

Amendment No. 734

Senate Amendment to Assembly Bill No. 244 First Reprint	(BDR 15-736)
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	<input type="checkbox"/>	Lost	<input type="checkbox"/>		Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>		Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>		Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

NCA/BAW



Date: 5/13/2015

A.B. No. 244—Provides an enhanced penalty for committing certain repeat graffiti offenses. (BDR 15-736)



ASSEMBLY BILL NO. 244—ASSEMBLYMEN STEWART,  
ELLISON; AND SILBERKRAUS

MARCH 9, 2015

Referred to Committee on Judiciary

SUMMARY—Provides an enhanced penalty for committing certain repeat graffiti offenses. (BDR 15-736)

FISCAL NOTE: Effect on Local Government: No.  
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; providing an enhanced penalty for committing certain repeat offenses of placing graffiti on or otherwise defacing certain property; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law provides that a person who unlawfully places graffiti on or otherwise defaces the public or private property of another without the permission of the owner is guilty of a misdemeanor, gross misdemeanor or felony, depending on the value of the loss of the property. (NRS 206.330) This bill provides that if a person has previously been convicted two or more times of placing graffiti on or otherwise defacing public or private property or has previously been convicted of a felony for such conduct, and the person commits another such violation, regardless of the value of the loss, the person is guilty of a category ~~E~~ **D** felony.

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. If the court grants probation to such a person, the court shall require as a condition of probation that the person serve at least 10 days in the county jail.

(d) Where the offense is committed on any protected site in this State, is guilty of a category D felony and shall be punished as provided in NRS 193.130. If the

1 court grants probation to such a person, the court shall require as a condition of  
2 probation that the person serve at least 10 days in the county jail.

3 **2. Unless a greater penalty is provided by a specific statute, a person who**  
4 **has previously been convicted of a violation of subsection 1:**

5 (a) Two or more times; or

6 (b) That was punished as a felony,

7 **and who violates subsection 1, regardless of the value of the loss, is guilty of a**  
8 **category ~~1C~~ D felony and shall be punished as provided in NRS 193.130.**

9 ~~12-1~~ 3. If a person commits more than one offense pursuant to a scheme or  
10 continuing course of conduct, the value of all property damaged or destroyed by  
11 that person in the commission of those offenses must be aggregated for the purpose  
12 of determining the penalty prescribed in subsection 1, but only if the value of the  
13 loss when aggregated is \$500 or more.

14 ~~13-1~~ 4. A person who violates subsection 1 shall, in addition to any other fine  
15 or penalty imposed:

16 (a) For the first offense, pay a fine of not less than \$400 but not more than  
17 \$1,000 and perform 100 hours of community service.

18 (b) For the second offense, pay a fine of not less than \$750 but not more than  
19 \$1,000 and perform 200 hours of community service.

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

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

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

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

30 ~~14-1~~ 5. The court may, in addition to any other fine or penalty imposed, order  
31 a person who violates subsection 1 to pay restitution.

32 ~~15-1~~ 6. The parent or legal guardian of a person under 18 years of age who  
33 violates this section is liable for all fines and penalties imposed against the person.  
34 If the parent or legal guardian is unable to pay the fine and penalties resulting from  
35 a violation of this section because of financial hardship, the court may require the  
36 parent or legal guardian to perform community service.

37 ~~16-1~~ 7. If a person who is 18 years of age or older is found guilty of violating  
38 this section, the court shall, in addition to any other penalty imposed, issue an order  
39 suspending the driver's license of the person for not less than 6 months but not  
40 more than 2 years. The court shall require the person to surrender all driver's  
41 licenses then held by the person. If the person does not possess a driver's license,  
42 the court shall issue an order prohibiting the person from applying for a driver's  
43 license for not less than 6 months but not more than 2 years. The court shall, within  
44 5 days after issuing the order, forward to the Department of Motor Vehicles any  
45 licenses together with a copy of the order.

46 ~~17-1~~ 8. The Department of Motor Vehicles:

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

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

1       ~~8-1~~ 9. A criminal penalty imposed pursuant to this section is in addition to  
2 any civil penalty or other remedy available pursuant to this section or another  
3 statute for the same conduct.

4       ~~9-1~~ 10. 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 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 Preservation  
15 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 years  
20 old and is located in a municipal or state park;

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

23       (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.