

SENATE BILL NO. 485—COMMITTEE ON JUDICIARY

(ON BEHALF OF ATTORNEY GENERAL)

MARCH 18, 1999

Referred to Committee on Judiciary

SUMMARY—Makes various changes to provisions governing use of technology. (BDR 15-310)

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 ~~for omitted material~~ is material to be omitted.

AN ACT relating to technology; creating the advisory board for the Nevada task force for technological crime; prohibiting various acts related to computers, networks and electronic mail; requiring providers of Internet service to keep certain information confidential under certain circumstances; prohibiting prisoners from having access to telecommunications devices except under certain circumstances; prohibiting certain deceptive trade practices by providers of telecommunications service; making various other changes to provisions governing the use of technology; providing penalties; making an appropriation; 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.** Title 15 of NRS is hereby amended by adding thereto a
- 2 new chapter to consist of the provisions set forth as sections 2 to 11,
- 3 inclusive, of this act.
- 4 **Sec. 2.** *As used in this chapter, unless the context otherwise requires,*
- 5 *the words and terms defined in sections 3 and 4 of this act have the*
- 6 *meanings ascribed to them in those sections.*
- 7 **Sec. 3.** *“Board” means the advisory board for the Nevada task force*
- 8 *for technological crime created pursuant to section 5 of this act.*
- 9 **Sec. 4.** *“Technological crime” means any crime that involves,*
- 10 *directly or indirectly, any component, device, equipment, system or*
- 11 *network that, alone or in conjunction with any other component, device,*
- 12 *equipment, system or network, is designed or has the capability to:*

- 1 1. *Be programmed; or*
- 2 2. *Generate, process, store, retrieve, convey, emit, transmit, receive,*
- 3 *relay, record or reproduce any data, information, image, program, signal*
- 4 *or sound in a technological format, including, without limitation, a*
- 5 *format that involves analog, digital, electronic, electromagnetic,*
- 6 *magnetic or optical technology.*
- 7 **Sec. 5. 1. The advisory board for the Nevada task force for**
- 8 **technological crime is hereby created.**
- 9 2. *The board consists of nine members as follows:*
- 10 (a) *The attorney general.*
- 11 (b) *The director of the department of information technology.*
- 12 (c) *One member of the senate appointed by the majority leader of the*
- 13 *senate.*
- 14 (d) *One member of the assembly appointed by the speaker of the*
- 15 *assembly.*
- 16 (e) *Five other persons appointed by the governor as follows:*
- 17 (1) *Two persons who represent major sectors of the economy of this*
- 18 *state that are impacted significantly by technological crimes.*
- 19 (2) *One person who is an employee of a law enforcement agency of*
- 20 *this state.*
- 21 (3) *One person who is an employee of a public educational*
- 22 *institution within this state.*
- 23 (4) *One person who is a resident of this state and who is employed*
- 24 *by the Federal Government.*
- 25 3. *Each member of the board who is appointed to the board serves*
- 26 *for a term of 4 years. A vacancy on the board in an appointed position*
- 27 *must be filled in the same manner as the original appointment. A*
- 28 *member may be reappointed to the board.*
- 29 4. *The members of the board shall elect a chairman and vice*
- 30 *chairman by majority vote. After the initial election, the chairman and*
- 31 *vice chairman shall hold office for a term of 1 year beginning on July 1*
- 32 *of each year. If a vacancy occurs in the chairmanship or vice*
- 33 *chairmanship, the members of the board shall elect a chairman or vice*
- 34 *chairman, as appropriate, from among its members for the remainder of*
- 35 *the unexpired term.*
- 36 5. *The members of the board:*
- 37 (a) *Serve without compensation; and*
- 38 (b) *May, upon written request, receive the per diem allowance and*
- 39 *travel expenses provided for state officers and employees generally while*
- 40 *engaged in the business of the board.*
- 41 6. *A member of the board who is an officer or employee of this state*
- 42 *or a political subdivision of this state must be relieved from his duties*

1 without loss of his regular compensation so that he may prepare for and
2 attend meetings of the board and perform any work necessary to carry
3 out the duties of the board in the most timely manner practicable. A state
4 agency or political subdivision of this state shall not require an officer or
5 employee who is a member of the board to make up the time he is absent
6 from work to carry out his duties as a member of the board or use annual
7 vacation or compensatory time for the absence.

8 **Sec. 6. 1.** The board shall meet at least once every quarter and at
9 the times and places specified by a call of the chairman or a majority of
10 the members of the board.

11 2. Except as otherwise provided in subsection 3, a member of the
12 board may designate in writing a person to represent him at a meeting of
13 the board. A representative who has been so designated:

14 (a) Shall be deemed to be a member of the board for the purpose of
15 determining a quorum at the meeting; and

16 (b) May vote on any matter that is voted on by the regular members of
17 the board at the meeting.

18 3. The attorney general may designate a representative to serve in his
19 place on the board or attend a meeting of the board in his place. The
20 director of the department of information technology may designate a
21 representative to serve in his place on the board or attend a meeting of
22 the board in his place.

23 4. Five members of the board constitute a quorum. A quorum may
24 exercise all the power and authority conferred on the board.

25 5. Notwithstanding any other provision of law, a member of the
26 board:

27 (a) Is not disqualified from public employment or holding a public
28 office because of his membership on the board; and

29 (b) Does not forfeit his public office or public employment because of
30 his membership on the board.

31 **Sec. 7.** The board shall:

32 1. Facilitate cooperation between state, local and federal officers in
33 detecting, investigating and prosecuting technological crimes.

34 2. Establish two multi-agency task forces on technological crime,
35 one based in Reno for northern Nevada and one based in Las Vegas for
36 southern Nevada, consisting of:

37 (a) Investigators and prosecutors who are specifically trained to
38 investigate and prosecute technological crimes; and

39 (b) Persons from the private sector who are knowledgeable in the area
40 of information technology or the prevention or detection of technological
41 crimes.

1 3. Coordinate and provide training and education for members of
2 the general public, private industry and governmental agencies,
3 including, without limitation, law enforcement agencies, concerning the
4 statistics and methods of technological crimes and how to prevent and
5 detect technological crimes.

6 4. Administer, with the assistance of members of private industry, a
7 program to secure governmental information systems against illegal
8 intrusions and other criminal activities.

