

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:

- 1 **Section 1.** NRS 205.210 is hereby amended to read as follows:
2 205.210 ~~{Every person who}~~
3 **1. A person** shall ***not*** knowingly sell, display or advertise, or have in
4 his possession with intent to sell, any goods, wares, merchandise, mixture,
5 preparation or compound having affixed thereto any label, trade-mark,
6 term, design, device or form of advertisement lawfully filed for record in
7 the office of the secretary of state by any person, corporation, association
8 or union, or the exclusive right to the use of which is guaranteed to ~~{such}~~
9 ***the*** person, corporation, association or union under the laws of the United
10 States, ~~{which}~~ ***if the*** label, trade-mark, term, design, device or form of
11 advertisement ~~{shall have}~~ ***has*** been used or affixed thereto without the
12 written authority of ~~{such}~~ ***the*** person, corporation, association or union, or
13 having affixed thereto any forged or counterfeit representation, likeness,
14 similitude, copy or imitation thereof . ~~{, shall be guilty of a misdemeanor.}~~
15 **2. Except as otherwise provided in subsection 3, a violation of the**
16 ***provisions of subsection 1 is a misdemeanor.***
17 **3. A violation of the provisions of subsection 1 is:**
18 (a) A category ***E*** ***felony*** ***if:***

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

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

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

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