

ONE HUNDRED FIRST LEGISLATURE - FIRST SESSION - 2009
COMMITTEE STATEMENT
LB277

Hearing Date: Wednesday January 28, 2009
Committee On: Judiciary
Introducer: Mello
One Liner: Prohibit the purchase of spray paint and industrial-strength marking pens by minors

Roll Call Vote - Final Committee Action:
Indefinitely postponed

Vote Results:

Aye: 8 Senators Ashford, Christensen, Coash, Council, Lathrop, Lautenbaugh, McGill, Rogert
Nay:
Absent:
Present Not Voting:

Proponents:

Sen. Heath Mello
Garry Gernandt
Gary Troutman
Pat Anderson-Sifuentez
Crystal Rhoades

Representing:

Introducer
Omaha City Council
City of Bellevue
Neighborworks Lincoln
S. Omaha Neighborhood Alliance

Opponents:

Jim Otto
Kathy Siefken

Representing:

NE Retail Federation
NE Grocery Industry Association

Neutral:

Representing:

Summary of purpose and/or changes:

LB 277 is a bill that would prohibit the sale, giving, or exchange of spray paint and/or industrial strength marking pen to any minor. A person violating this provision would be guilty of a Class I misdemeanor. (Class I misdemeanor=1year/\$1,000/Both)

LB 277 would also prohibit a minor from trying to purchase, receive, or attempt to acquire an industrial marking pen or spray paint. A minor violating this section would be guilty of committing a Class III misdemeanor. (Class III misdemeanor=3months/\$500/Both)

LB 277 would require as proof of age for the purchase of spray paint and/or an industrial strength marking pen, a valid drivers or operators license, Nebraska state identification card, military identification card, alien registration card, or a passport.

LB 277 would finally provide, a complete defense to the charge of selling the prohibited items to a minor, which are as follows:

- Purchaser falsely represented his/her legal age;
 - Purchasers appearance conformed to that represented in a I.D. card shown;
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- An ordinary and prudent person would have believed under the circumstances that purchaser was old enough to make a legal purchase; and
 - Seller was acting with knowledge of and in cooperation with law enforcement.
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Brad Ashford, Chairperson