9 5. Evaluate and recommend changes to the existing civil and
10 criminal laws relating to technological crimes in response to current and
11 projected changes in technology and law enforcement techniques.

12 6. Authorize the payment of expenses incurred by the board in
13 carrying out its duties pursuant to this chapter.

14 **Sec. 8.** 1. Upon unanimous approval of the members of the board,
15 the board shall appoint an executive director of technological crime
16 within the office of the attorney general.

17 2. The executive director is in the unclassified service of the state and
18 serves at the pleasure of the board.

19 3. The board shall establish the qualifications, powers and duties of
20 the executive director.

21 **Sec. 9.** Upon unanimous approval of the members of the board, the
22 board shall appoint a full-time secretary who is in the unclassified
23 service of the state and serves at the pleasure of the board.

24 **Sec. 10.** 1. The board may apply for any available grants and
25 accept gifts, grants, appropriations or donations to assist the board in
26 carrying out its duties pursuant to the provisions of this chapter.

27 2. Any money received by the board must be deposited in the account
28 for the advisory board for the Nevada task force for technological crime
29 created pursuant to section 11 of this act.

30 **Sec. 11.** 1. The account for the advisory board for the Nevada task
31 force for technological crime is hereby created in the state general fund.
32 The board shall administer the account.

33 2. The money in the account must only be used to carry out the
34 provisions of this chapter and pay the expenses incurred by the board in
35 the discharge of its duties, including, without limitation, the payment of
36 any expenses related to the creation and subsequent activities of the task
37 forces on technological crime.

38 3. Claims against the account must be paid as other claims against
39 the state are paid.

40 4. The money in the account must remain in the account and must
41 not revert to the state general fund at the end of any fiscal year.

1 **Sec. 12.** Chapter 205 of NRS is hereby amended by adding thereto the
2 provisions set forth as sections 13 to 22, inclusive, of this act.

3 **Sec. 13.** *“Intangible property” means property that lacks a physical*
4 *existence yet possesses value, including, without limitation, customer*
5 *lists, trade secrets, copyrighted material or other confidential*
6 *information.*

7 **Sec. 14. 1.** *“Computer contaminant” means any data, information,*
8 *image, program, signal or sound that is designed or has the capability to:*

9 (a) *Contaminate, corrupt, consume, damage, destroy, disrupt, modify,*
10 *record or transmit; or*

11 (b) *Cause to be contaminated, corrupted, consumed, damaged,*
12 *destroyed, disrupted, modified, recorded or transmitted,*
13 *any other data, information, image, program, signal or sound contained*
14 *in a computer, system or network without the knowledge or consent of*
15 *the person who owns the other data, information, image, program, signal*
16 *or sound or the computer, system or network.*

17 **2.** *The term includes, without limitation:*

18 (a) *A virus, worm or trojan horse; or*

19 (b) *Any other similar data, information, image, program, signal or*
20 *sound that is designed or has the capability to prevent, impede, delay or*
21 *disrupt the normal operation or use of any component, device,*
22 *equipment, system or network.*

23 **Sec. 15.** *“Encryption” means the use of any protective or disruptive*
24 *measure, including, without limitation, cryptography, enciphering,*
25 *encoding or a computer contaminant, to:*

26 **1.** *Prevent, impede, delay or disrupt access to any data, information,*
27 *image, program, signal or sound;*

28 **2.** *Cause or make any data, information, image, program, signal or*
29 *sound unintelligible or unusable; or*

30 **3.** *Prevent, impede, delay or disrupt the normal operation or use of*
31 *any component, device, equipment, system or network.*

32 **Sec. 16. 1.** *“Information service” means a service that is designed*
33 *or has the capability to generate, process, store, retrieve, convey, emit,*
34 *transmit, receive, relay, record or reproduce any data, information,*
35 *image, program, signal or sound by means of any component, device,*
36 *equipment, system or network, including, without limitation, by means*
37 *of:*

38 (a) *A computer, computer system, computer network, modem or*
39 *scanner.*

40 (b) *A telephone, cellular phone, satellite phone, pager, personal*
41 *communications device or facsimile machine.*

42 (c) *Any type of transmitter or receiver.*

1 (d) Any other component, device, equipment, system or network that
2 uses analog, digital, electronic, electromagnetic, magnetic or optical
3 technology.

4 2. The term does not include a community antenna television
5 company, as defined in NRS 711.030.

6 Sec. 17. "Provider" means any person who provides an information
7 service.

8 Sec. 18. "Provider of Internet service" means any provider who
9 provides subscribers with access to the Internet or an electronic mail
10 address, or both.

11 Sec. 19. 1. A person shall not willfully use or attempt to use
12 encryption, directly or indirectly, to:

13 (a) Commit, facilitate, further or promote any criminal offense;

14 (b) Aid, assist or encourage another person to commit any criminal
15 offense;

16 (c) Conceal the commission of any criminal offense;

17 (d) Conceal or protect the identity of a person who has committed any
18 criminal offense; or

19 (e) Delay, hinder or obstruct the administration of the law.

20 2. A person who violates any provision of this section:

21 (a) Is guilty of a gross misdemeanor; and

22 (b) Commits a criminal offense that is separate and distinct from any
23 other criminal offense and may be prosecuted and convicted pursuant to
24 this section whether or not the person or any other person is or has been
25 prosecuted or convicted for any other criminal offense arising out of the
26 same facts as the violation of this section.

27 Sec. 20. 1. A person shall not willfully falsify or forge any data,
28 information, image, program, signal or sound that:

29 (a) Is contained in the header, subject line or routing instructions of
30 an item of electronic mail; or

31 (b) Describes or identifies the sender, source, point of origin or path
32 of transmission of an item of electronic mail,
33 with the intent to transmit or cause to be transmitted the item of
34 electronic mail to the electronic mail address of one or more recipients
35 without their knowledge of or consent to the transmission.

