

ASSEMBLY BILL NO. 142—ASSEMBLYMEN OHRENSCHALL, HORNE, FRIERSON, PIERCE, MUNFORD; AIZLEY, CARLTON, CARRILLO, DALY, DIAZ, DONDERO LOOP, FLORES, HICKEY, KIRKPATRICK, KIRNER, MASTROLUCA, SEGERBLOM AND SMITH

FEBRUARY 11, 2011

Referred to Committee on Judiciary

SUMMARY—Makes various changes governing crimes against property. (BDR 15-599)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
Effect on the State: No.

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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; increasing the monetary threshold for the classification of certain crimes against property; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes certain crimes making it unlawful to take or obtain property, including: (1) exploitation of an older or vulnerable person; (2) theft; (3) issuing a check without sufficient money or credit; (4) larceny; (5) receiving or possessing stolen property; (6) embezzlement; (7) obtaining property by false pretenses; and (8) other similar offenses. (NRS 200.5099, 205.0821-205.0835, 205.130, 205.2175-205.2707, 205.275, 205.300, 205.380) Existing law also imposes penalties for such crimes based on the value of the property or services involved in the crime. This bill increases the threshold amounts that determine whether certain theft and related property offenses are punishable as misdemeanors, gross misdemeanors or felonies.

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

Section 1. NRS 193.167 is hereby amended to read as follows:
193.167 1. Except as otherwise provided in NRS 193.169,
any person who commits the crime of:



- 1 (a) Murder;
- 2 (b) Attempted murder;
- 3 (c) Assault;
- 4 (d) Battery;
- 5 (e) Kidnapping;
- 6 (f) Robbery;
- 7 (g) Sexual assault;
- 8 (h) Embezzlement of money or property of a value of ~~[\$250]~~
- 9 ~~\$450~~ or more;
- 10 (i) Obtaining money or property of a value of ~~[\$250]~~ ~~\$450~~ or
- 11 more by false pretenses; or
- 12 (j) Taking money or property from the person of another,
- 13 ➤ against any person who is 60 years of age or older or against a
- 14 vulnerable person shall, in addition to the term of imprisonment
- 15 prescribed by statute for the crime, be punished, if the crime is a
- 16 misdemeanor or gross misdemeanor, by imprisonment in the county
- 17 jail for a term equal to the term of imprisonment prescribed by
- 18 statute for the crime, and, if the crime is a felony, by imprisonment
- 19 in the state prison for a minimum term of not less than 1 year and a
- 20 maximum term of not more than 20 years.
- 21 2. Except as otherwise provided in NRS 193.169, any person
- 22 who commits a criminal violation of the provisions of chapter 90 or
- 23 91 of NRS against any person who is 60 years of age or older or
- 24 against a vulnerable person shall, in addition to the term of
- 25 imprisonment prescribed by statute for the criminal violation, be
- 26 punished, if the criminal violation is a misdemeanor or gross
- 27 misdemeanor, by imprisonment in the county jail for a term equal to
- 28 the term of imprisonment prescribed by statute for the criminal
- 29 violation, and, if the criminal violation is a felony, by imprisonment
- 30 in the state prison for a minimum term of not less than 1 year and a
- 31 maximum term of not more than 20 years.
- 32 3. In determining the length of the additional penalty imposed
- 33 pursuant to this section, the court shall consider the following
- 34 information:
- 35 (a) The facts and circumstances of the crime or criminal
- 36 violation;
- 37 (b) The criminal history of the person;
- 38 (c) The impact of the crime or criminal violation on any victim;
- 39 (d) Any mitigating factors presented by the person; and
- 40 (e) Any other relevant information.
- 41 ➤ The court shall state on the record that it has considered the
- 42 information described in paragraphs (a) to (e), inclusive, in
- 43 determining the length of the additional penalty imposed.



1 4. The sentence prescribed by this section must run
2 consecutively with the sentence prescribed by statute for the crime
3 or criminal violation.

4 5. This section does not create any separate offense but
5 provides an additional penalty for the primary offense, whose
6 imposition is contingent upon the finding of the prescribed fact.

7 6. As used in this section, "vulnerable person" has the meaning
8 ascribed to it in subsection 7 of NRS 200.5092.

9 **Sec. 2.** NRS 197.150 is hereby amended to read as follows:

10 197.150 A public officer, or person holding or discharging the
11 duties of any public office or place of trust under the State or in any
12 county, town or city, a part of whose duty it is to audit, allow or pay,
13 or take part in auditing, allowing or paying claims or demands upon
14 the State or a county, town or city, who knowingly audits, allows or
15 pays, or directly or indirectly consents to or in any way connives in
16 the audit, allowance or payment of any claim or demand against the
17 State, county, town or city, which is false or fraudulent or contains
18 any charge, item or claim which is false or fraudulent, shall be
19 punished:

20 1. Where the amount of the false or fraudulent charge, claim,
21 item or demand is ~~[\$250]~~ \$450 or more, for a category D felony as
22 provided in NRS 193.130. In addition to any other penalty, the court
23 shall order the person to pay restitution.

24 2. Where the amount of the fraudulent charge, claim, item or
25 demand is less than ~~[\$250]~~ \$450, for a misdemeanor.

26 **Sec. 3.** NRS 197.210 is hereby amended to read as follows:

27 197.210 An officer who fraudulently appropriates to his or her
28 own use or to the use of another person, or secretes with the intent to
29 appropriate to such a use, any money, evidence of debt or other
30 property entrusted to the officer by virtue of his or her office, shall
31 be punished:

32 1. Where the amount of the money or the actual value of the
33 property fraudulently appropriated or secreted with the intent to
34 appropriate is ~~[\$250]~~ \$450 or more, for a category D felony as
35 provided in NRS 193.130. In addition to any other penalty, the court
36 shall order the person to pay restitution.

37 2. Where the amount of the money or the actual value of the
38 property fraudulently appropriated or secreted with the intent to
39 appropriate is less than ~~[\$250]~~ \$450, for a misdemeanor.

40 **Sec. 4.** NRS 200.5099 is hereby amended to read as follows:

41 200.5099 1. Except as otherwise provided in subsection 6,
42 any person who abuses an older person or a vulnerable person is
43 guilty:

44 (a) For the first offense, of a gross misdemeanor; or



(b) For any subsequent offense or if the person has been previously convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct, of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 6 years, unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse.

2. Except as otherwise provided in subsection 7, any person who has assumed responsibility, legally, voluntarily or pursuant to a contract, to care for an older person or a vulnerable person and who:

(a) Neglects the older person or vulnerable person, causing the older person or vulnerable person to suffer physical pain or mental suffering;

(b) Permits or allows the older person or vulnerable person to suffer unjustifiable physical pain or mental suffering; or

(c) Permits or allows the older person or vulnerable person to be placed in a situation where the older person or vulnerable person may suffer physical pain or mental suffering as the result of abuse or neglect,

➤ is guilty of a gross misdemeanor unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse or neglect.

3. Except as otherwise provided in subsection 4, any person who exploits an older person or a vulnerable person shall be punished, if the value of any money, assets and property obtained or used:

(a) Is less than ~~§250.1~~ \$450, for a misdemeanor by imprisonment in the county jail for not more than 1 year, or by a fine of not more than \$2,000, or by both fine and imprisonment;

(b) Is at least ~~§250.1~~ \$450 but less than \$5,000, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, or by a fine of not more than \$10,000, or by both fine and imprisonment; or

(c) Is \$5,000 or more, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, or by a fine of not more than \$25,000, or by both fine and imprisonment,

➤ unless a more severe penalty is prescribed by law for the act which brought about the exploitation. The monetary value of all of the money, assets and property of the older person or vulnerable person which have been obtained or used, or both, may be combined for the purpose of imposing punishment for an offense charged pursuant to this subsection.



