



One Hundred First Legislature - First Session - 2009
Introducer's Statement of Intent
LB 276

Chairperson: Brad Ashford
Committee: Judiciary
Date of Hearing: January 28, 2009

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 276 is intended to provide stronger and more comprehensive penalties for graffiti and criminal defacement.

For graffiti causing less than \$500 in pecuniary loss, a defendant will be guilty of a class III misdemeanor on their first offense, a class II misdemeanor on their second offense, and a class I misdemeanor on their third and subsequent offense.

For graffiti causing \$500 or more in pecuniary loss, a defendant will be guilty of a class II misdemeanor on their first offense, a class I misdemeanor on their second offense, and a class IV felony on their third and subsequent offense.

The bill also provides enhanced penalties for graffiti that is gang-related or advances the interest of organized crime. Regardless of pecuniary loss, a perpetrator of gang-related graffiti will be guilty of a class I misdemeanor upon the first offense and a class IV felony upon the second and subsequent offenses.

An included definition of pecuniary loss ensures that graffiti offenders will be held responsible for the actual cost of restoring the defaced surface to its original appearance.

LB 276 also grants the court the authority to order the defendant to clean up or repair the defaced property, and to keep the property clean of graffiti for up to one year. Additionally, the court can mandate the defendant undergo counseling.

The bill grants the court the authority to order the suspension of the defendant's driver's license for up to one year.

Principal Introducer: _____
Senator Jeremy Nordquist