

Amendment No. 1134

Senate Amendment to Assembly Bill No. 619 Second Reprint (BDR 15-1503)

Proposed by: Senator Nolan

Amendment Box: Replaces Amendment No. 1128

Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date	
Adopted	☐	Lost	☐ _____		Adopted	☐	Lost	☐ _____
Concurred In	☐	Not	☐ _____		Concurred In	☐	Not	☐ _____
Receded	☐	Not	☐ _____		Receded	☐	Not	☐ _____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) **green bold** is newly added transitory language.

TMC



Date: 6/3/2007

A.B. No. 619—Revises provisions governing the crime of grand larceny of a motor vehicle. (BDR 15-1503)



EMERGENCY REQUEST OF SPEAKER OF THE ASSEMBLY

ASSEMBLY BILL NO. 619—ASSEMBLYMEN OCEGUERA,
CONKLIN AND BUCKLEY

MAY 15, 2007

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing the crime of grand larceny of a motor vehicle and an offense involving a stolen vehicle. (BDR 15-1503)

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 motor vehicles; 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, unless the value of the motor vehicle involved in the grand larceny is proven to be \$2,500 or more in which case the person is guilty of a category B felony. (NRS 205.228) **Section 12** of this bill provides that a person who is convicted of grand larceny of a motor vehicle and who has ~~twice~~ previously been convicted of grand larceny of a motor vehicle **or an attempt to commit grand larceny of a motor vehicle** must not be released on probation or granted a suspension of his sentence. For purposes of determining whether a person has ~~twice~~ previously been convicted of grand larceny of a motor vehicle **or an attempt to commit grand larceny of a motor vehicle**, **section 15** of this bill clarifies that offenses committed before October 1, 2007, must be included in such determination.

Under existing law, a person who commits an offense involving a stolen vehicle is guilty of a category C felony, unless the value of the stolen vehicle is \$2,500 or more in which case the person is guilty of a category B felony. (NRS 205.273) Section 12.5 of 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 an attempt to commit an offense involving a stolen vehicle must not be released on probation or granted a suspension of his sentence. For purposes of determining whether a person has previously been convicted of an offense involving a stolen vehicle or an attempt to commit an offense involving a stolen vehicle, section 15 of this bill clarifies that offenses committed before October 1, 2007, must be included in such determination.

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

Section 1. (Deleted by amendment.)

Sec. 1.5. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. NRS 205.228 is hereby amended to read as follows:

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

2. Except as otherwise provided in ~~{subsection 3.}~~ *this section*, a person who commits grand larceny of a motor vehicle is guilty of a category C felony and shall be punished as provided in NRS 193.130. *A person who is convicted of grand larceny of a motor vehicle and who has ~~twice~~ previously been convicted of grand larceny of a motor vehicle or an attempt to commit grand larceny of a motor vehicle must not be released on probation or granted a suspension of his sentence.*

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

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

Sec. 12.5. NRS 205.273 is hereby amended to read as follows:

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

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

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

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

3. Except as otherwise provided in ~~{subsection 4.}~~ *this section*, a person who violates the provisions of subsection 1 is guilty of a category C felony and shall be punished as provided in NRS 193.130. *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 an attempt to commit an offense involving a stolen vehicle must not be released on probation or granted a suspension of his sentence.*

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

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

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

10 Sec. 13. (Deleted by amendment.)

11 Sec. 14. (Deleted by amendment.)

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

17 Sec. 16. (Deleted by amendment.)

18 Sec. 17. (Deleted by amendment.)

19 Sec. 18. (Deleted by amendment.)