4. If a person exploits an older person or a vulnerable person and the monetary value of any money, assets and property obtained cannot be determined, the person shall be punished for a gross misdemeanor by imprisonment in the county jail for not more than 1 year, or by a fine of not more than \$2,000, or by both fine and imprisonment.

5. Any person who isolates an older person or a vulnerable person is guilty:

(a) For the first offense, of a gross misdemeanor; or

(b) For any subsequent offense, of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than \$5,000.

6. A person who violates any provision of subsection 1, if substantial bodily or mental harm or death results to the older person or vulnerable person, 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 2 years and a maximum term of not more than 20 years, unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse.

7. A person who violates any provision of subsection 2, if substantial bodily or mental harm or death results to the older person or vulnerable person, shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 6 years, unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse or neglect.

8. In addition to any other penalty imposed against a person for a violation of any provision of NRS 200.5091 to 200.50995, inclusive, the court shall order the person to pay restitution.

9. As used in this section:

(a) "Allow" means to take no action to prevent or stop the abuse or neglect of an older person or a vulnerable person if the person knows or has reason to know that the older person or vulnerable person is being abused or neglected.

(b) "Permit" means permission that a reasonable person would not grant and which amounts to a neglect of responsibility attending the care and custody of an older person or a vulnerable person.

(c) "Substantial mental harm" means an injury to the intellectual or psychological capacity or the emotional condition of an older person or a vulnerable person as evidenced by an observable and substantial impairment of the ability of the older person or vulnerable person to function within his or her normal range of performance or behavior.



Sec. 5. NRS 204.010 is hereby amended to read as follows:

204.010 Every public officer or other person who has in his or her possession, control or custody any public money belonging to this state, or to any county, town, city, district or municipal corporation within this state, or to whom any such public money is entrusted for safekeeping, or for transmission to any treasurer, other officer or person entitled to receive it, who uses any of the public money for his or her own private purposes, or for any purpose other than one authorized by law, shall, if the amount so unlawfully used is less than ~~[\$250,]~~ \$450, be punished for a misdemeanor.

Sec. 6. NRS 204.020 is hereby amended to read as follows:

204.020 A public officer or other person who has in his or her possession, control or custody any public money belonging to this state, or to any county, town, city, district or municipal corporation within this state, or to whom any such public money is entrusted for safekeeping or for transmission to any treasurer or other officer, or other person entitled to receive it, who uses any of the public money for his or her own private purposes, or for any purpose other than one authorized by law, if the amount unlawfully used is ~~[\$250]~~ \$450 or more, is guilty of a category D felony and shall be punished as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

Sec. 7. NRS 204.030 is hereby amended to read as follows:

204.030 1. It is unlawful for any public officer, and any other person receiving money on behalf of, or for or on account of, this State or of any department of the State Government or of any bureau or fund created by law in which the State is directly or indirectly interested, or for or on account of any county, city, town, municipal corporation or any school or district:

(a) Knowingly to keep any false account, or make any false entry or erasure in any account, of or relating to any money so received;

(b) Fraudulently to alter, falsify, conceal, destroy or obliterate any such account; or

(c) Willfully to omit or refuse to pay over to the State, its officer or agent authorized by law to receive the money, or to the county, city, town or the school, municipal corporation, or district or to the proper officer or authority empowered to demand and receive it, any money received by him or her as such an officer when it is a legal duty to pay over and account for the money.

2. A person who violates any of the provisions of subsection 1 shall be punished:

(a) Where the amount involved is ~~[\$250]~~ \$450 or more, for a category D felony as provided in NRS 193.130.



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(b) Where the amount involved is less than ~~[\$250,]~~ \$450, for a misdemeanor.

Sec. 8. NRS 204.050 is hereby amended to read as follows:

204.050 A state, county, city or town treasurer who willfully misappropriates any money, funds or securities received by or deposited with the treasurer, or who is guilty of any other malfeasance or willful neglect of duty in office, shall be punished:

1. Where the amount misappropriated is ~~[\$250]~~ \$450 or more, for a category D felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

2. Where the amount misappropriated is less than ~~[\$250,]~~ \$450, for a misdemeanor.

Sec. 9. NRS 205.08345 is hereby amended to read as follows:

205.08345 1. A person who participates in an organized retail theft ring is guilty of a category B felony and shall be punished by imprisonment in the state prison for:

(a) If the aggregated value of the property or services involved in all thefts committed by the organized retail theft ring in this State during a period of 90 days is at least ~~[\$2,500]~~ \$3,500 but less than \$10,000, 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.

(b) If the aggregated value of the property or services involved in all thefts committed by the organized retail theft ring in this State during a period of 90 days is \$10,000 or more, a minimum term of not less than 2 years and a maximum term of not more than 15 years, and by a fine of not more than \$20,000.

2. In addition to any other penalty, the court shall order a person who violates this section to pay restitution.

3. For the purposes of this section, in determining the aggregated value of the property or services involved in all thefts committed by an organized retail theft ring in this State during a period of 90 days:

(a) The amount involved in a single theft shall be deemed to be the highest value, by any reasonable standard, of the property or services which are obtained; and

(b) The amounts involved in all thefts committed by all participants in the organized retail theft ring must be aggregated.

4. In any prosecution for a violation of this section, the violation shall be deemed to have been committed and may be prosecuted in any jurisdiction in this State in which any theft committed by any participant in an organized retail theft ring was committed, regardless of whether the defendant was ever physically present in that jurisdiction.

5. As used in this section:



(a) "Merchant" has the meaning ascribed to it in NRS 597.850.

(b) "Organized retail theft ring" means three or more persons who associate for the purpose of engaging in the conduct of committing a series of thefts of retail merchandise against more than one merchant in this State or against one merchant but at more than one location of a retail business of the merchant in this State.

Sec. 10. NRS 205.0835 is hereby amended to read as follows:

205.0835 1. Unless a greater penalty is imposed by a specific statute and unless the provisions of NRS 205.08345 apply under the circumstances, a person who commits theft in violation of any provision of NRS 205.0821 to 205.0835, inclusive, shall be punished pursuant to the provisions of this section.

2. If the value of the property or services involved in the theft is less than ~~[\$250,]~~ \$450, the person who committed the theft is guilty of a misdemeanor.

3. If the value of the property or services involved in the theft is ~~[\$250]~~ \$450 or more but less than ~~[\$2,500,]~~ \$3,500, the person who committed the theft is guilty of a category C felony and shall be punished as provided in NRS 193.130.

4. If the value of the property or services involved in the theft is ~~[\$2,500]~~ \$3,500 or more, the person who committed the theft 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 who committed the theft to pay restitution.

Sec. 11. NRS 205.130 is hereby amended to read as follows:

205.130 1. Except as otherwise provided in this subsection and subsections 2 and 3, a person who willfully, with an intent to defraud, draws or passes a check or draft to obtain:

(a) Money;

(b) Delivery of other valuable property;

(c) Services;

(d) The use of property; or

(e) Credit extended by any licensed gaming establishment,

➔ drawn upon any real or fictitious person, bank, firm, partnership, corporation or depository, when the person has insufficient money, property or credit with the drawee of the instrument to pay it in full upon its presentation, is guilty of a misdemeanor. If that instrument, or a series of instruments passed in the State during a period of 90 days, is in the amount of ~~[\$250]~~ \$450 or more, the person is guilty of a category D felony and shall be punished as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.



