

CHAPTER.....

AN ACT relating to graffiti; making various changes to the provisions pertaining to the crime of placing graffiti on or otherwise defacing property; providing a penalty; and providing other matters properly relating thereto.

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 ~~is guilty of a public offense, as prescribed in NRS 193.155, proportionate to the value of the property damaged or destroyed and in no event less than a misdemeanor.]:~~

(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.

2. If a person commits more than one offense pursuant to a scheme or continuing course of conduct, the value of all property damaged or destroyed by that person in the commission of those offenses may be aggregated for the purpose of determining the penalty prescribed in subsection 1.

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

(a) For the first offense, perform not less than 50 hours, but not more than 99 hours, of community service.

(b) For the second offense, perform not less than 100 hours, but not more than 199 hours, of community service.

(c) For the third and each subsequent offense, perform not less than 200 hours of community service.

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

~~3.]~~ *4. The parent or legal guardian of a person under the age of ~~17] 18~~ 18 years who violates this section is liable for all fines and penalties imposed against the person. If the parent or legal guardian is unable to pay the fine and penalties resulting from a violation of*

this section because of financial hardship, the court may require the parent or legal guardian to perform community service.

~~[4.]~~ 5. If a person who is 18 years of age or older is found guilty of violating this section, the court may issue an order suspending the driver's license of the person for a period not to exceed 6 months in addition to any other penalty imposed. If such an order is issued, the court shall require the person to surrender all driver's licenses then held by the person. If the person does not possess a driver's license, the court may issue an order prohibiting the person from applying for a driver's license within the 6 months immediately following the date of the order. The court shall, within 5 days after issuing the order, forward to the Department of Motor Vehicles any licenses together with a copy of the order.

~~[5.]~~ 6. The Department of Motor Vehicles:

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

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

~~[6.]~~ 7. A criminal penalty imposed pursuant to this section is in addition to any civil penalty or other remedy available pursuant to another statute for the same conduct.

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

Sec. 2. This act becomes effective on July 1, 2003.