

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 such graffiti offenses; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law provides that a person who places graffiti on or otherwise defaces
2 the real or personal public or private property of another without the permission of
3 the owner is guilty of a category C felony if the offense is committed on any
4 protected site in this State. (NRS 206.330) This bill changes the penalty for such an
5 offense to a category D felony. This bill also revises the definition of “protected
6 site” to include any site, building, structure, object or district: (1) listed in the
7 register of historic resources of a community which is recognized as a Certified
8 Local Government pursuant to the Certified Local Government Program jointly
9 administered by the National Park Service and the Office of Historic Preservation
10 of the State Department of Conservation and Natural Resources; (2) listed in the
11 State Register of Historic Places or the National Register of Historic Places; or (3)
12 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:

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



1 the public or private property, real or personal, of another, without
2 the permission of the owner:

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

5 (b) Where the value of the loss is \$250 or more but less than
6 \$5,000, is guilty of a gross misdemeanor.

7 (c) Where the value of the loss is \$5,000 or more or where the
8 damage results in the impairment of public communication,
9 transportation or police and fire protection, is guilty of a category E
10 felony and shall be punished as provided in NRS 193.130. If the
11 court grants probation to such a person, the court shall require as a
12 condition of probation that the person serve at least 10 days in the
13 county jail.

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

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

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

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

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

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

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

33 (2) Perform up to 300 hours of community service for up to 1
34 year, as determined by the court. The court may order the person to
35 repair, replace, clean up or keep free of graffiti the property
36 damaged or destroyed by the person or, if it is not practicable for the
37 person to repair, replace, clean up or keep free of graffiti that
38 specific property, the court may order the person to repair, replace,
39 clean up or keep free of graffiti another specified property.

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

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

44 5. The parent or legal guardian of a person under 18 years of
45 age who violates this section is liable for all fines and penalties



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1 imposed against the person. If the parent or legal guardian is unable
2 to pay the fine and penalties resulting from a violation of this
3 section because of financial hardship, the court may require the
4 parent or legal guardian to perform community service.

5 6. If a person who is 18 years of age or older is found guilty of
6 violating this section, the court shall, in addition to any other penalty
7 imposed, issue an order suspending the driver's license of the person
8 for not less than 6 months but not more than 2 years. The court shall
9 require the person to surrender all driver's licenses then held by the
10 person. If the person does not possess a driver's license, the court
11 shall issue an order prohibiting the person from applying for a
12 driver's license for not less than 6 months but not more than 2 years.
13 The court shall, within 5 days after issuing the order, forward to the
14 Department of Motor Vehicles any licenses together with a copy of
15 the order.

16 7. The Department of Motor Vehicles:

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

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

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

28 9. As used in this section:

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

32 (b) "Protected site" means:

33 (1) ~~IAI~~ Any site, landmark, monument, building or structure
34 of historical significance pertaining to the history of the settlement
35 of Nevada;

36 (2) Any site, building, structure, object or district listed in
37 the register of historic resources of a community which is
38 recognized as a Certified Local Government pursuant to the
39 Certified Local Government Program jointly administered by the
40 National Park Service and the Office of Historic Preservation of
41 the State Department of Conservation and Natural Resources;

42 (3) Any site, building, structure, object or district listed in
43 the State Register of Historic Places pursuant to NRS 383.085 or
44 the National Register of Historic Places;



- 1 (4) *Any site, building, structure, object or district that is*
2 *more than 50 years old and is located in a municipal or state park;*
3 (5) Any Indian campgrounds, shelters, petroglyphs,
4 pictographs and burials; or
5 ~~†(3)†~~ (6) Any archeological or paleontological site, ruin,
6 deposit, fossilized footprints and other impressions, petroglyphs and
7 pictographs, habitation caves, rock shelters, natural caves, burial
8 ground or sites of religious or cultural importance to an Indian tribe.
9 (c) “Value of the loss” means the cost of repairing, restoring or
10 replacing the property, including, without limitation, the cost of any
11 materials and labor necessary to repair, restore or replace the item.