2. A person who was previously convicted three times of a misdemeanor under the provisions of this section, or of an offense of a similar nature, in this State or any other state, or in a federal jurisdiction, who violates this section is guilty of a category D felony and shall be punished as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

3. A person who willfully issues any check or draft for the payment of wages in excess of ~~[\$250.]~~ \$450, when the person knows he or she has insufficient money or credit with the drawee of the instrument to pay the instrument in full upon presentation is guilty of a gross misdemeanor.

4. For the purposes of this section, "credit" means an arrangement or understanding with a person, firm, corporation, bank or depository for the payment of a check or other instrument.

Sec. 12. NRS 205.134 is hereby amended to read as follows:

205.134 1. A notice in boldface type which is clearly legible and is in substantially the following form must be posted in a conspicuous place in every principal and branch office of every bank and in every place of business in which retail selling is conducted:

The issuance of a check or draft without sufficient money or with intent to defraud is punishable by imprisonment in the county jail for not more than 6 months, or by a fine of not more than \$1,000, or by both fine and imprisonment, and the issuance of such a check or draft in an amount of ~~[\$250.]~~ \$450 or more or by a person who previously has been convicted three times of this or a similar offense is punishable as a category D felony as provided in NRS 193.130.

2. Failure of the owner, operator or manager of a bank or other place of business to post the sign required by this section is not a defense to charge of a violation of NRS 205.130.

Sec. 13. NRS 205.220 is hereby amended to read as follows:

205.220 Except as otherwise provided in NRS 205.226 and 205.228, a person commits grand larceny if the person:

1. Intentionally steals, takes and carries away, leads away or drives away:

(a) Personal goods or property, with a value of ~~[\$250.]~~ \$450 or more, owned by another person;

(b) Bedding, furniture or other property, with a value of ~~[\$250.]~~ \$450 or more, which the person, as a lodger, is to use in or with his or her lodging and which is owned by another person; or



(c) Real property, with a value of ~~[\$250]~~ \$450 or more, that the person has converted into personal property by severing it from real property owned by another person.

2. Uses a card or other device for automatically withdrawing or transferring money in a financial institution to obtain intentionally money to which the person knows he or she is not entitled.

3. Intentionally steals, takes and carries away, leads away, drives away or entices away:

(a) One or more head of livestock owned by another person; or

(b) One or more domesticated animals or domesticated birds, with an aggregate value of ~~[\$250]~~ \$450 or more, owned by another person.

4. With the intent to defraud, steal, appropriate or prevent identification:

(a) Marks or brands, causes to be marked or branded, alters or defaces a mark or brand, or causes to be altered or defaced a mark or brand upon one or more head of livestock owned by another person;

(b) Sells or purchases the hide or carcass of one or more head of livestock owned by another person that has had a mark or brand cut out or obliterated;

(c) Kills one or more head of livestock owned by another person but running at large, whether or not the livestock is marked or branded; or

(d) Kills one or more domesticated animals or domesticated birds, with an aggregate value of ~~[\$250]~~ \$450 or more, owned by another person but running at large, whether or not the animals or birds are marked or branded.

Sec. 14. NRS 205.222 is hereby amended to read as follows:

205.222 1. Unless a greater penalty is imposed by a specific statute, a person who commits grand larceny in violation of NRS 205.220 shall be punished pursuant to the provisions of this section.

2. If the value of the property involved in the grand larceny is less than ~~[\$2,500]~~ \$3,500, the person who committed the grand larceny is guilty of a category C felony and shall be punished as provided in NRS 193.130.

3. If the value of the property involved in the grand larceny is ~~[\$2,500]~~ \$3,500 or more, the person who committed the grand larceny 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 to pay restitution.



5. If the grand larceny involved a sale in violation of subsection 3 or 4 of NRS 205.220, all proceeds from the sale are subject to forfeiture.

Sec. 15. 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, 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.

3. If the prosecuting attorney proves that the value of the motor vehicle involved in the grand larceny is ~~[\$2,500]~~ \$3,500 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. 16. NRS 205.240 is hereby amended to read as follows:

205.240 1. Except as otherwise provided in NRS 205.220, 205.226, 205.228 and 475.105, a person commits petit larceny if the person:

(a) Intentionally steals, takes and carries away, leads away or drives away:

(1) Personal goods or property, with a value of less than ~~[\$250,]~~ \$450, owned by another person;

(2) Bedding, furniture or other property, with a value of less than ~~[\$250,]~~ \$450, which the person, as a lodger, is to use in or with his or her lodging and which is owned by another person; or

(3) Real property, with a value of less than ~~[\$250,]~~ \$450, that the person has converted into personal property by severing it from real property owned by another person.

(b) Intentionally steals, takes and carries away, leads away, drives away or entices away one or more domesticated animals or domesticated birds, with an aggregate value of less than ~~[\$250,]~~ \$450, owned by another person.

2. Unless a greater penalty is provided pursuant to NRS 205.267, a person who commits petit larceny is guilty of a misdemeanor. In addition to any other penalty, the court shall order the person to pay restitution.



Sec. 17. NRS 205.267 is hereby amended to read as follows:

205.267 1. A person who intentionally steals, takes and carries away scrap metal with a value of less than ~~[\$250]~~ \$450 within a period of 90 days is guilty of a misdemeanor.

2. A person who intentionally steals, takes and carries away scrap metal with a value of ~~[\$250]~~ \$450 or more within a period of 90 days is guilty of:

(a) If the value of the property taken is less than ~~[\$2,500,]~~ \$3,500, a category C felony and shall be punished as provided in NRS 193.130; or

(b) If the value of the property taken is ~~[\$2,500]~~ \$3,500 or more, 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.

3. In addition to any other penalty, the court shall order a person who violates the provisions of subsection 1 or 2 to pay restitution.

4. In determining the value of the property taken, the cost of repairing and, if necessary, replacing any property damaged by the theft of the scrap metal must be added to the value of the property.

5. As used in this section, "scrap metal" has the meaning ascribed to it in NRS 647.017.

Sec. 18. NRS 205.270 is hereby amended to read as follows:

205.270 1. A person who, under circumstances not amounting to robbery, with the intent to steal or appropriate to his or her own use, takes property from the person of another, without the other person's consent, is guilty of:

(a) If the value of the property taken is less than ~~[\$2,500,]~~ \$3,500, a category C felony and shall be punished as provided in NRS 193.130; or

(b) If the value of the property taken is ~~[\$2,500]~~ \$3,500 or more, 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.

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

3. The court shall not grant probation to or suspend the sentence of any person convicted of violating subsection 1 if the person from whom the property was taken has any infirmity caused by age or other physical condition.



Sec. 19. NRS 205.2707 is hereby amended to read as follows:

205.2707 1. A person who intentionally steals, takes and carries away property of the value of ~~[\$250]~~ \$450 or more from vending machines within a period of 1 week is guilty of:

(a) If the value of the property taken is less than ~~[\$2,500,]~~ \$3,500, a category C felony and shall be punished as provided in NRS 193.130; or

(b) If the value of the property taken is ~~[\$2,500]~~ \$3,500 or more, 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.

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

3. In determining the value of the property taken, the cost of repairing damaged vending machines and replacing any machine, if necessary, must be added to the value of the property.

Sec. 20. 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 the person 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 or her possession a motor vehicle which the person 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 or her 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, 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.

4. If the prosecuting attorney proves that the value of the vehicle involved is ~~[\$2,500]~~ \$3,500 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.



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Sec. 21. NRS 205.275 is hereby amended to read as follows:

205.275 1. A person commits an offense involving stolen property if the person, for his or her own gain or to prevent the owner from again possessing the owner's property, buys, receives, possesses or withholds property:

(a) Knowing that it is stolen property; or

(b) Under such circumstances as should have caused a reasonable person to know that it is stolen property.