36 2. Except as otherwise provided in subsection 5, a person shall not
37 willfully transmit or cause to be transmitted an item of electronic mail to
38 the electronic mail address of one or more recipients without their
39 knowledge of or consent to the transmission if person knows or has
40 reason to know that the item of electronic mail contains or has been
41 generated or formatted with:

42 (a) An Internet domain name that is being used without the consent of
43 the person who holds the Internet domain name; or

1 **(b) Any data, information, image, program, signal or sound that has**
2 **been used intentionally in the header, subject line or routing instructions**
3 **of the item of electronic mail to falsify or misrepresent:**

4 **(1) The identity of the sender; or**

5 **(2) The source, point of origin or path of transmission of the item**
6 **of electronic mail.**

7 **3. A person shall not knowingly sell, give or otherwise distribute or**
8 **possess with the intent to sell, give or otherwise distribute any data,**
9 **information, image, program, signal or sound which is designed or**
10 **intended to be used to falsify or forge any data, information, image,**
11 **program, signal or sound that:**

12 **(a) Is contained in the header, subject line or routing instructions of**
13 **an item of electronic mail; or**

14 **(b) Describes or identifies the sender, source, point of origin or path**
15 **of transmission of an item of electronic mail.**

16 **4. A person who violates any provision of this section is guilty of a**
17 **misdemeanor.**

18 **5. The provisions of subsection 2 do not apply to a provider of**
19 **Internet service who, in the course of providing service, transmits or**
20 **causes to be transmitted an item of electronic mail on behalf of another**
21 **person, unless the provider of Internet service is the person who first**
22 **generates the item of electronic mail.**

23 **Sec. 21. 1. A provider of Internet service shall keep confidential:**

24 **(a) All information concerning a subscriber, other than the electronic**
25 **mail address of the subscriber, unless the subscriber gives permission, in**
26 **writing or by electronic mail, to the provider of Internet service to**
27 **disclose the information.**

28 **(b) The electronic mail address of a subscriber, if the subscriber**
29 **requests, in writing or by electronic mail, to have the electronic mail**
30 **address of the subscriber kept confidential. Upon receiving such a**
31 **request from a subscriber, a provider of Internet service shall keep**
32 **confidential the electronic mail address of the subscriber, unless the**
33 **subscriber gives permission, in writing or by electronic mail, to the**
34 **provider of Internet service to disclose the electronic mail address of the**
35 **subscriber.**

36 **2. A provider of Internet service shall provide notice of the**
37 **requirements of subsection 1 to each of its subscribers. The notice must**
38 **include, without limitation, a conspicuous statement that a subscriber**
39 **may request, in writing or by electronic mail, to have the electronic mail**
40 **address of the subscriber kept confidential.**

41 **3. A provider of Internet service who violates any provision of this**
42 **section is guilty of a misdemeanor and shall be punished by a fine of not**
43 **less than \$50 or more than \$500 for each violation.**

1 **4. As used in this section, “provider of Internet service” means a**
2 **provider of Internet service who charges a subscriber for access to the**
3 **Internet or the electronic mail address of the subscriber.**

4 **Sec. 22. 1. Except as otherwise provided in subsection 2, any**
5 **victim of a crime described in NRS 205.473 to 205.506, inclusive, and**
6 **sections 14 to 22, inclusive, of this act, may bring a civil action to**
7 **recover:**

8 **(a) Damages for any loss or injury suffered as a result of the crime;**

9 **(b) Punitive damages; and**

10 **(c) Costs and reasonable attorney’s fees incurred in bringing the civil**
11 **action.**

12 **2. A victim of a crime described in section 21 of this act may not**
13 **bring a civil action pursuant to this section.**

14 **3. The provisions of this section do not abrogate or limit the right of**
15 **a victim of a crime described in NRS 205.473 to 205.506, inclusive, and**
16 **sections 14 to 22, inclusive, of this act, to bring a civil action pursuant to**
17 **any other statute or the common law.**

18 **Sec. 23.** NRS 205.0821 is hereby amended to read as follows:

19 205.0821 As used in NRS 205.0821 to 205.0835, inclusive, **and**
20 **section 13 of this act**, unless the context otherwise requires, the words and
21 terms defined in NRS 205.0822 to 205.0831, inclusive, **and section 13 of**
22 **this act** have the meanings ascribed to them in those sections.

23 **Sec. 24.** NRS 205.0828 is hereby amended to read as follows:

24 205.0828 “Property of another person” means **real, personal or**
25 **intangible** property in which any person other than the defendant has an
26 interest which the defendant is not privileged to infringe, including ,
27 **without limitation**, property in which the defendant also has an interest,
28 notwithstanding that the other person might be precluded from civil
29 recovery because the property was used in an unlawful transaction or was
30 subject to forfeiture as contraband. Property in the possession of the
31 defendant in which another person has only a security interest shall be
32 deemed not to be the property of that other person, even if that person
33 holds legal title to the property pursuant to a security agreement.

34 **Sec. 25.** NRS 205.0832 is hereby amended to read as follows:

35 205.0832 A person commits theft if, without lawful authority, he
36 knowingly:

37 1. Controls any property of another person with the intent to deprive
38 that person of the property.

39 2. Converts, makes an unauthorized transfer of an interest in, or
40 without authorization controls any property of another person, or uses the
41 services or property of another person entrusted to him or placed in his
42 possession for a limited, authorized period of determined or prescribed
43 duration or for a limited use.

1 3. Obtains real, ~~for~~ personal *or intangible* property or the services of
2 another person by a material misrepresentation with intent to deprive that
3 person of the property or services. As used in this subsection, “material
4 misrepresentation” means the use of any pretense, or the making of any
5 promise, representation or statement of present, past or future fact which is
6 fraudulent and which, when used or made, is instrumental in causing the
7 wrongful control or transfer of property or services. The pretense may be
8 verbal or it may be a physical act.

9 4. Comes into control of lost, mislaid or misdelivered property of
10 another person under circumstances providing means of inquiry as to the
11 true owner and appropriates that property to his own use or that of another
12 person without reasonable efforts to notify the true owner.

13 5. Controls property of another person knowing or having reason to
14 know that the property was stolen. ~~§~~

15 6. Obtains services which he knows are available only for
16 compensation without paying or agreeing to pay compensation or diverts
17 the services of another person to his own benefit or that of another person
18 without lawful authority to do so.

19 7. Takes, destroys, conceals or disposes of property in which another
20 person has a security interest, with intent to defraud that person.

21 8. Commits any act that is declared to be theft by a specific statute.

22 9. Draws or passes a check, and in exchange obtains property or
23 services, if he knows that the check will not be paid when presented.

24 **Sec. 26.** NRS 205.473 is hereby amended to read as follows:

25 205.473 As used in NRS 205.473 to ~~205.491,~~ *205.506*, inclusive,
26 *and sections 14 to 22, inclusive, of this act*, unless the context otherwise
27 requires, the words and terms defined in NRS 205.4732 to 205.476,
28 inclusive, *and sections 14 to 18, inclusive, of this act* have the meanings
29 ascribed to them in those sections.

