

**Amendment No. 1130**

Assembly Amendment to Assembly Bill No. 464 First Reprint	(BDR 32-1028)
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**Proposed by:** Committee on Ways and Means**Amendment Box:** Replaces Amendment No. 1119.**Resolves Conflicts with:** N/A**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: No

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____
Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____

Amend sec. 18, page 4, by deleting lines 15 and 16 and inserting:

***“Sec. 18. 1. The Department may adopt regulations establishing:***

***(a) Reporting requirements for manufacturers and wholesale dealers; and***

***(b) Procedures for the electronic submission of reports required pursuant to any reporting requirements established under paragraph (a).***

***2. Any regulations adopted pursuant to subsection 1 relating to reporting requirements for manufacturers must provide for submission to the Department of periodic reports of:”.***

Amend sec. 18, page 4, by deleting line 30 and inserting:

***“3. Any regulations adopted pursuant to subsection 1 relating to reporting requirements for wholesale dealers must provide for submission to the Department of”.***

Amend sec. 18, page 5, by deleting line 35 and inserting:

MSM/BJE

Date: 5/31/2005

A.B. No. 464—Makes various changes regarding manufacture, sale and use of tobacco products.

***“4. Any reports required by regulations adopted pursuant to subsection 1 must be:”.***

Amend sec. 18, page 5, by deleting line 39 and inserting:

***“5. In each report required by regulations adopted pursuant to subsection 1, the information”.***

Amend sec. 18, pages 5 and 6, by deleting line 45 on page 5 and lines 1 through 5 on page 6, and inserting:

***“6. The reporting period for any reports required by regulations adopted pursuant to subsection 1 must be for a duration of not less than 1 month and not more than 3 months.”.***

Amend sec. 21, page 7, by deleting lines 22 through 26 and inserting:

***“delivery sale; and***

***(2) A clear and conspicuous statement providing as follows:”.***

Amend sec. 22, page 7, by deleting lines 40 through 42 and inserting:

***“calendar month, except a delivery service, shall create and maintain records containing the following information relating to every such delivery sale:”.***

Amend sec. 22, page 8, between lines 2 and 3, by inserting:

***“↪ The records required by this section must be provided to the Department at the Department’s request and must be retained for not less than 3 years after the date of the applicable transaction unless the Department, in writing, authorizes the records to be removed or destroyed at an earlier time.”.***

Amend sec. 23, page 8, by deleting lines 26 through 29.

Amend sec. 31, page 11, line 13, after “***delivered***” by inserting:

***“, sold, exchanged, transported, distributed”.***

Amend sec. 44, page 17, by deleting lines 8 through 25 and inserting:

“(a) To alter, forge or counterfeit any license, stamp or cigarette tax meter impression provided for in this chapter;

(b) To have in his possession any forged, counterfeited, spurious or altered license, stamp or cigarette tax meter impression, with the intent to use the same, knowing or having reasonable grounds to believe the same to be such;

(c) To have in his possession one or more cigarette stamps or cigarette tax meter impressions which he knows have been removed from the pieces of packages or packages of cigarettes to which they were affixed;

(d) To affix to any piece of a package or package of cigarettes a stamp or cigarette tax meter impression which he knows has been removed from any other piece of a package or package of cigarettes; or

(e) To have in his possession for the purpose of sale cigarettes which do not bear indicia of the State of Nevada excise tax stamping. Presence of the cigarettes in a cigarette vending machine is prima facie evidence of the purpose to sell.”.

Amend the bill as a whole by deleting sec. 51 and adding new sections designated sections 51 and 52, following sec. 50, to read as follows:

“**Sec. 51.** NRS 179.121 is hereby amended to read as follows:

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

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

(b) The commission of or attempted commission of any felony with the intent to commit, cause, aid, further or conceal an act of terrorism;

(c) A violation of NRS 202.445 or 202.446;

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

(e) A violation of NRS 200.465, 202.265, 202.287, 205.473 to 205.513, inclusive, ~~and~~ 205.610 to 205.810, inclusive, **370.380 or section 26, 27 or 28 of this act**, or 465.070 to 465.085, inclusive.

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

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

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

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

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

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

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

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

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

4. As used in this section, “act of terrorism” has the meaning ascribed to it in NRS 202.4415.

**Sec. 52.** 1. This section and sections 1 to 34, inclusive, 36 and 39 to 51, inclusive, of this act become effective upon passage and approval.

2. Sections 35 and 37 of this act become effective on January 1, 2006.

3. Section 38 of this act becomes effective on July 1, 2007.”.