

Assembly Bill No. 162—Assemblymen Brown, Ocegueda, Cegavske, Angle, Bache, Brower, Carpenter, Lee, Marvel, Mortenson and Von Tobel

Joint Sponsors: Senators Rawson, Porter and O’Connell

CHAPTER.....

AN ACT relating to crimes against property; revising the provisions governing actions which constitute theft to include the theft of parts, products or other items related to certain services under certain circumstances and to include theft of gasoline or other fuel or automotive products; providing a penalty; 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 205.0832 is hereby amended to read as follows:

205.0832 ~~1A~~

1. Except as otherwise provided in subsection 2, a person commits theft if, without lawful authority, he knowingly:

~~1A~~ *(a)* Controls any property of another person with the intent to deprive that person of the property.

~~12A~~ *(b)* Converts, makes an unauthorized transfer of an interest in, or without authorization controls any property of another person, or uses the services or property of another person entrusted to him or placed in his possession for a limited, authorized period of determined or prescribed duration or for a limited use.

~~13A~~ *(c)* Obtains real, personal or intangible property or the services of another person by a material misrepresentation with intent to deprive that person of the property or services. As used in this subsection, “material misrepresentation” means the use of any pretense, or the making of any promise, representation or statement of present, past or future fact which is fraudulent and which, when used or made, is instrumental in causing the wrongful control or transfer of property or services. The pretense may be verbal or it may be a physical act.

~~14A~~ *(d)* Comes into control of lost, mislaid or misdelivered property of another person under circumstances providing means of inquiry as to the true owner and appropriates that property to his own use or that of another person without reasonable efforts to notify the true owner.

~~15A~~ *(e)* Controls property of another person knowing or having reason to know that the property was stolen.

~~16A~~ *(f)* Obtains services *or parts, products or other items related to such services* which he knows are available only for compensation without paying or agreeing to pay compensation or diverts the services of another person to his own benefit or that of another person without lawful authority to do so.

~~17A~~ *(g)* Takes, destroys, conceals or disposes of property in which another person has a security interest, with intent to defraud that person.

~~18A~~ *(h)* Commits any act that is declared to be theft by a specific statute.

~~19A~~ *(i)* Draws or passes a check, and in exchange obtains property or services, if he knows that the check will not be paid when presented.

(j) Obtains gasoline or other fuel or automotive products which is available only for compensation without paying or agreeing to pay compensation.

2. A person who commits an act that is prohibited by subsection 1 which involves the repair of a vehicle has not committed theft unless, before the repair was made, he received a written estimate of the cost of the repair.

Sec. 2. NRS 205.466 is hereby amended to read as follows:

205.466 1. A district attorney may create within his office a program for restitution for persons referred to the district attorney by a law enforcement officer who has probable cause to believe the person violated *paragraph (i) of* subsection ~~1~~ 1 of NRS 205.0832 ~~1~~ or NRS 205.130 or 205.380. The program may be conducted by the district attorney in conjunction with the county sheriff, police department or any other law enforcement agency in whose jurisdiction a violation of *paragraph (i) of* subsection ~~1~~ 1 of NRS 205.0832 ~~1~~ or NRS 205.130 or 205.380 has occurred, or by a private entity under contract with the district attorney.

2. The district attorney may adopt standards for the law enforcement agency which indicate the minimum requirements of investigation by the agency for its referral of a person to the district attorney for acceptance in the program.

3. If such a person is referred to the district attorney, the district attorney shall determine if the person is appropriate for acceptance in the program. The district attorney may consider:

(a) The amount of the check or draft drawn or passed without sufficient money or credit to pay it in full;

(b) The prior criminal record of the person;

(c) Prior referrals of the person to the program;

(d) The number of times the person has violated *paragraph (i) of* subsection ~~1~~ 1 of NRS 205.0832 ~~1~~ or NRS 205.130 or 205.380;

(e) Whether other allegations of drawing or passing checks or drafts without sufficient money or credit to pay them in full are pending against the person; and

(f) The strength of the evidence, if any, of the person's intent to defraud the alleged victim.

4. Except as otherwise provided in NRS 205.469, this section does not limit the authority of the district attorney to prosecute violations of *paragraph (i) of* subsection ~~1~~ 1 of NRS 205.0832 ~~1~~ or NRS 205.130 or 205.380.

Sec. 3. The amendatory provisions of this act do not apply to offenses committed before October 1, 2001.