

ASSEMBLY BILL NO. 616—COMMITTEE ON JUDICIARY

MARCH 18, 1999

Referred to Committee on Commerce and Labor

SUMMARY—Increases penalty for certain crimes involving unauthorized, forged or counterfeit trade-mark or design. (BDR 15-1114)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: 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 against property; increasing the penalty for certain crimes involving an unauthorized, forged or counterfeit trade-mark or design; 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 205.210 is hereby amended to read as follows:
205.210 ~~{Every person who}~~

1. A person shall **not** knowingly sell, display or advertise, or have in his possession with intent to sell, any goods, wares, merchandise, mixture, preparation or compound having affixed thereto any label, trade-mark, term, design, device or form of advertisement lawfully filed for record in the office of the secretary of state by any person, corporation, association or union, or the exclusive right to the use of which is guaranteed to ~~{such}~~ **the** person, corporation, association or union under the laws of the United States, ~~{which}~~ **if the** label, trade-mark, term, design, device or form of advertisement ~~{shall have}~~ **has** been used or affixed thereto without the written authority of ~~{such}~~ **the** person, corporation, association or union, or having affixed thereto any forged or counterfeit representation, likeness, similitude, copy or imitation thereof . ~~{, shall be guilty of a misdemeanor.}~~

2. Except as otherwise provided in subsection 3, a violation of the provisions of subsection 1 is a misdemeanor.

3. A violation of the provisions of subsection 1 is:

(a) A	E	felony	if:
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1 (1) *The person committing the violation has been previously*
2 *convicted one time for a violation of the provisions of subsection 1; or*

3 (2) *The goods, wares, merchandise, mixture, preparation or*
4 *compound with respect to which the person violated the provisions of*
5 *subsection 1:*

6 (I) *Consists of at least 100 but less than 1,000 salable units; or*

7 (II) *Has a retail value of at least \$1,000 but less than \$10,000.*

8 (b) *A category D felony if:*

9 (1) *The person committing the violation has been previously*
10 *convicted two or more times for a violation of the provisions of*
11 *subsection 1; or*

12 (2) *The goods, wares, merchandise, mixture, preparation or*
13 *compound with respect to which the person violated the provisions of*
14 *subsection 1:*

15 (I) *Consists of at least 1,000 salable units; or*

16 (II) *Has a retail value of at least \$10,000.*

17 4. *For the purposes of this section, a person shall be deemed to*
18 *intend to sell goods, wares, merchandise, a mixture, a preparation or a*
19 *compound if the person knowingly possesses at least 26 salable units of*
20 *the goods, wares, merchandise, mixture, preparation or compound.*

21 **Sec. 2.** The amendatory provisions of this act do not apply offenses
22 that were committed before October 1, 1999.