30 **Sec. 27.** NRS 205.4745 is hereby amended to read as follows:

31 205.4745 “Network” means a set of related, remotely connected
32 devices and facilities, including more than one system, with the capability
33 to transmit data among ~~them.~~ *any of the devices and facilities. The term*
34 *includes, without limitation, a local, regional or global computer*
35 *network.*

36 **Sec. 28.** NRS 205.4765 is hereby amended to read as follows:

37 205.4765 1. Except as otherwise provided in subsection ~~5,~~ *6*, a
38 person who knowingly, ~~willingly~~ *willfully* and without authorization:

- 39 (a) Modifies;
40 (b) Damages;
41 (c) Destroys;
42 (d) Discloses;
43 (e) Uses;

1 (f) Transfers;
2 (g) Conceals;
3 (h) Takes;
4 (i) Retains possession of;
5 (j) Copies;
6 (k) Obtains or attempts to obtain access to, permits access to or causes
7 to be accessed; or
8 (l) Enters,
9 data, a program or any supporting documents which exist inside or outside
10 a computer, system or network is guilty of a misdemeanor.

11 2. Except as otherwise provided in subsection ~~5.~~ 6, a person who
12 knowingly, ~~willingly~~ willfully and without authorization:

13 (a) Modifies;
14 (b) Destroys;
15 (c) Uses;
16 (d) Takes;
17 (e) Damages;
18 (f) Transfers;
19 (g) Conceals;
20 (h) Copies;
21 (i) Retains possession of; or
22 (j) Obtains or attempts to obtain access to, permits access to or causes to
23 be accessed,
24 equipment or supplies that are used or intended to be used in a computer,
25 system or network is guilty of a misdemeanor.

26 3. Except as otherwise provided in subsection ~~5.~~ 6, a person who
27 knowingly, ~~willingly~~ willfully and without authorization:

28 (a) Destroys;
29 (b) Damages;
30 (c) Takes;
31 (d) Alters;
32 (e) Transfers;
33 (f) Discloses;
34 (g) Conceals;
35 (h) Copies;
36 (i) Uses;
37 (j) Retains possession of; or
38 (k) Obtains or attempts to obtain access to, permits access to or causes
39 to be accessed,
40 a computer, system or network is guilty of a misdemeanor.

41 4. Except as otherwise provided in subsection ~~5.~~ 6, a person who
42 knowingly, ~~willingly~~ willfully and without authorization:

43 (a) Obtains and discloses;

1 (b) Publishes;
2 (c) Transfers; or
3 (d) Uses,
4 a device used to access a computer, network or data is guilty of a
5 misdemeanor.

6 5. *Except as otherwise provided in subsection 6, a person who*
7 *knowingly, willfully and without authorization introduces, causes to be*
8 *introduced or attempts to introduce a computer contaminant into a*
9 *computer, system or network is guilty of a misdemeanor.*

10 6. If the violation of any provision of this section:

11 (a) Was committed to devise or execute a scheme to defraud or illegally
12 obtain property;

13 (b) Caused damage in excess of \$500; or

14 (c) Caused an interruption or impairment of a public service, ~~{such as}~~
15 *including, without limitation*, a governmental operation, *a* system of
16 public communication or transportation or *a* supply of water, gas or
17 electricity,

18 the person is guilty of a category C felony and shall be punished as
19 provided in NRS 193.130, and may be further punished by a fine of not
20 more than \$100,000. In addition to any other penalty, the court shall order
21 the person to pay restitution.

22 **Sec. 29.** NRS 205.477 is hereby amended to read as follows:

23 205.477 1. Except as otherwise provided in ~~{subsection 3,}~~
24 *subsections 3 and 4*, a person who knowingly, willfully and without
25 authorization interferes with, denies or causes the denial of access to or
26 ~~{the}~~ use of a computer, system or network to a person who has the duty
27 and right to use it is guilty of a misdemeanor.

28 2. Except as otherwise provided in ~~{subsection 3,}~~ *subsections 3 and 4*,
29 a person who knowingly, ~~{willingly}~~ *willfully* and without authorization
30 uses, ~~{or}~~ causes the use of, *accesses, attempts to gain access to or causes*
31 *access to be gained to* a computer, system ~~{or network to:~~
32 ~~—(a)—Obtain personal information about another person; or~~
33 ~~—(b)—Enter false information about another person to wrongfully damage~~
34 ~~or enhance that person's credit rating, is}~~, *network, telecommunications*
35 *device, telecommunications service or information service is* guilty of a
36 misdemeanor.

37 3. If the violation of subsection 1 or 2 was committed to devise or
38 execute a scheme to defraud or illegally obtain property, the person is
39 guilty of a category C felony and shall be punished as provided in NRS
40 193.130, and may be further punished by a fine of not more than \$100,000.
41 In addition to any other penalty, the court shall order the person to pay
42 restitution.

1 **4. It is an affirmative defense to a charge made pursuant to this**
2 **section that at the time of the alleged offense the defendant reasonably**
3 **believed that:**

4 **(a) He was authorized to use or access the computer, system, network,**
5 **telecommunications device, telecommunications service or information**
6 **service and such use or access by the defendant was within the scope of**
7 **that authorization; or**

8 **(b) The owner or other person authorized to give consent would**
9 **authorize the defendant to use or access the computer, system, network,**
10 **telecommunications device, telecommunications service or information**
11 **service.**

12 **5. A defendant who intends to offer an affirmative defense described**
13 **in subsection 4 at a trial or preliminary hearing must, not less than 14**
14 **days before the trial or hearing or at such other time as the court may**
15 **direct, file and serve on the prosecuting attorney a written notice of that**
16 **intent.**

17 **Sec. 30.** NRS 205.481 is hereby amended to read as follows:

18 205.481 A person who knowingly, willfully and without authorization
19 creates, alters or deletes any data , **information, image, program, signal or**
20 **sound** contained in any computer, system or network which, if done on a
21 written or printed document or instrument, would constitute forgery
22 pursuant to NRS 205.090 or 205.095, is guilty of forgery which is a
23 category D felony and shall be punished as provided in NRS 193.130.

