

Assembly Bill No. 616—Committee on Judiciary

CHAPTER.....

AN ACT relating to crimes against property; increasing the penalty for certain crimes involving an unauthorized, forged or counterfeit trade-mark or design; establishing a rebuttable inference regarding the existence of the intent to sell certain items; 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 category E felony if:

(1) The person committing the violation has been previously convicted one time for a violation of the provisions of subsection 1; or

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

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

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

(b) A category D felony if:

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

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

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

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

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4. For the purposes of this section, in accordance with the provisions of NRS 47.230, it may be reasonably inferred that a person intends to sell goods, wares, merchandise, a mixture, a preparation or a compound if the person knowingly possesses at least 26 salable units of the goods, wares, merchandise, mixture, preparation or compound.

5. As used in this section, "retail value" means:

(a) If the item that is identified by a label, trade-mark, term, design, device or form of advertisement in violation of subsection 1 is a component of a finished product with multiple components, the price at which the person in violation of subsection 1 regularly sells the finished product; or

(b) For any other item that is identified by a label, trade-mark, term, design, device or form of advertisement in violation of subsection 1, the price at which the person in violation of subsection 1 regularly sells the item.

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

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