2. A person who commits an offense involving stolen property in violation of subsection 1:

(a) If the value of the property is less than ~~[\$250,] \$450~~, is guilty of a misdemeanor;

(b) If the value of the property is ~~[\$250] \$450~~ or more but less than ~~[\$2,500,] \$3,500~~, is guilty of a category C felony and shall be punished as provided in NRS 193.130; or

(c) If the value of the property is ~~[\$2,500] \$3,500~~ or more or if the property is a firearm, 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.

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

4. A person may be prosecuted and convicted pursuant to this section whether or not the principal is or has been prosecuted or convicted.

5. Possession by any person of three or more items of the same or a similar class or type of personal property on which a permanently affixed manufacturer's serial number or manufacturer's identification number has been removed, altered or defaced, is prima facie evidence that the person has violated this section.

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

7. As used in this section, "stolen property" means property that has been taken from its owner by larceny, robbery, burglary, embezzlement, theft or any other offense that is a crime against property, whether or not the person who committed the taking is or has been prosecuted or convicted for the offense.

Sec. 22. NRS 205.365 is hereby amended to read as follows:

205.365 A person, after once selling, bartering or disposing of any tract of land, town lot, or executing any bond or agreement for the sale of any land or town lot, who again, knowingly and fraudulently, sells, barter or disposes of the same tract of land or lot, or any part thereof, or knowingly and fraudulently executes any bond or agreement to sell, barter or dispose of the same land or lot,



1 or any part thereof, to any other person, for a valuable consideration,
2 shall be punished:

3 1. Where the value of the property involved is ~~[\$250]~~ \$450 or
4 more, for a category C felony as provided in NRS 193.130. In
5 addition to any other penalty, the court shall order the person to pay
6 restitution.

7 2. Where the value of the property is less than ~~[\$250,]~~ \$450,
8 for a misdemeanor.

9 **Sec. 23.** NRS 205.370 is hereby amended to read as follows:

10 205.370 A person who, by false representations of his or her
11 own wealth, or mercantile correspondence and connections, obtains
12 a credit thereby and defrauds any person of money, goods, chattels
13 or any valuable thing, or if a person causes or procures another to
14 report falsely of his or her wealth or mercantile character, and by
15 thus imposing upon any person obtains credit and thereby
16 fraudulently gets into the possession of goods, wares or
17 merchandise, or other valuable thing, is a swindler, and must be
18 sentenced to return the property fraudulently obtained, if it can be
19 done, or to pay restitution and shall be punished:

20 1. Where the amount of money or the value of the chattels,
21 goods, wares or merchandise, or other valuable thing so obtained is
22 ~~[\$250]~~ \$450 or more, for a category C felony as provided in
23 NRS 193.130.

24 2. Otherwise, for a misdemeanor.

25 **Sec. 24.** NRS 205.377 is hereby amended to read as follows:

26 205.377 1. A person shall not, in the course of an enterprise
27 or occupation, knowingly and with the intent to defraud, engage in
28 an act, practice or course of business or employ a device, scheme or
29 artifice which operates or would operate as a fraud or deceit upon a
30 person by means of a false representation or omission of a material
31 fact that:

32 (a) The person knows to be false or omitted;

33 (b) The person intends another to rely on; and

34 (c) Results in a loss to any person who relied on the false
35 representation or omission,

36 ➤ in at least two transactions that have the same or similar pattern,
37 intents, results, accomplices, victims or methods of commission, or
38 are otherwise interrelated by distinguishing characteristics and are
39 not isolated incidents within 4 years and in which the aggregate loss
40 or intended loss is more than ~~[\$250,]~~ \$450.

41 2. Each act which violates subsection 1 constitutes a separate
42 offense.

43 3. A person who violates subsection 1 is guilty of a category B
44 felony and shall be punished by imprisonment in the state prison for
45 a minimum term of not less than 1 year and a maximum term of not



1 more than 20 years, and may be further punished by a fine of not
2 more than \$10,000.

3 4. In addition to any other penalty, the court shall order a
4 person who violates subsection 1 to pay restitution.

5 5. A violation of this section constitutes a deceptive trade
6 practice for the purposes of NRS 598.0903 to 598.0999, inclusive.

7 6. As used in this section, "enterprise" has the meaning
8 ascribed to it in NRS 207.380.

9 **Sec. 25.** NRS 205.380 is hereby amended to read as follows:

10 205.380 1. A person who knowingly and designedly by any
11 false pretense obtains from any other person any chose in action,
12 money, goods, wares, chattels, effects or other valuable thing,
13 including rent or the labor of another person not his or her
14 employee, with the intent to cheat or defraud the other person, is a
15 cheat, and, unless otherwise prescribed by law, shall be punished:

16 (a) If the value of the thing or labor fraudulently obtained was
17 ~~[\$250]~~ \$450 or more, for a category B felony by imprisonment in
18 the state prison for a minimum term of not less than 1 year and a
19 maximum term of not more than 6 years, or by a fine of not more
20 than \$10,000, or by both fine and imprisonment. In addition to any
21 other penalty, the court shall order the person to pay restitution.

22 (b) If the value of the thing or labor fraudulently obtained was
23 less than ~~[\$250]~~ \$450, for a misdemeanor, and must be sentenced to
24 restore the property fraudulently obtained, if it can be done, or
25 tender payment for rent or labor.

26 2. For the purposes of this section, it is prima facie evidence of
27 an intent to defraud if the drawer of a check or other instrument
28 given in payment for:

29 (a) Property which can be returned in the same condition in
30 which it was originally received;

31 (b) Rent; or

32 (c) Labor performed in a workmanlike manner whenever a
33 written estimate was furnished before the labor was performed and
34 the actual cost of the labor does not exceed the estimate,

35 ➤ stops payment on that instrument and fails to return or offer to
36 return the property in that condition, or to specify in what way the
37 labor was deficient within 5 days after receiving notice from the
38 payee that the instrument has not been paid by the drawee.

39 3. The notice must be sent to the drawer by certified mail,
40 return receipt requested, at the address shown on the instrument.
41 The notice must include a statement of the penalties set forth in this
42 section. Return of the notice because of nondelivery to the drawer
43 raises a rebuttable presumption of the intent to defraud.

44 4. A notice in boldface type clearly legible and in substantially
45 the following form must be posted in a conspicuous place in every



1 principal and branch office of every bank and in every place of
2 business in which retail selling is conducted or labor is performed
3 for the public and must be furnished in written form by a landlord to
4 a tenant:

5
6 The stopping of payment on a check or other instrument
7 given in payment for property which can be returned in the
8 same condition in which it was originally received, rent or
9 labor which was completed in a workmanlike manner, and the
10 failure to return or offer to return the property in that
11 condition or to specify in what way the labor was deficient
12 within 5 days after receiving notice of nonpayment is
13 punishable:

14 1. If the value of the property, rent or labor fraudulently
15 obtained was ~~1~~~~\$2501~~ \$450 or more, as a category B felony by
16 imprisonment in the state prison for a minimum term of not
17 less than 1 year and a maximum term of not more than 6
18 years, or by a fine of not more than \$10,000, or by both fine
19 and imprisonment.

20 2. If the value of the property, rent or labor so
21 fraudulently obtained was less than ~~1~~~~\$2501~~ \$450, as a
22 misdemeanor by imprisonment in the county jail for not more
23 than 6 months, or by a fine of not more than \$1,000, or by
24 both fine and imprisonment.