24 **Sec. 31.** NRS 205.485 is hereby amended to read as follows:

25 205.485 An employee is presumed to have the authority to access and
26 use ~~{any}~~ :

27 **1. A computer, system or network** ~~[, supporting documents, program or~~
28 ~~data]~~ owned or operated by his employer ; and

29 **2. Any supporting document to and any data, information, image,**
30 **program, signal or sound contained in such a computer, system or**
31 **network,**

32 unless the presumption is overcome by clear and convincing evidence to
33 the contrary.

34 **Sec. 32.** NRS 205.491 is hereby amended to read as follows:

35 205.491 1. If it appears that a person has engaged in or is about to
36 engage in any act or practice which violates any ~~[of the provisions]~~
37 **provision** of NRS 205.473 to ~~[205.485,]~~ **205.506**, inclusive, **or sections 14**
38 **to 22, inclusive, of this act**, the attorney general or the appropriate district
39 attorney may file an action in any court of competent jurisdiction to prevent
40 the occurrence or continuance of that act or practice.

41 2. An injunction:

42 (a) May be issued without proof of actual damage sustained by any
43 person.

(b) Does not preclude the criminal prosecution and punishment of a violator.

Sec. 33. NRS 205.506 is hereby amended to read as follows:

205.506 **1.** It is unlawful for a person knowingly ~~{or}~~ **and** with the intent to avoid payment in full for the service obtained to:

~~{1.}~~ **(a)** Obtain or attempt to obtain ~~{mobile telephone}~~ **an information** service from a ~~{supplier}~~ **provider** by deception, use of an illegal device ~~{,}~~ or other fraudulent means. The requisite intent may be inferred from the presence on the property or in the possession of the ~~{accused}~~ **person** of a device, not authorized by the ~~{supplier,}~~ **provider**, the major purpose of which is to permit or facilitate use of ~~{mobile telephone}~~ **an information** service without payment. The inference is rebutted if the ~~{accused}~~ **person** shows that he purchased the device for a legitimate purpose.

~~{2.}~~ **(b)** Give **to another person** technical assistance or instruction ~~{to another}~~ in obtaining ~~{mobile telephone}~~ **an information** service without full payment to a ~~{supplier,}~~ **provider.**

(c) Maintain an ability to connect, by physical, electronic or other means, with facilities, components or devices used in ~~{mobile telephone}~~ **an information** service for the purpose of obtaining ~~{mobile telephone}~~ **the information** service without payment of all lawful compensation to the ~~{supplier,}~~ **provider.**

(d) Make or maintain a modification of a device installed with the authorization of a ~~{supplier}~~ **provider** to obtain any service that the ~~{accused}~~ **person** is not authorized by the ~~{supplier}~~ **provider** to obtain. The requisite intent may be inferred from proof that the ~~{supplier's}~~ standard procedure **of the provider** is to place labels on its devices warning that modifying the device is a violation of law and that the device has been modified without the ~~{supplier's permission,}~~ **permission of the provider.**

(e) Possess, **manufacture, deliver, offer to deliver or advertise**, without ~~{a supplier's}~~ permission **from the provider**, a device or a kit for a device designed to ~~{receive}~~ **:**

(1) Receive from the ~~{supplier}~~ **provider** a service offered for sale by the ~~{supplier,}~~ **provider**, whether or not the service is encoded or otherwise made unintelligible ~~{, or designed to perform}~~ **; or**

(2) Perform or facilitate an act prohibited by ~~{subsections 1 to 4,}~~ **paragraphs (a) to (d),** inclusive.

Intent to violate this ~~{subsection}~~ **paragraph** for commercial advantage or financial gain may be inferred if the circumstances, including, **without limitation,** quantity or volume, indicate possession for resale.

1 ~~[6-]~~ (f) Manufacture, import, distribute, advertise, sell, lease, or offer to
2 sell or lease a device or a plan or kit for a device designed to receive
3 ~~[mobile telephone]~~ **an information** service offered for sale by a ~~[supplier,]~~
4 **provider**, whether or not the service is encoded or otherwise made
5 unintelligible, without full payment. The requisite intent may be inferred
6 from proof that the ~~[accused]~~ **person** has sold, leased or offered to sell or
7 lease any such device, plan or kit and stated or implied to the buyer or
8 lessee that it will enable him to obtain ~~[mobile telephone]~~ **an information**
9 service without charge.

10 ~~[7-]~~ (g) Possess any other materials for the purpose of creating a device
11 or a kit for a device designed to obtain ~~[mobile telephone]~~ **an information**
12 service in any manner prohibited pursuant to this section.

13 **2. This section does not prohibit or restrict a holder of an amateur**
14 **service license issued by the Federal Communications Commission from**
15 **possessing or using a radio receiver or transceiver that is intended**
16 **primarily for use in the amateur radio service and is used for lawful**
17 **purposes.**

18 **3. A person who violates any provision of this section is guilty of a**
19 **category D felony and shall be punished as provided in NRS 193.130.**

20 **Sec. 34.** NRS 179.121 is hereby amended to read as follows:

21 179.121 1. All personal property, including , **without limitation**, any
22 tool, substance, weapon, machine, **computer**, money or security, which is
23 used as an instrumentality in ~~[:]~~ **any of the following crimes, is subject to**
24 **forfeiture:**

25 (a) The commission of or attempted commission of the crime of murder,
26 robbery, kidnaping, burglary, invasion of the home, grand larceny , **theft if**
27 **it is punishable as a felony**, or pandering;

28 (b) The commission of any crime by a criminal gang, as defined in NRS
29 213.1263; or

30 (c) A violation of NRS 200.465, 202.265, 202.287 , **205.473 to**
31 **205.506, inclusive, and sections 14 to 22, inclusive, of this act, NRS**
32 **205.610 to 205.810, inclusive**, or 465.070 to 465.085, inclusive . ~~[.]~~
33 **is subject to forfeiture.]**

34 2. Except as otherwise provided for conveyances forfeitable pursuant
35 to NRS 453.301 or 501.3857, all conveyances, including aircraft, vehicles
36 or vessels, which are used or intended for use during the commission of a
37 felony or a violation of NRS 202.287, 202.300 or 465.070 to 465.085,
38 inclusive, are subject to forfeiture except that:

39 (a) A conveyance used by any person as a common carrier in the
40 transaction of business as a common carrier is not subject to forfeiture
41 under this section unless it appears that the owner or other person in charge
42 of the conveyance is a consenting party or privy to the felony or violation;

1 (b) A conveyance is not subject to forfeiture under this section by reason
2 of any act or omission established by the owner thereof to have been
3 committed or omitted without his knowledge, consent or willful blindness;

4 (c) A conveyance is not subject to forfeiture for a violation of NRS
5 202.300 if the firearm used in the violation of that section was not loaded at
6 the time of the violation; and

7 (d) A forfeiture of a conveyance encumbered by a bona fide security
8 interest is subject to the interest of the secured party if he neither had
9 knowledge of nor consented to the felony. If a conveyance is forfeited the
10 appropriate law enforcement agency may pay the existing balance and
11 retain the conveyance for official use.

