

Amendment No. 880

Assembly Amendment to Senate Bill No. 237 First Reprint (BDR 15-71)

Proposed by: Assemblywoman Diaz

Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

MNM/BAW



Date: 5/24/2013

S.B. No. 237—Revises provisions governing certain graffiti offenses. (BDR 15-71)



SENATE BILL NO. 237—COMMITTEE ON JUDICIARY

MARCH 12, 2013

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing certain graffiti offenses. (BDR 15-71)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.

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 crimes; changing the penalty for certain graffiti offenses committed on any protected site in this State; revising the definition of “protected site” as it relates to ~~teertain~~ such graffiti offenses; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides that a person who places graffiti on or otherwise defaces the real or personal public or private property of another without the permission of the owner is guilty of a category C felony if the offense is committed on any protected site in this State. (NRS 206.330) This bill changes the penalty for such an offense to a category D felony. This bill also revises the definition of “protected site” to include any site, building, structure, object or district: (1) listed in the register of historic resources of a community which is recognized as a Certified Local Government pursuant to the Certified Local Government Program jointly administered by the National Park Service and the Office of Historic Preservation of the State Department of Conservation and Natural Resources; (2) listed in the State Register of Historic Places or the National Register of Historic Places; or (3) that is more than 50 years old and is located in a municipal or state park.

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

1 protection, is guilty of a category E felony and shall be punished as provided in
2 NRS 193.130. If the court grants probation to such a person, the court shall require
3 as a condition of probation that the person serve at least 10 days in the county jail.

4 (d) Where the offense is committed on any protected site in this State, is guilty
5 of a category ~~F~~ D felony and shall be punished as provided in NRS 193.130. If
6 the court grants probation to such a person, the court shall require as a condition of
7 probation that the person serve at least 10 days in the county jail.

8 2. If a person commits more than one offense pursuant to a scheme or
9 continuing course of conduct, the value of all property damaged or destroyed by
10 that person in the commission of those offenses must be aggregated for the purpose
11 of determining the penalty prescribed in subsection 1, but only if the value of the
12 loss when aggregated is \$500 or more.

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

15 (a) For the first offense, pay a fine of not less than \$400 but not more than
16 \$1,000 and perform 100 hours of community service.

17 (b) For the second offense, pay a fine of not less than \$750 but not more than
18 \$1,000 and perform 200 hours of community service.

19 (c) For the third and each subsequent offense:

20 (1) Pay a fine of \$1,000; and

21 (2) Perform up to 300 hours of community service for up to 1 year, as
22 determined by the court. The court may order the person to repair, replace, clean up
23 or keep free of graffiti the property damaged or destroyed by the person or, if it is
24 not practicable for the person to repair, replace, clean up or keep free of graffiti that
25 specific property, the court may order the person to repair, replace, clean up or keep
26 free of graffiti another specified property.

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

29 4. The court may, in addition to any other fine or penalty imposed, order a
30 person who violates subsection 1 to pay restitution.

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

36 6. If a person who is 18 years of age or older is found guilty of violating this
37 section, the court shall, in addition to any other penalty imposed, issue an order
38 suspending the driver's license of the person for not less than 6 months but not
39 more than 2 years. The court shall require the person to surrender all driver's
40 licenses then held by the person. If the person does not possess a driver's license,
41 the court shall issue an order prohibiting the person from applying for a driver's
42 license for not less than 6 months but not more than 2 years. The court shall, within
43 5 days after issuing the order, forward to the Department of Motor Vehicles any
44 licenses together with a copy of the order.

45 7. The Department of Motor Vehicles:

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

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

1 8. A criminal penalty imposed pursuant to this section is in addition to any
2 civil penalty or other remedy available pursuant to this section or another statute for
3 the same conduct.

4 9. As used in this section:

5 (a) "Impairment" means the disruption of ordinary and incidental services, the
6 temporary loss of use or the removal of the property from service for repair of
7 damage.

8 (b) "Protected site" means:

9 (1) ~~Any~~ Any site, landmark, monument, building or structure of historical
10 significance pertaining to the history of the settlement of Nevada;

11 (2) *Any site, building, structure, object or district listed in the register of
12 historic resources of a community which is recognized as a Certified Local
13 Government pursuant to the Certified Local Government Program jointly
14 administered by the National Park Service and the Office of Historic
15 Preservation of the State Department of Conservation and Natural Resources;*

16 (3) *Any site, building, structure, object or district listed in the State
17 Register of Historic Places pursuant to NRS 383.085 or the National Register of
18 Historic Places;*

19 (4) *Any site, building, structure, object or district that is more than 50
20 years old and is located in a municipal or state park;*

21 (5) Any Indian campgrounds, shelters, petroglyphs, pictographs and
22 burials; or

23 ~~(3)~~ (6) Any archeological or paleontological site, ruin, deposit, fossilized
24 footprints and other impressions, petroglyphs and pictographs, habitation caves,
25 rock shelters, natural caves, burial ground or sites of religious or cultural
26 importance to an Indian tribe.

27 (c) "Value of the loss" means the cost of repairing, restoring or replacing the
28 property, including, without limitation, the cost of any materials and labor
29 necessary to repair, restore or replace the item.