

Amendment No. 63

Senate Amendment to Senate Bill No. 93	(BDR 15-697)
Proposed by: Senator Care	
Amends: Summary: No Title: No 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.

KEL/BAW



Date: 4/3/2007

S.B. No. 93—Revises the provisions governing the crime of grand larceny of a motor vehicle and an offense involving a stolen vehicle.
(BDR 15-697)



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.

~

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~~ ***an attempt to commit grand larceny*** 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~~ ***an attempt to commit an offense involving a stolen*** vehicle must not be released on probation or granted a suspension of his sentence.

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

Section 1. 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 previously been convicted of grand larceny of a motor vehicle or ~~{another crime involving the theft of a motor}~~ 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. 2. 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 ~~{another crime involving the theft of a motor}~~ an attempt to commit an offense involving a stolen vehicle must not be released on probation or granted a suspension of his sentence.*

4. If the prosecuting attorney proves that the value of the vehicle involved is \$2,500 or more, the person who violated the provisions of subsection 1 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.

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

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

Sec. 3. The amendatory provisions of this act apply to offenses committed before October 1, 2007, for the purpose of determining whether a person is subject

1 to the provisions of subsection 2 of NRS 205.228 or subsection 3 of NRS 205.273,
2 as amended by this act.