

ASSEMBLY BILL NO. 81—ASSEMBLYMEN COBB, BEERS,
CARPENTER, GOEDHART, GOICOECHEA, GRADY AND MARVEL

FEBRUARY 8, 2007

Referred to Committee on Judiciary

SUMMARY—Revises penalties for placing graffiti on or otherwise defacing public or private property. (BDR 15-843)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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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 graffiti; revising the penalties for placing graffiti on or otherwise defacing public or private property; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 This bill revises the penalties for placing graffiti on or otherwise defacing
2 public or private property. Existing law makes it a category E felony to engage in
3 such acts if the value of the loss to the property owner is \$5,000 or more. (NRS
4 206.330) **Section 1** of this bill lowers that monetary threshold to \$1,000. Existing
5 law further requires a person who places graffiti on or otherwise defaces public or
6 private property to perform community service in an amount determined by
7 whether the person has previously committed such an offense. **Section 1** instead
8 requires any person who engages in such acts to perform supervised community
9 service related to the abatement of graffiti every weekend for 1 year. (NRS
10 206.330) Existing law authorizes the court in such cases to suspend the driver's
11 license of the defendant for a period of 6 months and authorizes a juvenile court to
12 suspend the driver's license of a child for at least 90 days but not more than 2 years
13 if the minor is found delinquent for engaging in such acts. (NRS 62E.690, 206.330)
14 **Sections 1 and 2** of this bill make the suspension mandatory and increases the
15 minimum suspension to 6 months for a child.



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

- 1 **Section 1.** NRS 206.330 is hereby amended to read as follows:
2 206.330 1. Unless a greater criminal penalty is provided by a
3 specific statute, a person who places graffiti on or otherwise defaces
4 the public or private property, real or personal, of another, without
5 the permission of the owner:
6 (a) Where the value of the loss is less than \$250, is guilty of a
7 misdemeanor.
8 (b) Where the value of the loss is \$250 or more but less than
9 ~~[\$5,000,]~~ **\$1,000**, is guilty of a gross misdemeanor.
10 (c) Where the value of the loss is ~~[\$5,000]~~ **\$1,000** or more or
11 where the damage results in the impairment of public
12 communication, transportation or police and fire protection, is guilty
13 of a category E felony and shall be punished as provided in
14 NRS 193.130.
15 2. If a person commits more than one offense pursuant to a
16 scheme or continuing course of conduct, the value of all property
17 damaged or destroyed by that person in the commission of those
18 offenses may be aggregated for the purpose of determining the
19 penalty prescribed in subsection 1.
20 3. A person who violates subsection 1 shall, in addition to any
21 other fine or penalty imposed ~~[-~~
22 ~~—(a) For the first offense, perform not less than 50 hours, but not~~
23 ~~more than 99 hours, of community service.~~
24 ~~—(b) For the second offense, perform not less than 100 hours, but~~
25 ~~not more than 199 hours, of community service.~~
26 ~~—(c) For the third and each subsequent offense, perform not less~~
27 ~~than 200 hours of community service.~~
28 ~~→The~~, **perform supervised** community service ~~[assigned pursuant~~
29 ~~to this subsection must, if possible, be]~~ related to the abatement of
30 graffiti ~~[-]~~ **every Saturday and Sunday for a period of 1 year**
31 **immediately following the date of sentencing, except when the**
32 **entity supervising the community service excuses the person for**
33 **good cause.**
34 4. The parent or legal guardian of a person under the age of 18
35 years who violates this section is liable for all fines and penalties
36 imposed against the person. If the parent or legal guardian is unable
37 to pay the fine and penalties resulting from a violation of this
38 section because of financial hardship, the court may require the
39 parent or legal guardian to perform community service.
40 5. If a person who is 18 years of age or older is found guilty of
41 violating this section, the court ~~[may]~~ **shall** issue an order
42 suspending the driver's license of the person for a period ~~[not to~~



1 ~~exceed~~ **of at least** 6 months in addition to any other penalty
2 imposed. If such an order is issued, the court shall require the person
3 to surrender all driver's licenses then held by the person. If the
4 person does not possess a driver's license, the court ~~may~~ **shall**
5 issue an order prohibiting the person from applying for a driver's
6 license within the 6 months immediately following the date of the
7 order. The court shall, within 5 days after issuing the order, forward
8 to the Department of Motor Vehicles any licenses together with a
9 copy of the order.

10 6. The Department of Motor Vehicles:

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

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

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

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

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

26 62E.690 1. Except as otherwise provided in this section, if a
27 child is adjudicated delinquent for the unlawful act of placing
28 graffiti on or otherwise defacing public or private property owned or
29 possessed by another person in violation of NRS 206.125 or
30 206.330, the juvenile court ~~may~~ **shall**:

31 (a) If the child possesses a driver's license, issue an order
32 suspending the driver's license of the child for at least ~~90 days~~ **6**
33 **months** but not more than 2 years; or

34 (b) If the child does not possess a driver's license and the child
35 is or will be eligible to receive a driver's license within the 2 years
36 immediately following the date of the order, issue an order
37 prohibiting the child from receiving a driver's license for a period
38 specified by the juvenile court which must be at least ~~90 days~~ **6**
39 **months** but not more than 2 years:

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

42 (2) After the date the child will be eligible to receive a
43 driver's license, if the child is not eligible to receive a license on the
44 date of the order.



- 1 2. If the child is already the subject of a court order suspending
- 2 or delaying the issuance of his driver's license, the juvenile court
- 3 shall order the additional suspension or delay, as appropriate, to
- 4 apply consecutively with the previous order.