12 3. For the purposes of this section, a firearm is loaded if:

13 (a) There is a cartridge in the chamber of the firearm;

14 (b) There is a cartridge in the cylinder of the firearm, if the firearm is a
15 revolver; or

16 (c) There is a cartridge in the magazine and the magazine is in the
17 firearm or there is a cartridge in the chamber, if the firearm is a
18 semiautomatic firearm.

19 **Sec. 35.** Chapter 209 of NRS is hereby amended by adding thereto a
20 new section to read as follows:

21 *1. Except as otherwise provided in subsection 2, the warden or*
22 *manager of an institution or facility shall ensure that no offender in the*
23 *institution or facility has access to a telecommunications device.*

24 *2. An offender may use a telephone subject to the limitations set*
25 *forth in NRS 209.419.*

26 *3. As used in this section, “telecommunications device” means a*
27 *device that can be used by an offender to communicate with a person*
28 *outside of the institution or facility at which the offender is incarcerated.*
29 *The term includes, without limitation, a telephone, a cellular telephone*
30 *or a computer that is connected to a computer network or is otherwise*
31 *capable of communicating with a person or device outside of the facility.*

32 **Sec. 36.** NRS 209.461 is hereby amended to read as follows:

33 209.461 1. The director shall:

34 (a) To the greatest extent possible, approximate the normal conditions of
35 training and employment in the community.

36 (b) Except as otherwise provided in this ~~paragraph,~~ **section**, to the
37 extent practicable, require each offender, except those whose behavior is
38 found by the director to preclude participation, to spend 40 hours each
39 week in vocational training or employment, unless excused for a medical
40 reason or to attend educational classes in accordance with NRS 209.396.

41 The director shall require as a condition of employment that an offender
42 sign an authorization for the deductions from his wages made pursuant to

43 NRS 209.463. Authorization to make the deductions pursuant to NRS

1 209.463 is implied from the employment of an offender and a signed
2 authorization from the offender is not required for the director to make the
3 deductions pursuant to NRS 209.463.

4 (c) Use the earnings from services and manufacturing conducted by the
5 institutions and the money paid by private employers who employ the
6 offenders to offset the costs of operating the prison system and to provide
7 wages for the offenders being trained or employed.

8 (d) Provide equipment, space and management for services and
9 manufacturing by offenders.

10 (e) Employ craftsmen and other personnel to supervise and instruct
11 offenders.

12 (f) Except as otherwise provided in NRS 209.383, contract with
13 governmental agencies and private employers for the employment of
14 offenders, including their employment on public works projects under
15 contracts with the state and with local governments.

16 (g) Contract for the use of offenders' services and for the sale of goods
17 manufactured by offenders.

18 2. Every program for the employment of offenders established by the
19 director must:

20 (a) Employ the maximum number of offenders possible;

21 (b) Except as otherwise provided in NRS 209.192, provide for the use
22 of money produced by the program to reduce the cost of maintaining the
23 offenders in the institutions;

24 (c) Have an insignificant effect on the number of jobs available to the
25 residents of this state; and

26 (d) Provide occupational training for offenders.

27 3. *An offender may not engage in vocational training, employment*
28 *or a business that requires or permits the offender to:*

29 (a) *Telemarket or conduct opinion polls by telephone; or*

30 (b) *Acquire, review, use or have control over or access to personal*
31 *information concerning any person who is not incarcerated.*

32 4. Each fiscal year, the cumulative profits and losses, if any, of the
33 programs for the employment of offenders established by the director must
34 result in a profit for the department. The following must not be included in
35 determining whether there is a profit for the department:

36 (a) Fees credited to the fund for prison industries pursuant to NRS
37 482.268, any revenue collected by the department for the leasing of space,
38 facilities or equipment within the institutions or facilities of the department
39 and any interest or income earned on the money in the fund for prison
40 industries.

41 (b) The selling expenses of the central administrative office of the
42 programs for the employment of offenders. As used in this paragraph,
43 "selling expenses" means delivery expenses, salaries of sales personnel and

1 related payroll taxes and costs, the costs of advertising and the costs of
2 display models.

3 (c) The general and administrative expenses of the central administrative
4 office of the programs for the employment of offenders. As used in this
5 paragraph, "general and administrative expenses" means the salary of the
6 assistant director of industrial programs and the salaries of any other
7 personnel of the central administrative office and related payroll taxes and
8 costs, the costs of telephone usage and the costs of office supplies used and
9 postage used.

10 ~~{4. The}~~

11 **5. Except as otherwise provided in subsection 3, the** director may,
12 with the approval of the board:

13 (a) Lease spaces and facilities within any institution of the department to
14 private employers to be used for the vocational training and employment of
15 offenders.

16 (b) Grant to reliable offenders the privilege of leaving institutions or
17 facilities of the department at certain times for the purpose of vocational
18 training or employment.

19 ~~{5.}~~ **6.** The provisions of this chapter do not create a right on behalf of
20 the offender to employment or to receive the federal or state minimum
21 wage for any employment and do not establish a basis for any cause of
22 action against the state or its officers or employees for employment of an
23 offender or for payment of the federal or state minimum wage to an
24 offender.

25 **Sec. 37.** NRS 209.4814 is hereby amended to read as follows:

26 209.4814 The advisory board shall:

27 1. Be informed on issues and developments relating to industrial
28 programs for correctional institutions;

29 2. Submit a semiannual report to the interim finance committee before
30 July 1 and December 1 of each year on the status of current and proposed
31 industrial programs for correctional institutions;

32 3. Report to the legislature on any other matter relating to industrial
33 programs for correctional institutions which it deems appropriate;

34 4. Meet at least quarterly and at the call of the chairman to review the
35 operation of current and proposed industrial programs;

36 5. Recommend three persons to the director for appointment as the
37 assistant director for industrial programs whenever a vacancy exists; and

38 6. Before any new industrial program is established by the director in
39 an institution of the department, review the proposed program for
40 compliance with the requirements of subsections 2, ~~{and}~~ 3 **and 4** of NRS
41 209.461 and submit to the director its recommendations concerning the
42 proposed

program.