25 **Sec. 26.** NRS 205.415 is hereby amended to read as follows:

26 205.415 A person who sells one or more tickets to any ball,
27 benefit or entertainment, or asks or receives any subscription or
28 promise thereof, for the benefit or pretended benefit of any person,
29 association or order, without being authorized thereto by the person,
30 association or order for whose benefit or pretended benefit it is
31 done, shall be punished:

32 1. Where the amount received from such sales, subscriptions or
33 promises totals ~~1~~~~\$2501~~ \$450 or more, for a category C felony as
34 provided in NRS 193.130. In addition to any other penalty, the court
35 shall order the person to pay restitution.

36 2. Otherwise, for a misdemeanor.

37 **Sec. 27.** NRS 205.445 is hereby amended to read as follows:

38 205.445 1. It is unlawful for a person:

39 (a) To obtain food, foodstuffs, lodging, merchandise or other
40 accommodations at any hotel, inn, trailer park, motor court,
41 boardinghouse, rooming house, lodging house, furnished apartment
42 house, furnished bungalow court, furnished automobile camp, eating
43 house, restaurant, grocery store, market or dairy, without paying
44 therefor, with the intent to defraud the proprietor or manager
45 thereof;



(b) To obtain credit at a hotel, inn, trailer park, motor court, boardinghouse, rooming house, lodging house, furnished apartment house, furnished bungalow court, furnished automobile camp, eating house, restaurant, grocery store, market or dairy by the use of any false pretense; or

(c) After obtaining credit, food, lodging, merchandise or other accommodations at a hotel, inn, trailer park, motor court, boardinghouse, rooming house, lodging house, furnished apartment house, furnished bungalow court, furnished automobile camp, eating house, restaurant, grocery store, market or dairy, to abscond or surreptitiously, or by force, menace or threats, to remove any part of his or her baggage therefrom, without paying for the food or accommodations.

2. A person who violates any of the provisions of subsection 1 shall be punished:

(a) Where the total value of the credit, food, foodstuffs, lodging, merchandise or other accommodations received from any one establishment is ~~[\$250]~~ \$450 or more, for a category D felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

(b) Otherwise, for a misdemeanor.

3. Proof that lodging, food, foodstuffs, merchandise or other accommodations were obtained by false pretense, or by false or fictitious show or pretense of any baggage or other property, or that the person refused or willfully neglected to pay for the food, foodstuffs, lodging, merchandise or other accommodations, or that the person gave in payment for the food, foodstuffs, lodging, merchandise or other accommodations negotiable paper on which payment was refused, or that the person absconded without paying or offering to pay for the food, foodstuffs, lodging, merchandise or other accommodations, or that the person surreptitiously removed or attempted to remove his or her baggage, is prima facie evidence of the fraudulent intent mentioned in this section.

4. This section does not apply where there has been an agreement in writing for delay in payment for a period to exceed 10 days.

Sec. 28. NRS 205.520 is hereby amended to read as follows:

205.520 A bailee, or any officer, agent or servant of a bailee, who issues or aids in issuing a document of title, knowing that the goods covered by the document of title have not been received by him or her, or are not under his or her control at the time the document is issued, shall be punished:

1. Where the value of the goods purported to be covered by the document of title is ~~[\$250]~~ \$450 or more, for a category D felony as



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1 provided in NRS 193.130. In addition to any other penalty, the court
2 shall order the person to pay restitution.

3 2. Where the value is less than ~~[\$250,]~~ \$450, for a
4 misdemeanor.

5 **Sec. 29.** NRS 205.540 is hereby amended to read as follows:

6 205.540 Except as otherwise provided in chapter 104 of NRS,
7 a bailee, or any officer, agent or servant of a bailee, who issues or
8 aids in issuing a duplicate or additional negotiable document of title,
9 knowing that a former negotiable document for the same goods or
10 any part of them is outstanding and uncanceled, shall be punished:

11 1. Where the value of the goods purported to be covered by the
12 document of title is ~~[\$250]~~ \$450 or more, for a category D felony as
13 provided in NRS 193.130. In addition to any other penalty, the court
14 shall order the person to pay restitution.

15 2. Where the value is less than ~~[\$250,]~~ \$450, for a
16 misdemeanor.

17 **Sec. 30.** NRS 205.570 is hereby amended to read as follows:

18 205.570 A person who, with the intent to defraud, obtains a
19 negotiable document of title for goods to which the person does not
20 have title, or which are subject to a security interest, and negotiates
21 the document for value, without disclosing the want of title or the
22 existence of the security interest, shall be punished:

23 1. Where the value of the goods purported to be covered by the
24 document of title is ~~[\$250]~~ \$450 or more, for a category D felony as
25 provided in NRS 193.130. In addition to any other penalty, the court
26 shall order the person to pay restitution.

27 2. Where the value is less than ~~[\$250,]~~ \$450, for a
28 misdemeanor.

29 **Sec. 31.** NRS 205.580 is hereby amended to read as follows:

30 205.580 A person who, with the intent to defraud, secures the
31 issue by a bailee of a negotiable document of title, knowing at the
32 time of issue that any or all of the goods are not in possession of
33 the bailee, by inducing the bailee to believe that the goods are in the
34 bailee's possession, shall be punished:

35 1. Where the value of the goods purported to be covered by the
36 document of title is ~~[\$250]~~ \$450 or more, for a category D felony as
37 provided in NRS 193.130. In addition to any other penalty, the court
38 shall order the person to pay restitution.

39 2. Where the value is less than ~~[\$250,]~~ \$450, for a
40 misdemeanor.

41 **Sec. 32.** NRS 205.590 is hereby amended to read as follows:

42 205.590 A person who, with the intent to defraud, negotiates or
43 transfers for value a document of title, which by the terms thereof
44 represents that goods are in possession of the bailee who issued the



document, knowing that the bailee is not in possession of the goods or any part thereof, without disclosing this fact, shall be punished:

1. Where the value of the goods purported to be covered by the document of title is ~~[\$250]~~ \$450 or more, for a category D felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

2. Where the value is less than ~~[\$250,]~~ \$450, for a misdemeanor.

Sec. 33. NRS 205.950 is hereby amended to read as follows:

205.950 1. It is unlawful for a person to receive an advance fee, salary, deposit or money to obtain a loan for another unless the person places the advance fee, salary, deposit or money in escrow pending completion of the loan or a commitment for the loan.

2. Advance payments to cover reasonably estimated costs paid to third persons are excluded from the provisions of subsection 1 if the person making them first signs a written agreement which specifies the estimated costs by item and the estimated aggregate cost, and which recites that money advanced for costs will not be refunded. If an itemized service is not performed and the estimated cost thereof is not refunded, the recipient of the advance payment is subject to the penalties provided in subsection 3.

3. A person who violates the provisions of this section:

(a) Is guilty of a misdemeanor if the amount is less than ~~[\$250,]~~ \$450;

(b) Is guilty of a gross misdemeanor if the amount is ~~[\$250]~~ \$450 or more but less than \$1,000; or

(c) Is guilty of a category D felony if the amount is \$1,000 or more and shall be punished as provided in NRS 193.130.

Sec. 34. NRS 207.340 is hereby amended to read as follows:

207.340 1. As used in this section, unless the context otherwise requires:

(a) "Access device" means any card, plate, account number or other means of access that can be used, alone or in conjunction with another access device, to obtain payments, allotments, benefits, money, goods or other things of value, or that can be used to initiate a transfer of funds pursuant to the Act.

(b) "Act" means the Food Stamp Act of 1977, as amended (7 U.S.C. §§ 2011 et seq.) and regulations adopted thereunder.

(c) "Authorization to purchase" means a document issued by the United States Department of Agriculture or by a state agency which permits the holder to purchase coupons or otherwise receive benefits under the Act.

