

FEBRUARY 4, 1999

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1 **Section 1.** NRS 205.240 is hereby amended to read as follows:
2 205.240 1. Except as otherwise provided in NRS 205.220, 205.226,
3 205.228 and 475.105, a person commits petit larceny if the person:
4 (a) Intentionally steals, takes and carries away, leads away or drives
5 away:
6 (1) Personal goods or property, with a value of less than \$250, owned
7 by another person;
8 (2) Bedding, furniture or other property, with a value of less than
9 \$250, which the person, as a lodger, is to use in or with his lodging and
10 which is owned by another person; or
11 (3) Real property, with a value of less than \$250, that the person has
12 converted into personal property by severing it from real property owned
13 by another person.

(b) Intentionally steals, takes and carries away, leads away, drives away or entices away one or more domesticated animals or domesticated birds, with an aggregate value of less than \$250, owned by another person.

2. ~~{A}~~ *Except as otherwise provided in subsection 4, a* person who commits petit larceny is guilty of a misdemeanor. In addition to any other penalty, the court shall order the person to pay restitution.

3. Except as otherwise provided in subsection 4, ~~{or 5,}~~ if a person is convicted of petit larceny and within the 3 years immediately preceding and including the date of that conviction, the person is or has been convicted of petit larceny one other time, the court, in addition to any other penalty, shall order the person to perform not less than 48 hours of community service.

4. ~~{Except as otherwise provided in subsection 5, if a person is convicted of}~~ *A person who commits* petit larceny and *who* within the 3 years immediately preceding and including the date of *the conviction for* that ~~{conviction, the person}~~ *offense*, is or has been convicted of petit larceny two *or more* other times ~~{, the court, in}~~ *in this state or of violating a law of another jurisdiction that prohibits the same or similar conduct, is guilty of a category D felony and shall be punished as provided in NRS 193.130. In* addition to any other penalty ~~;~~

~~—(a) Shall sentence the person to a term of imprisonment of not less than 60 days nor more than 6 months; and~~

~~—(b) Shall not grant probation or suspend the sentence unless the court orders as a condition of probation or suspension of sentence that the person serve a term of imprisonment of not less than 60 days.~~

~~—5.— If a person is convicted of petit larceny and within the 3 years immediately preceding and including the date of that conviction, the person is or has been convicted of petit larceny three or more other times, the court, in addition to any other penalty:~~

~~—(a) Shall sentence the person to a term of imprisonment of not less than 60 days nor more than 6 months;~~

~~—(b) Shall not grant probation or suspend the sentence unless the court orders as a condition of probation or suspension of sentence that the person serve a term of imprisonment of not less than 60 days; and~~

~~—(c) Shall impose a fine of at least \$500.~~

~~—6.}, the court shall order the person to pay restitution.~~

5. The provisions of subsections 2, 3 ~~{, 4 and 5}~~ and 4 do not affect the provisions of any other statute providing for a more severe penalty for a first or subsequent conviction of petit larceny.

Sec. 2. NRS 597.850 is hereby amended to read as follows:

597.850 1. As used in this section and in NRS 597.860 and 597.870:

1 (a) "Merchandise" means any personal property, capable of manual
2 delivery, displayed, held or offered for sale by a merchant.

3 (b) "Merchant" means an owner or operator, and the agent, consignee,
4 employee, lessee, or officer of an owner or operator, of any merchant's
5 premises.

6 (c) "Premises" means any establishment or part thereof wherein
7 merchandise is displayed, held or offered for sale.

8 2. Any merchant may request any person on his premises to place or
9 keep in full view any merchandise the person may have removed, or which
10 the merchant has reason to believe he may have removed, from its place of
11 display or elsewhere, whether for examination, purchase or for any other
12 purpose. No merchant is criminally or civilly liable on account of having
13 made such a request.

14 3. Any merchant who has reason to believe that merchandise has been
15 wrongfully taken by a person and that he can recover the merchandise by
16 taking the person into custody and detaining him may, for the purpose of
17 attempting to effect such recovery or for the purpose of informing a peace
18 officer of the circumstances of such detention, take the person into custody
19 and detain him, on the premises, in a reasonable manner and for a
20 reasonable length of time. *A merchant shall be deemed to have reason to*
21 *believe that merchandise has been wrongfully taken by a person and that*
22 *he can recover the merchandise by taking the person into custody and*
23 *detaining him if the merchant observed the person concealing*
24 *merchandise while on the premises.* Such taking into custody and
25 detention by a merchant does not render the merchant criminally or civilly
26 liable for false arrest, false imprisonment, slander or unlawful detention
27 unless the taking into custody and detention are unreasonable under all the
28 circumstances.

29 4. No merchant is entitled to the immunity from liability provided for
30 in this section unless there is displayed in a conspicuous place on his
31 premises a notice in boldface type clearly legible and in substantially the
32 following form:

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34 Any merchant or his agent who has reason to believe that
35 merchandise has been wrongfully taken by a person may detain
36 such person on the premises of the merchant for the purpose of
37 recovering the property or notifying a peace officer. An adult or the
38 parents or legal guardian of a minor, who steals merchandise is
39 civilly liable for its value and additional damages. NRS 597.850,
40 597.860 and 597.870.

1 The notice must be prepared and copies thereof supplied on demand by the
2 superintendent of the state printing division of the department of
3 administration. The superintendent may charge a fee based on the cost for
4 each copy of the notice supplied to any person.

5 **Sec. 3.** The amendatory provisions of this act do not apply to offenses
6 that are committed before October 1, 1999.

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