7. Review each industry program established pursuant to subsection 2 of NRS 209.461 to determine whether the program is operating profitably within 3 years after its establishment. If the advisory board determines that a program is not operating profitably within 3 years after its establishment, the advisory board shall report its finding to the director with recommendation regarding whether the program should be continued or terminated.

Sec. 38. Chapter 242 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A state agency that uses at least one computer in the course of its work shall:

(a) Create a written policy setting forth the appropriate uses of the computers of the state agency; and

(b) Provide all employees of the state agency with a copy of the written policy.

2. As used in this section, “state agency” means an agency, bureau, board, commission, department, division or any other unit of the executive department of the government of this state.

Sec. 39. NRS 244A.7641 is hereby amended to read as follows:

244A.7641 As used in NRS 244A.7641 to 244A.7647, inclusive, unless the context otherwise requires ~~“mobile”~~ :

1. “Mobile telephone service” ~~and “supplier” have the meanings ascribed to them in NRS 205.505.~~ means cellular or other service to a telephone installed in a vehicle or otherwise portable.

2. “Supplier” means a person authorized by the Federal Communications Commission to provide mobile telephone service.

Sec. 40. Chapter 598 of NRS is hereby amended by adding thereto the provisions set forth as sections 41 to 46, inclusive, of this act.

Sec. 41. As used in sections 41 to 46, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 42 and 43 of this act have the meanings ascribed to them in those sections.

Sec. 42. “Provider” means:

1. A person who is in the business of providing a telecommunications service;

2. An agent, employee, independent contractor or representative of a person who is in the business of providing a telecommunications service; or

3. A person who originates a charge for a telecommunications service and directly or indirectly bills a customer for the charge.

Sec. 43. “Telecommunications service” means a service that is designed or has the capability to generate, process, store, retrieve, convey, emit, transmit, receive, relay, record or reproduce any data, information, image, program, signal or sound over a communications

1 *system or network, including, without limitation, a communications*
2 *system or network that uses analog, digital, electronic, electromagnetic,*
3 *magnetic or optical technology.*

4 **Sec. 44.** *A provider shall not:*

5 *1. Make a statement or representation regarding the provision of a*
6 *telecommunications service, including, without limitation, a statement*
7 *regarding the rates, terms or conditions of a telecommunications service,*
8 *that:*

9 *(a) Is false, misleading or deceptive; or*

10 *(b) Fails to include material information which makes the statement*
11 *or representation false, misleading or deceptive.*

12 *2. Misrepresent his identity.*

13 *3. Falsely state to a person that the person has subscribed or*
14 *authorized a subscription to or has received a telecommunications*
15 *service.*

16 *4. Omit, when explaining the terms and conditions of a subscription*
17 *to a telecommunications service, a material fact concerning the*
18 *subscription.*

19 *5. Fail to provide a customer with timely written notice containing:*

20 *(a) A clear and detailed description relating directly to the services for*
21 *which the customer is being billed and the amount the customer is being*
22 *charged for each service;*

23 *(b) All terms and conditions relating directly to the services provided;*
24 *and*

25 *(c) The name, address and telephone number of the provider.*

26 *6. Fail to honor, within a reasonable period, a request of a customer*
27 *to cancel a telecommunications service pursuant to the terms and*
28 *conditions for the service.*

29 *7. Bill a customer for a telecommunications service after the*
30 *customer has canceled the telecommunications service pursuant to the*
31 *terms and conditions of the service.*

32 *8. Bill a customer for services that the provider knows the customer*
33 *has not authorized, unless the service is required to be provided by law.*
34 *The failure of a customer to refuse a proposal from a provider does not*
35 *constitute specific authorization.*

36 *9. Change a customer's subscription to a local exchange carrier or*
37 *an interexchange carrier unless:*

38 *(a) The customer has authorized the change within the 30 days*
39 *immediately preceding the date of the change; and*

40 *(b) The provider complies with the provisions of 47 U.S.C. § 258, as*
41 *amended, and the verification procedures set forth in 47 C.F.R. part 64,*
42 *subpart K, as amended.*

1 **10. Fail to provide to a customer who has authorized the provider to**
2 **change his subscription to a local exchange carrier or an interexchange**
3 **carrier a written confirmation of the change within 30 days after the date**
4 **of the change.**

5 **11. Propose or enter into a contract with a person that purports to:**

6 **(a) Waive the protection afforded to the person by any provision of**
7 **this section; or**

8 **(b) Authorize the provider or an agent, employee, independent**
9 **contractor or representative of the provider to violate any provision of**
10 **this section.**

11 **Sec. 45. A provider who is a local exchange carrier shall, in a**
12 **competitively neutral manner, offer to each customer the opportunity to**
13 **freeze the interexchange carrier selected by the customer.**

14 **Sec. 46. 1. The remedies, duties and prohibitions of sections 41 to**
15 **46, inclusive, are not exclusive and are in addition to any other remedies**
16 **provided by law.**

17 **2. A violation of any provision of sections 41 to 46, inclusive, of this**
18 **act constitutes a deceptive trade practice for the purposes of NRS**
19 **598.0903 to 598.0999, inclusive.**

20 **Sec. 47. NRS 711.040 is hereby amended to read as follows:**

21 711.040 1. “Community antenna television system” means any
22 facility within this state which is constructed in whole or in part in, on,
23 under or over any highway or other public place and ~~[which]~~ is operated to
24 perform for hire the service of ~~[receiving]~~ :

25 **(a) Receiving** and amplifying the signals broadcast by one or more
26 television stations or provided for public, educational or governmental
27 purposes and redistributing those signals by wire, cable or other means of
28 closed transmission ~~[to members of the public who subscribe to the~~
29 ~~service.] ; or~~

30 **(b) Providing two-way interactive services by wire, cable or other**
31 **means of closed transmission, including, without limitation, Internet**
32 **services, intranet services and electronic mail,**
33 **to members of the public who subscribe to the service.**

34 2. Such a system does not include any system which serves:

35 (a) Fewer than 50 subscribers; or

36 (b) Only the residents of one or more apartment dwellings under
37 common ownership, control or management, and commercial
38 establishments located on the premises of those dwellings if the buildings
39 are separated by not more than one public street or right of way.

