



AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: NOVEMBER 14, 2006

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC

Consent Discussion

SUBJECT:
NEW BILL

Bill No. 2006-59 Establishes certain minimum community service requirements as part of the punishment for contributory delinquency or contributory neglect related to graffiti or property damage. Sponsor: Mayor Oscar B. Goodman

Fiscal Impact

No Impact

Augmentation Required

Budget Funds Available

Dept./Division:

Amount:

Funding Source:

PURPOSE/BACKGROUND:

It is believed that the current penalties associated with unlawful graffiti do not go far enough to deter such conduct. This bill would focus on the parents or guardians of minors who engage in this activity, establishing a minimum community service requirement for a parent or guardian as part of the punishment for contributory delinquency or contributory neglect related to graffiti or property damage.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2006-59

Motion made by STEVEN D. ROSS to Approve as a Do Pass

Passed For: 2; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

COUNCILWOMAN TARKANIAN declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY STEED indicated that MAYOR GOODMAN requested this bill to assist with enforcement of graffiti prohibitions. Municipal Court lacks jurisdiction over juveniles, but it does have jurisdiction over parents and guardians of juveniles. Therefore, this bill would allow the Criminal Division to use contributory neglect statute and ordinance to

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prosecute parents and guardians of juveniles who are caught doing graffiti. It also establishes the minimum penalties for a parent or guardian who is convicted of contributory delinquency or neglect related to graffiti or property damage.

LEE ROLLAND, Staff Attorney for the ACLU of Nevada, confirmed with CHIEF DEPUTY CITY ATTORNEY STEED that Section B (2) does not contemplate punishing someone who has not been tried. In addition, she noted that the ACLU previously submitted a memorandum regarding case law that suggests municipalities lack the authority to significantly increase penalties under State Statutes. Therefore, she suggested this bill be submitted for thorough legal review to ensure its constitutionality. CHIEF DEPUTY CITY ATTORNEY STEED indicated that the penalties are within prior authorization.

No one appeared in opposition.

COUNCILWOMAN TARKANIAN declared the Public Hearing closed.