

ASSEMBLY BILL NO. 132—ASSEMBLYMEN CONKLIN,
ANDERSON, KIRKPATRICK AND OCEGUERA

FEBRUARY 4, 2009

Referred to Committee on Judiciary

SUMMARY—Revises certain provisions relating to an award of damages in an action for forcible or unlawful entry or detention of real property. (BDR 3-791)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

~

EXPLANATION – Matter in **bolded italics** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to property; revising certain provisions relating to an award of damages in an action for forcible or unlawful entry or detention of real property; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law provides that, in an action for forcible or unlawful entry or
2 detention of real property, a judgment may be entered for three times the amount of
3 the actual damages assessed by the court or jury. (NRS 40.170) The Nevada
4 Supreme Court held in *Countrywide Home Loans, Inc. v. Thitchener*, 124 Nev.
5 Adv. Op. 64, 192 P.3d 243 (2008), that the provisions of NRS 40.170 authorizing a
6 judgment of three times the amount of actual damages assessed in such an action
7 did not apply to actual damages to personal property but rather applied only to
8 actual damages to real property. This bill defines the term “actual damages” for that
9 provision of existing law to mean damages to real property and personal property.
10 (NRS 40.170)

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

1 **Section 1.** NRS 40.170 is hereby amended to read as follows:
2 40.170 **1.** If a person ~~recover~~ **recovers** damages for a
3 forcible or unlawful entry in or upon, or detention of, any building
4 or any uncultivated or cultivated real property, judgment may be
5 entered for three times the amount at which the actual damages are
6 assessed.



* A B 1 3 2 *

- 1 2. *As used in this section, “actual damages” means damages*
2 *to real property and personal property.*