(d) "Coupon" means a food stamp, coupon, certificate or access device issued by the United States Department of Agriculture as provided in the Act.



2. A person who knowingly uses, transfers, sells, purchases, acquires, alters or possesses coupons and who is not authorized by the Act to do so, or who knowingly presents or causes to be presented coupons which are received, transferred or used in a manner not authorized by the Act, shall be punished:

(a) If the value of the coupons is less than ~~[\$250]~~ \$450, for a misdemeanor, and be sentenced to restore the amount of the value so obtained.

(b) If the value of the coupons is ~~[\$250]~~ \$450 or more, for a category E felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

3. A district attorney or the Attorney General may commence proceedings to enforce the provisions of this section in any court of competent jurisdiction.

4. If a person is convicted of violating any of the provisions of this section, the prosecuting attorney shall report the sentence imposed by the court for that person to the Division of Welfare and Supportive Services of the Department of Health and Human Services within 60 days after the imposition of the sentence.

5. The value of all coupons misappropriated in separate acts of fraud involving coupons must be combined for the purposes of imposing punishment for the offense charged if:

(a) The separate acts were committed within 6 months before the offense;

(b) None of the individual acts is punishable as a felony; and

(c) The cumulative value of all the coupons misappropriated is sufficient to make the offense punishable as a felony.

6. At the time of sentencing, a court may accept as a partial mitigation of the offense satisfactory evidence that a person convicted of violating any of the provisions of this section sold or transferred the coupons for cash to buy necessities which may not be lawfully obtained with coupons.

Sec. 35. NRS 207.360 is hereby amended to read as follows:

207.360 "Crime related to racketeering" means the commission of, attempt to commit or conspiracy to commit any of the following crimes:

1. Murder;

2. Manslaughter, except vehicular manslaughter as described in NRS 484B.657;

3. Mayhem;

4. Battery which is punished as a felony;

5. Kidnapping;

6. Sexual assault;

7. Arson;

8. Robbery;



9. Taking property from another under circumstances not amounting to robbery;

10. Extortion;

11. Statutory sexual seduction;

12. Extortionate collection of debt in violation of NRS 205.322;

13. Forgery;

14. Any violation of NRS 199.280 which is punished as a felony;

15. Burglary;

16. Grand larceny;

17. Bribery or asking for or receiving a bribe in violation of chapter 197 or 199 of NRS which is punished as a felony;

18. Battery with intent to commit a crime in violation of NRS 200.400;

19. Assault with a deadly weapon;

20. Any violation of NRS 453.232, 453.316 to 453.3395, inclusive, or 453.375 to 453.401, inclusive;

21. Receiving or transferring a stolen vehicle;

22. Any violation of NRS 202.260, 202.275 or 202.350 which is punished as a felony;

23. Any violation of subsection 2 or 3 of NRS 463.360 or chapter 465 of NRS;

24. Receiving, possessing or withholding stolen goods valued at ~~[\$250]~~ \$450 or more;

25. Embezzlement of money or property valued at ~~[\$250]~~ \$450 or more;

26. Obtaining possession of money or property valued at ~~[\$250]~~ \$450 or more, or obtaining a signature by means of false pretenses;

27. Perjury or subornation of perjury;

28. Offering false evidence;

29. Any violation of NRS 201.300 or 201.360;

30. Any violation of NRS 90.570, 91.230 or 686A.290, or insurance fraud pursuant to NRS 686A.291;

31. Any violation of NRS 205.506, 205.920 or 205.930;

32. Any violation of NRS 202.445 or 202.446; or

33. Any violation of NRS 205.377.

Sec. 36. NRS 281.230 is hereby amended to read as follows:

281.230 1. Except as otherwise provided in this section and NRS 218A.970, 281A.530 and 332.800, the following persons shall not, in any manner, directly or indirectly, receive any commission, personal profit or compensation of any kind resulting from any contract or other significant transaction in which the employing



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1 state, county, municipality, township, district or quasi-municipal
2 corporation is in any way directly interested or affected:

3 (a) State, county, municipal, district and township officers of the
4 State of Nevada;

5 (b) Deputies and employees of state, county, municipal, district
6 and township officers; and

7 (c) Officers and employees of quasi-municipal corporations.

8 2. A member of any board, commission or similar body who is
9 engaged in the profession, occupation or business regulated by the
10 board, commission or body may, in the ordinary course of his or her
11 business, bid on or enter into a contract with any governmental
12 agency, except the board or commission of which he or she is a
13 member, if the member has not taken part in developing the contract
14 plans or specifications and the member will not be personally
15 involved in opening, considering or accepting offers.

16 3. A full- or part-time faculty member or employee of the
17 Nevada System of Higher Education may bid on or enter into a
18 contract with a governmental agency, or may benefit financially or
19 otherwise from a contract between a governmental agency and a
20 private entity, if the contract complies with the policies established
21 by the Board of Regents of the University of Nevada pursuant to
22 NRS 396.255.

23 4. A public officer or employee, other than an officer or
24 employee described in subsection 2 or 3, may bid on or enter into a
25 contract with a governmental agency if the contracting process is
26 controlled by rules of open competitive bidding, the sources of
27 supply are limited, the public officer or employee has not taken part
28 in developing the contract plans or specifications and the public
29 officer or employee will not be personally involved in opening,
30 considering or accepting offers. If a public officer who is authorized
31 to bid on or enter into a contract with a governmental agency
32 pursuant to this subsection is a member of the governing body of the
33 agency, the public officer, pursuant to the requirements of NRS
34 281A.420, shall disclose his or her interest in the contract and shall
35 not vote on or advocate the approval of the contract.

36 5. A person who violates any of the provisions of this section
37 shall be punished as provided in NRS 197.230 and:

38 (a) Where the commission, personal profit or compensation is
39 ~~[\$250]~~ \$450 or more, for a category D felony as provided in
40 NRS 193.130.

41 (b) Where the commission, personal profit or compensation is
42 less than ~~[\$250,]~~ \$450, for a misdemeanor.

43 6. A person who violates the provisions of this section shall
44 pay any commission, personal profit or compensation resulting from
45 the contract or transaction to the employing state, county,



1 municipality, township, district or quasi-municipal corporation as
2 restitution.

3 **Sec. 37.** NRS 422.540 is hereby amended to read as follows:

4 422.540 1. A person, with the intent to defraud, commits an
5 offense if with respect to the Plan the person:

6 (a) Makes a claim or causes it to be made, knowing the claim to
7 be false, in whole or in part, by commission or omission;

8 (b) Makes or causes to be made a statement or representation for
9 use in obtaining or seeking to obtain authorization to provide
10 specific goods or services, knowing the statement or representation
11 to be false, in whole or in part, by commission or omission;

12 (c) Makes or causes to be made a statement or representation for
13 use by another in obtaining goods or services pursuant to the Plan,
14 knowing the statement or representation to be false, in whole or in
15 part, by commission or omission; or

16 (d) Makes or causes to be made a statement or representation for
17 use in qualifying as a provider, knowing the statement or
18 representation to be false, in whole or in part, by commission or
19 omission.

20 2. A person who commits an offense described in subsection 1
21 shall be punished for a:

22 (a) Category D felony, as provided in NRS 193.130, if the
23 amount of the claim or the value of the goods or services obtained or
24 sought to be obtained was greater than or equal to ~~§250.1~~ **\$450.**

25 (b) Misdemeanor if the amount of the claim or the value of the
26 goods or services obtained or sought to be obtained was less than
27 ~~§250.1~~ **\$450.**

28 ➔ Amounts involved in separate violations of this section
29 committed pursuant to a scheme or continuing course of conduct
30 may be aggregated in determining the punishment.

