issue an order suspending the driver's license of
the person for a period **of** not ~~to exceed~~ **less than** 6 months ~~in~~
~~addition to any other penalty imposed. If such an order is issued,~~
~~the~~ **but not more than 2 years. The** court shall require the person to
surrender all driver's licenses then held by the person. If the person
does not possess a driver's license, the court ~~may~~ **shall** issue an



1 order prohibiting the person from applying for a driver's license
2 ~~{within the}~~ **for a period of not less than** 6 months ~~{immediately~~
3 ~~following the date of the order.}~~ **but not more than 2 years.** The
4 court shall, within 5 days after issuing the order, forward to the
5 Department of Motor Vehicles any licenses together with a copy of
6 the order. **The court shall also issue an order impounding any**
7 **motor vehicle used in the commission of the offense for a period of**
8 **30 days.**

9 6. The Department of Motor Vehicles:

10 (a) Shall not treat a violation of this section in the manner
11 statutorily required for a moving traffic violation.

12 (b) Shall report the suspension of a driver's license pursuant to
13 this section to an insurance company or its agent inquiring about the
14 person's driving record. An insurance company shall not use any
15 information obtained pursuant to this paragraph for purposes related
16 to establishing premium rates or determining whether to underwrite
17 the insurance.

18 7. A criminal penalty imposed pursuant to this section is in
19 addition to any civil penalty or other remedy available pursuant to
20 another statute for the same conduct.

21 8. As used in this section, "impairment" means the disruption
22 of ordinary and incidental services, the temporary loss of use or the
23 removal of the property from service for repair of damage.

24 **Sec. 2.** NRS 62E.690 is hereby amended to read as follows:

25 62E.690 1. Except as otherwise provided in this section, if a
26 child is adjudicated delinquent for the unlawful act of placing
27 graffiti on or otherwise defacing public or private property owned or
28 possessed by another person in violation of NRS 206.125 or
29 206.330, the juvenile court ~~{may:}~~ **shall:**

30 (a) If the child possesses a driver's license, issue an order
31 suspending the driver's license of the child ~~{for at least 90 days but~~
32 ~~not more than 2 years;}~~ **until he reaches 18 years of age;** or

33 (b) If the child does not possess a driver's license and the child
34 is or will be eligible to receive a driver's license within the 2 years
35 immediately following the date of the order, issue an order
36 prohibiting the child from receiving a driver's license ~~{for a period~~
37 ~~specified by the juvenile court which must be at least 90 days but~~
38 ~~not more than 2 years;~~

39 ~~—— (1) Immediately following the date of the order, if the child~~
40 ~~is eligible to receive a driver's license; or~~

41 ~~—— (2) After the date the child will be eligible to receive a~~
42 ~~driver's license, if the child is not eligible to receive a license on the~~
43 ~~date of the order.}~~ **until he reaches 18 years of age.**

44 2. If the child is already the subject of a court order suspending
45 or delaying the issuance of his driver's license, the juvenile court



1 shall order the additional suspension or delay, as appropriate, to
2 apply consecutively with the previous order.

3 **Sec. 3.** NRS 483.250 is hereby amended to read as follows:

4 483.250 The Department shall not issue any license pursuant to
5 the provisions of NRS 483.010 to 483.630, inclusive:

6 1. To any person who is under the age of 18 years, except that
7 the Department may issue:

8 (a) A restricted license to a person between the ages of 14 and
9 18 years pursuant to the provisions of NRS 483.267 and 483.270.

10 (b) An instruction permit to a person who is at least 15 1/2 years
11 of age pursuant to the provisions of subsection 1 of NRS 483.280.

12 (c) A restricted instruction permit to a person under the age of
13 18 years pursuant to the provisions of subsection 3 of NRS 483.280.

14 (d) A driver's license to a person who is 16 or 17 years of age
15 pursuant to NRS 483.2521.

16 2. To any person whose license has been revoked until the
17 expiration of the period during which he is not eligible for a license.

18 3. To any person whose license has been suspended, but upon
19 good cause shown to the Administrator, the Department may issue a
20 restricted license to him or shorten any period of suspension.

21 4. To any person who has previously been adjudged to be
22 afflicted with or suffering from any mental disability or disease and
23 who has not at the time of application been restored to legal
24 capacity.

25 5. To any person who is required by NRS 483.010 to 483.630,
26 inclusive, to take an examination, unless he has successfully passed
27 the examination.

28 6. To any person when the Administrator has good cause to
29 believe that by reason of physical or mental disability that person
30 would not be able to operate a motor vehicle safely.

31 7. To any person who is not a resident of this State.

32 8. To any child who is the subject of a court order issued
33 pursuant to title 5 of NRS which *suspends or* delays his privilege to
34 drive ~~H~~ *until the expiration of the period of suspension or delay.*

35 9. To any person who is the subject of a court order issued
36 pursuant to NRS 206.330 which suspends or delays his privilege to
37 drive until the expiration of the period of suspension or delay.

38 10. To any person who is not eligible for the issuance of a
39 license pursuant to NRS 483.283.