40 3. As used in this section, “apartment dwelling” does not include a
41 hotel, motel, condominium, town house or other similar dwelling.

1 **Sec. 48.** NRS 711.270 is hereby amended to read as follows:

2 711.270 1. ~~{Any person who knowingly:~~

3 ~~—(a) Makes or maintains}~~ *It is unlawful for a person knowingly and with*
4 *the intent to intercept or receive a program or other service provided by a*
5 *community antenna television company without the authorization of the*
6 *company to:*

7 (a) *Make* a connection or ~~{attaches any}~~ *attach a* device to ~~{any}~~ *a* line
8 or other component of a community antenna television company;

9 (b) ~~{Purchases or possesses any device; or~~

10 ~~—(c) Makes or maintains any}~~ *Purchase or possess a device or kit*
11 *designed to intercept or receive a program or other service provided by*
12 *the community antenna television company;*

13 (c) *Make or maintain a* modification to ~~{any}~~ *a* device installed ~~{for}~~ *by*
14 *or with the authorization of* a community antenna television company ~~{, to~~
15 ~~intercept or receive any program or other service provided by a community~~
16 ~~antenna television company without the authorization of the company is~~
17 ~~guilty of a misdemeanor.~~

18 ~~—2. Any person who knowingly and without the authorization of a~~
19 ~~community antenna television company:~~

20 ~~—(a) Imports into this state;~~

21 ~~—(b) Distributes; or~~

22 ~~—(c) Sells, offers or advertises to sell, or possesses with the intent to sell,~~
23 ~~any}~~ *to intercept or receive a program or other service provided by the*
24 *community antenna television company; or*

25 (d) *Manufacture, import, distribute, advertise, sell, lease, offer to sell*
26 *or lease, or possess with the intent to sell or lease a* device designed to
27 *decode , descramble, intercept or otherwise make intelligible* a signal
28 *encoded by {the} a community antenna television company .*

29 2. *Except as otherwise provided in subsection 3, a person who*
30 *violates paragraph (a), (b) or (c) of subsection 1* is guilty of a
31 misdemeanor.

32 3. ~~{Any}~~ *A* person who ~~{willfully violates subsection 1 or 2}~~ *violates*
33 *paragraph (a), (b) or (c) of subsection 1* for commercial advantage,
34 whether direct or indirect, is guilty of a gross misdemeanor.

35 4. *A person who violates paragraph (d) of subsection 1:*

36 (a) *If the violation involves nine or fewer devices, is guilty of a gross*
37 *misdemeanor.*

38 (b) *If the violation involves 10 or more devices, is guilty of a category*
39 *D felony and shall be punished as provided in NRS 193.130.*

40 **Sec. 49.** NRS 711.280 is hereby amended to read as follows:

41 711.280 1. ~~{Any}~~ *A* person who violates paragraph (a) , (b) or (c) of
42 subsection 1 ~~{or any provision of subsection 2}~~ of NRS 711.270 is , *in*

43 *addition to being criminally liable pursuant to NRS 711.270, civilly* liable

1 to the community antenna television company injured by ~~[such]~~ *the*
2 conduct for *\$3,500 or* three times any actual damages incurred by the
3 company , *whichever is greater*, and reasonable attorney's fees . ~~[, but not~~
4 ~~more than the amount provided in NRS 73.010 as the jurisdictional limit~~
5 ~~for small claims in justices' courts.]~~

6 *2. A person who violates paragraph (d) of subsection 1 of NRS*
7 *711.270 is, in addition to being criminally liable pursuant to NRS*
8 *711.270, civilly liable to the community antenna television company*
9 *injured by the conduct for \$5,000 or three times any actual damages*
10 *incurred by the company, whichever is greater, and reasonable attorney's*
11 *fees.*

12 *3.* In any action brought ~~[under]~~ *pursuant to* this section, proof that
13 any of the acts prohibited in subsection 1 were committed on or about the
14 premises occupied by the defendant is prima facie evidence that such acts
15 were committed by the defendant.

16 ~~[2-]~~ *4.* An owner or operator of a community antenna television
17 company may bring an action to enjoin any violation of NRS 711.270.

18 **Sec. 50.** NRS 711.285 is hereby amended to read as follows:

19 711.285 A local government may recover from a person who is
20 convicted pursuant to subsection 3 *or 4* of NRS 711.270 a civil penalty of
21 not more than \$50,000 for the first violation, and for the second or
22 subsequent violation a civil penalty of not more than \$100,000. This
23 penalty is in addition to any other civil or criminal penalty provided in NRS
24 711.270 or 711.280.

25 **Sec. 51.** NRS 205.505, 205.507 and 205.508 are hereby repealed.

26 **Sec. 52.** 1. There is hereby appropriated from the state general fund
27 to the attorney general, for the office of the executive director created
28 pursuant to section 8 of this act:

29 For the fiscal year 1999-2000.....\$81,429

30 For the fiscal year 2000-2001.....\$78,572

31 2. Any remaining balance of the appropriation made by subsection 1
32 for:

33 (a) The fiscal year 1999-2000 must be transferred and added to the
34 money appropriated for the fiscal year 2000-2001.

35 (b) The fiscal year 2000-2001, including any money added thereto
36 pursuant to paragraph (a), must not be committed for expenditure after
37 June 30, 2001, and reverts to the state general fund as soon as all payments
38 of money committed have been made.

39 **Sec. 53.** The amendatory provisions of this act do not apply to
40 offenses committed before the effective date of this act.

41 **Sec. 54.** This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTIONS

205.505 Definitions. As used in NRS 205.505 to 205.508, inclusive:

1. “Mobile telephone service” means cellular or other service to a telephone installed in a vehicle or otherwise portable.

2. “Supplier” means a person authorized by the Federal Communications Commission to provide mobile telephone service.

205.507 Civil action by supplier. In addition to the penalties provided in NRS 205.508, a supplier may recover by civil action for any loss or injury incurred through a violation of NRS 205.506.

205.508 Criminal penalty. A person who violates the provisions of NRS 205.506 is guilty of a category D felony and shall be punished as provided in NRS 193.130.”.

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