

Amendment No. 28

Senate Amendment to Senate Bill No. 37

(BDR 15-261)

Proposed by: Senate Committee on Judiciary

Amends: Summary: No Title: No 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.

NCA/BAW



Date: 3/27/2013

S.B. No. 37—Revises provisions relating to the destruction or theft of certain property. (BDR 15-261)



SENATE BILL NO. 37—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE NEVADA LEAGUE OF
CITIES AND MUNICIPALITIES)

PREFILED DECEMBER 20, 2012

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to the destruction or theft of certain property. (BDR 15-261)

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 a person who unlawfully removes, damages or destroys certain property to obtain scrap metal to make restitution and to perform community service; requiring a person who intentionally steals, takes and carries away scrap metal or utility property to perform community service; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a person who willfully or maliciously removes, damages or destroys any utility property, agricultural infrastructure, lights maintained by a State or local government, construction site or certain other property to obtain scrap metal is guilty of a crime. (NRS 202.582) **Section 1** of this bill: (1) provides that a person who removes, damages or destroys any property maintained by the State or a local government to obtain scrap metal is guilty of a crime; and (2) requires a person convicted of such a crime, in addition to any other penalty, to pay restitution and to perform 100 hours of community service for a first offense, 200 hours of community service for a second offense and up to 300 hours of community service for any third or subsequent offense. **Section 1** also revises the definition of "utility property" to include any facility, equipment or other property owned, maintained or used by a company or a city, county or other political subdivision of this State to furnish sewer service, ~~or~~ **or storm water collection or disposal service.**

Existing law also provides that a person who intentionally steals, takes and carries away scrap metal: (1) with a value of less than \$650 within a period of 90 days is guilty of a misdemeanor; or (2) with a value of \$650 or more within a period of 90 days is guilty of a category C or B felony with varying terms of imprisonment and fines, depending on the value of the scrap metal. (NRS 205.267) **Section 2** of this bill: (1) similarly makes it a crime to intentionally steal, take or carry away utility property; and (2) requires a person convicted of intentionally stealing, taking or carrying away scrap metal or utility property to perform 100 hours of community service for a first offense, 200 hours of community service for a second offense and up to 300 hours of community service for any third or subsequent offense.

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

Section 1. NRS 202.582 is hereby amended to read as follows:

202.582 1. A person who willfully and maliciously removes, damages or destroys any utility property, agricultural infrastructure or other agricultural property, ~~lights~~ *property* maintained by the State or a local government, construction site or existing structure to obtain scrap metal shall be punished pursuant to the provisions of this section.

2. Except as otherwise provided in subsection 3, if the value of the property removed, damaged or destroyed as described in subsection 1 is:

(a) Less than \$500, a person who violates the provisions of subsection 1 is guilty of a misdemeanor.

(b) Five hundred dollars or more, a person who violates the provisions of subsection 1 is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. If the removal, damage or destruction described in subsection 1 causes an interruption in the service provided by any utility property, a person who violates the provisions of subsection 1 is guilty of a category C felony and shall be punished as provided in NRS 193.130.

4. In addition to any other penalty, the court ~~may~~ *shall* order a person who violates the provisions of subsection 1 to pay restitution ~~and~~:

(a) For the first offense, to perform 100 hours of community service.

(b) For a second offense, to perform 200 hours of community service.

(c) For a third or subsequent offense, to perform up to 300 hours of community service for up to 1 year, as determined by the court.

5. In determining the value of the property removed, damaged or destroyed as described in subsection 1, the cost of replacing or repairing the property or repairing the utility property, agricultural infrastructure, agricultural property, ~~lights~~ construction site or existing structure, if necessary, must be added to the value of the property.

6. As used in this section:

(a) "Scrap metal" has the meaning ascribed to it in NRS 647.017.

(b) "Utility property" means any facility, equipment or other property owned, maintained or used by a company or a city, county or other political subdivision of this State to furnish cable television or other video service, broadband service, telecommunication service, telephone service, telegraph service, natural gas service, water service, *sewer service, storm water collection or disposal service* or electric service, regardless of whether the facility, property or equipment is currently used to furnish such service.

Sec. 2. NRS 205.267 is hereby amended to read as follows:

205.267 1. A person who intentionally steals, takes and carries away scrap metal *or utility property* with a value of less than \$650 within a period of 90 days is guilty of a misdemeanor.

2. A person who intentionally steals, takes and carries away scrap metal *or utility property* with a value of \$650 or more within a period of 90 days is guilty of:

(a) If the value of the *scrap metal or utility* property taken is less than \$3,500, a category C felony and shall be punished as provided in NRS 193.130; or

(b) If the value of the *scrap metal or utility* property taken is \$3,500 or more, a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than \$10,000.

3. In addition to any other penalty, the court shall order a person who violates the provisions of subsection 1 or 2 to pay restitution ~~and~~ **and:**

(a) For a first offense, to perform 100 hours of community service.

(b) For a second offense, to perform 200 hours of community service.

(c) For a third or subsequent offense, to perform up to 300 hours of community service for up to 1 year, as determined by the court.

4. In determining the value of the *scrap metal or utility* property taken, the cost of repairing and, if necessary, replacing any property damaged by the theft of the scrap metal **or utility property** must be added to the value of the property.

5. As used in this section ~~the "scrap"~~ **:**

(a) "Scrap metal" has the meaning ascribed to it in NRS 647.017.

(b) "Utility property" has the meaning ascribed to it in NRS 202.582.

Sec. 3. This act becomes effective upon passage and approval.