

SENATE BILL NO. 93—SENATORS HARDY,
TOWNSEND, HECK, LEE AND TITUS

FEBRUARY 15, 2007

Referred to Committee on Judiciary

SUMMARY—Revises the provisions governing the crime of grand larceny of a motor vehicle and an offense involving a stolen vehicle. (BDR 15-697)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: 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; revising the provisions governing the crime of grand larceny of a motor vehicle; revising the provisions governing an offense involving a stolen vehicle; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person who commits grand larceny of a motor vehicle is guilty of a category C felony, which is punishable by imprisonment for a minimum term of not less than 1 year and a maximum term of not more than 5 years and a fine of not more than \$10,000. (NRS 193.130, 205.228) If the value of the motor vehicle is \$2,500 or more, the penalty increases to a category B felony, which is punishable by imprisonment for a minimum term of not less than 1 year and a maximum term of not more than 10 years and a fine of not more than \$10,000. (NRS 205.228) This bill provides that a person who is convicted of grand larceny of a motor vehicle and who has previously been convicted of grand larceny of a motor vehicle or another crime involving the theft of a motor vehicle must not be released on probation or granted a suspension of his sentence.

Under existing law, a person who commits an offense involving a stolen vehicle is guilty of a category C felony. (NRS 205.273) If the value of the stolen vehicle is \$2,500 or more, the penalty is increased to a category B felony. (NRS 205.273) This bill provides that a person who is convicted of an offense involving a stolen vehicle and who has previously been convicted of an offense involving a stolen vehicle or another crime involving the theft of a motor vehicle must not be released on probation or granted a suspension of his sentence.



* S B 9 3 *

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 205.228 is hereby amended to read as follows:

2 205.228 1. A person who intentionally steals, takes and
3 carries away, drives away or otherwise removes a motor vehicle
4 owned by another person commits grand larceny of a motor vehicle.

5 2. Except as otherwise provided in ~~{subsection 3,}~~ *this section,*
6 a person who commits grand larceny of a motor vehicle is guilty of
7 a category C felony and shall be punished as provided in NRS
8 193.130. *A person who is convicted of grand larceny of a motor*
9 *vehicle and who has previously been convicted of grand larceny of*
10 *a motor vehicle or another crime involving the theft of a motor*
11 *vehicle must not be released on probation or granted a suspension*
12 *of his sentence.*

13 3. If the prosecuting attorney proves that the value of the motor
14 vehicle involved in the grand larceny is \$2,500 or more, the person
15 who committed the grand larceny of the motor vehicle is guilty of a
16 category B felony and shall be punished by imprisonment in the
17 state prison for a minimum term of not less than 1 year and a
18 maximum term of not more than 10 years, and by a fine of not more
19 than \$10,000.

20 4. In addition to any other penalty, the court shall order the
21 person who committed the grand larceny of the motor vehicle to pay
22 restitution.

23 **Sec. 2.** NRS 205.273 is hereby amended to read as follows:

24 205.273 1. A person commits an offense involving a stolen
25 vehicle if the person:

26 (a) With the intent to procure or pass title to a motor vehicle
27 which he knows or has reason to believe has been stolen, receives or
28 transfers possession of the vehicle from or to another person; or

29 (b) Has in his possession a motor vehicle which he knows or has
30 reason to believe has been stolen.

31 2. The provisions of subsection 1 do not apply to an officer of
32 the law if the officer is engaged in the performance of his duty as an
33 officer at the time of the receipt, transfer or possession of the stolen
34 vehicle.

35 3. Except as otherwise provided in ~~{subsection 4,}~~ *this section,*
36 a person who violates the provisions of subsection 1 is guilty of a
37 category C felony and shall be punished as provided in NRS
38 193.130. *A person who is convicted of an offense involving a*
39 *stolen vehicle and who has previously been convicted of an offense*
40 *involving a stolen vehicle or another crime involving the theft of a*
41 *motor vehicle must not be released on probation or granted a*
42 *suspension of his sentence.*



1 4. If the prosecuting attorney proves that the value of the
2 vehicle involved is \$2,500 or more, the person who violated the
3 provisions of subsection 1 is guilty of a category B felony and shall
4 be punished by imprisonment in the state prison for a minimum
5 term of not less than 1 year and a maximum term of not more than
6 10 years, and by a fine of not more than \$10,000.

7 5. In addition to any other penalty, the court shall order the
8 person to pay restitution.

9 6. For the purposes of this section, the value of a vehicle shall
10 be deemed to be the highest value attributable to the vehicle by any
11 reasonable standard.

12 **Sec. 3.** The amendatory provisions of this act apply to offenses
13 committed before October 1, 2007, for the purpose of determining
14 whether a person is subject to the provisions of subsection 2 of NRS
15 205.228 or subsection 3 of NRS 205.273, as amended by this act.