31 3. In addition to any other penalty for a violation of the
32 commission of an offense described in subsection 1, the court shall
33 order the person to pay restitution.

34 **Sec. 38.** NRS 422.560 is hereby amended to read as follows:

35 422.560 1. Except as otherwise provided in subsection 2, a
36 person shall not:

37 (a) While acting on behalf of a provider, purchase or lease
38 goods, services, materials or supplies for which payment may be
39 made, in whole or in part, pursuant to the Plan, and solicit or accept
40 anything of additional value in return for or in connection with the
41 purchase or lease;

42 (b) Sell or lease to or for the use of a provider goods, services,
43 materials or supplies for which payment may be made, in whole or
44 in part, pursuant to the Plan, and offer, transfer or pay anything of



1 additional value in connection with or in return for the sale or lease;
2 or

3 (c) Refer a person to a provider for goods or services for which
4 payment may be made, in whole or in part, pursuant to the Plan, and
5 solicit or accept anything of value in connection with the referral.

6 2. Paragraphs (a) and (b) of subsection 1 do not apply if the
7 additional value transferred is:

8 (a) A refund or discount made in the ordinary course of
9 business;

10 (b) Reflected by the books and records of the person transferring
11 or receiving it; and

12 (c) Reflected in the billings submitted to the Plan.

13 3. A person shall not, while acting on behalf of a provider
14 providing goods or services to a recipient pursuant to the Plan,
15 charge, solicit, accept or receive anything of additional value in
16 addition to the amount legally payable pursuant to the Plan in
17 connection with the provision of the goods or services.

18 4. A person who violates this section, if the value of the thing
19 or any combination of things unlawfully solicited, accepted, offered,
20 transferred, paid, charged or received:

21 (a) Is less than ~~§250.1~~ \$450, is guilty of a gross misdemeanor.

22 (b) Is ~~§250.1~~ \$450 or more, is guilty of a category D felony and
23 shall be punished as provided in NRS 193.130.

24 **Sec. 39.** NRS 475.105 is hereby amended to read as follows:

25 475.105 A person who steals a device intended for use in
26 preventing, controlling, extinguishing or giving warning of a fire:

27 1. If the device has a value of less than ~~§250.1~~ \$450, is guilty
28 of a gross misdemeanor.

29 2. If the device has a value of ~~§250.1~~ \$450 or more, is guilty of
30 grand larceny and shall be punished as provided in NRS 205.222.

31 **Sec. 40.** NRS 482.547 is hereby amended to read as follows:

32 482.547 1. It is unlawful for a person to sell, offer to sell or
33 display for sale any vehicle unless the person is:

34 (a) The lienholder, owner or registered owner of the vehicle;

35 (b) A reposessor of the vehicle, or holder of a statutory lien on
36 the vehicle, selling the vehicle on a bid basis; or

37 (c) A manufacturer, distributor, rebuilder, lessor or dealer
38 licensed under the provisions of this chapter.

39 2. The provisions of this section do not apply to any executor,
40 administrator, sheriff or other person who sells a vehicle pursuant to
41 powers or duties granted or imposed by law.

42 3. A person who violates any of the provisions of this section
43 shall be punished:

44 (a) If the value of the vehicle sold, offered or displayed is ~~§250.1~~
45 \$450 or more, for a category D felony as provided in NRS 193.130.



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

3 (b) If the value of the vehicle is less than ~~[\$250,]~~ \$450, for a
4 misdemeanor.

5 **Sec. 41.** NRS 487.840 is hereby amended to read as follows:

6 487.840 1. A person shall not remove, cause to be removed
7 or conceal a marking on:

8 (a) A salvage title or other title which indicates that the vehicle
9 is a salvage vehicle; or

10 (b) A certificate of title or other title for a rebuilt vehicle which
11 indicates that the vehicle is a rebuilt vehicle.

12 2. A person who knowingly violates subsection 1 with the
13 intent to defraud:

14 (a) If the fair market value of the vehicle involved is ~~[\$250]~~
15 \$450 or more, is guilty of a category D felony and shall be punished
16 as provided in NRS 193.130.

17 (b) If the fair market value of the vehicle involved is less than
18 ~~[\$250,]~~ \$450, is guilty of a misdemeanor.

19 ➔ In addition to any other penalty, the court shall order the person
20 to pay restitution to the victim.

21 **Sec. 42.** NRS 487.870 is hereby amended to read as follows:

22 487.870 1. A person shall not remove a total loss salvage
23 vehicle from this State to sell that vehicle unless the title has been
24 forwarded to the state agency pursuant to subsection 1 of
25 NRS 487.800.

26 2. A person who violates the provisions of this section:

27 (a) If the value of the vehicle removed from this State is less
28 than ~~[\$250,]~~ \$450, is guilty of a misdemeanor.

29 (b) If the value of the vehicle removed from this State is ~~[\$250]~~
30 \$450 or more, is guilty of a gross misdemeanor.

31 **Sec. 43.** NRS 612.445 is hereby amended to read as follows:

32 612.445 1. A person shall not make a false statement or
33 representation, knowing it to be false, or knowingly fail to disclose a
34 material fact in order to obtain or increase any benefit or other
35 payment under this chapter, including, without limitation, by failing
36 to properly report earnings or by filing a claim for benefits using the
37 social security number, name or other personal identifying
38 information of another person. A person who violates the provisions
39 of this subsection commits unemployment insurance fraud.

40 2. When the Administrator finds that a person has committed
41 unemployment insurance fraud pursuant to subsection 1, the person
42 shall repay to the Administrator for deposit in the Fund a sum equal
43 to all of the benefits received by or paid to the person for each week
44 with respect to which the false statement or representation was made



1 or to which the person failed to disclose a material fact in addition to
2 any interest, penalties and costs related to that sum.

3 3. Except as otherwise provided in this subsection and
4 subsection 8, the person is disqualified from receiving
5 unemployment compensation benefits under this chapter:

6 (a) For a period beginning with the first week claimed in
7 violation of subsection 1 and ending not more than 52 consecutive
8 weeks after the week in which it is determined that a claim was filed
9 in violation of subsection 1; or

10 (b) Until the sum described in subsection 2, in addition to any
11 interest, penalties or costs related to that sum, is repaid to the
12 Administrator,

13 ➤ whichever is longer. The Administrator shall fix the period of
14 disqualification according to the circumstances in each case.

15 4. It is a violation of subsection 1 for a person to file a claim,
16 or to cause or allow a claim to be filed on his or her behalf, if:

17 (a) The person is incarcerated in the state prison or any county
18 or city jail or detention facility or other correctional facility in this
19 State; and

20 (b) The claim does not expressly disclose his or her
21 incarceration.

22 5. A person who obtains benefits of ~~12501~~ \$450 or more in
23 violation of subsection 1 shall be punished in the same manner as
24 theft pursuant to subsection 3 or 4 of NRS 205.0835.

25 6. In addition to the repayment of benefits required pursuant to
26 subsection 2, if the amount of benefits which must be repaid is
27 greater than \$1,000, the Administrator may impose a penalty equal
28 to not more than:

29 (a) If the amount of such benefits is greater than \$1,000 but not
30 greater than \$2,500, 25 percent; or

31 (b) If the amount of such benefits is greater than \$2,500, 50
32 percent,

33 ➤ of the total amount of benefits received by the person in violation
34 of subsection 1 or any other provision of this chapter.

35 7. Except as otherwise provided in subsection 8, a person may
36 not pay benefits as required pursuant to subsection 2 by using
37 benefits which would otherwise be due and payable to the person if
38 he or she was not disqualified.

39 8. The Administrator may waive the period of disqualification
40 prescribed in subsection 3 for good cause shown or if the person
41 adheres to a repayment schedule authorized by the Administrator
42 that is designed to fully repay benefits received from an improper
43 claim, in addition to any related interest, penalties and costs, within
44 18 months. If the Administrator waives the period of
45 disqualification pursuant to this subsection, the person may repay



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benefits as required pursuant to subsection 2 by using any benefits which are due and payable to the person, except that benefits which are due and payable to the person may not be used to repay any related interest, penalties and costs.

9. The Administrator may recover any money required to be paid pursuant to this section in accordance with the provisions of NRS 612.365 and may collect interest on any such money in accordance with the provisions of NRS 612.620.

Sec. 44. NRS 616D.370 is hereby amended to read as follows:

616D.370 1. A person shall not, by any act or omission:

(a) Make a charge or cause it to be made knowing the charge to be false, in whole or in part;

(b) Make or cause to be made a statement or representation for use in obtaining or seeking to obtain authorization to provide specific accident benefits pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS, knowing the statement or representation to be false, in whole or in part; or

(c) Make or cause to be made a statement or representation for use by another person to obtain accident benefits pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS, knowing the statement or representation to be false, in whole or in part.

2. A person who violates any of the provisions of this section shall be punished:

(a) If the amount of the charge or the value of the accident benefits obtained or sought to be obtained was ~~[\$250]~~ \$450 or more, for a category D felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

(b) If the amount of the charge or the value of the accident benefits obtained or sought to be obtained was less than ~~[\$250,]~~ \$450, for a misdemeanor, and must be sentenced to restore any accident benefits so obtained, if it can be done, or tender payment for rent or labor.

Sec. 45. NRS 616D.390 is hereby amended to read as follows:

616D.390 1. Except as otherwise provided in subsection 2, a person shall not:

(a) While acting on behalf of a provider of health care, purchase or lease goods, services, materials or supplies for which payment may be made, in whole or in part, pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS, and solicit or accept anything of additional value in return for or in connection with the purchase or lease;

(b) Sell or lease to or for the use of a provider of health care goods, services, materials or supplies for which payment may be made, in whole or in part, pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS, and offer, transfer or pay anything



1 of additional value in connection with or in return for the sale or
2 lease; or

3 (c) Refer a person to a provider of health care for accident
4 benefits for which payment may be made, in whole or in part,
5 pursuant to chapters 616A to 616D, inclusive, or chapter 617 of
6 NRS, and solicit or accept anything of value in connection with the
7 referral.

8 2. Paragraphs (a) and (b) of subsection 1 do not apply if the
9 additional value transferred is:

10 (a) A refund or discount made in the ordinary course of
11 business;

12 (b) Reflected by the books and records of the person transferring
13 or receiving it; and

14 (c) Reflected in the charges submitted to the insurer.

15 3. A provider of health care shall not offer, transfer or pay
16 anything of value in connection with or in return for the referral to
17 the provider of a patient for whom payment of accident benefits may
18 be made, in whole or in part, pursuant to chapters 616A to 616D,
19 inclusive, or chapter 617 of NRS.

20 4. A person shall not, while acting on behalf of a provider of
21 health care pursuant to chapters 616A to 616D, inclusive, or chapter
22 617 of NRS, charge, solicit, accept or receive anything of value in
23 addition to the amount legally payable pursuant to any of those
24 chapters in connection with the provision of the accident benefits.

25 5. A person who violates any provision of this section, if the
26 value of the thing or any combination of things unlawfully solicited,
27 accepted, offered, transferred, paid, charged or received:

28 (a) Is less than ~~1~~~~\$250;~~ \$450, is guilty of a gross misdemeanor.

29 (b) Is ~~1~~~~\$250;~~ \$450 or more, is guilty of a category D felony and
30 shall be punished as provided in NRS 193.130.

31 **Sec. 46.** NRS 645B.960 is hereby amended to read as follows:

32 645B.960 1. A person, or any general partner, director,
33 officer, agent or employee of a person, who violates any provision
34 of NRS 645B.165 to 645B.180, inclusive, is guilty of:

35 (a) A misdemeanor if the amount involved is less than ~~1~~~~\$250;~~
36 \$450;

37 (b) A gross misdemeanor if the amount involved is ~~1~~~~\$250;~~ \$450
38 or more but less than \$1,000; or

39 (c) A category D felony if the amount involved is \$1,000 or
40 more, and shall be punished as provided in NRS 193.130.

41 2. In addition to any other penalty, if a person is convicted of
42 or enters a plea of nolo contendere to a violation described in
43 subsection 1, the court shall order the person to pay:

44 (a) Court costs; and



(b) Reasonable costs of the investigation and prosecution of the violation.

Sec. 47. NRS 645E.960 is hereby amended to read as follows:

645E.960 A person, or any general partner, director, officer, agent or employee of a person, who violates any provision of NRS 645E.420, 645E.430 or 645E.440 is guilty of:

1. A misdemeanor if the amount involved is less than ~~[\$250;]~~ **\$450;**

2. A gross misdemeanor if the amount involved is ~~[\$250]~~ **\$450** or more but less than \$1,000; or

3. A category D felony if the amount involved is \$1,000 or more, and shall be punished as provided in NRS 193.130.

Sec. 48. NRS 668.055 is hereby amended to read as follows:

668.055 A president, director, manager, cashier, teller, clerk, officer or agent of any bank who embezzles, abstracts or willfully misapplies any money, funds, securities or credits of any bank, or who issues or puts forth any certificate of deposit, draws any draft, bill of exchange or mortgage, or who makes use of any bank in any manner, with the intent to injure or defraud any bank or person, or to deceive any bank, or officer of any bank, and any natural person who, with like intent, aids or abets any officer, clerk or agent in any violation of this section, shall be punished:

1. Where the amount involved is ~~[\$250]~~ **\$450** or more, for a category C felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

2. Where the amount involved is less than ~~[\$250;]~~ **\$450**, for a misdemeanor.

Sec. 49. NRS 688C.450 is hereby amended to read as follows:

688C.450 It is a category D felony, and the offender shall be punished as provided in NRS 193.130, for any person, knowingly or with intent to defraud, to do any of the following acts in order to deprive another of property or for the person's own pecuniary gain:

1. Present, cause to be presented or prepare with knowledge or belief that it will be presented, false information to or by an investment agent or a provider or broker of viatical settlements, a financing agent, an insurer, a provider of insurance or any other person, or to conceal information, as part of, in support of or concerning a fact material to:

(a) An application for the issuance of a policy or viatical settlement;

(b) The underwriting of a policy or viatical settlement;

(c) A claim for payment or other benefit under a policy, viatical settlement or agreement to purchase a viatical settlement;

(d) A premium paid on a policy or as a result of an agreement to purchase a viatical settlement;



(e) A payment or change of beneficiary or ownership pursuant to a policy or viatical settlement;

(f) The reinstatement or conversion of a policy;

(g) The solicitation, offer or effectuation of a policy, viatical settlement or agreement to purchase a viatical settlement; or

(h) The issuance of written evidence of a policy, viatical settlement or agreement to purchase a viatical settlement.

2. In furtherance of a fraud or to prevent detection of a fraud:

(a) Remove, conceal, alter, destroy or sequester from the Commissioner assets or records of a licensee under this chapter or other person engaged in the business of viatical settlements;

(b) Misrepresent or conceal the financial condition of a licensee, a financing agent, an insurer or other person;

(c) Transact the business of viatical settlements in violation of this chapter; or

(d) File with the Commissioner or analogous officer of another jurisdiction a document containing false information or otherwise conceal information about a material fact from the Commissioner or other officer.

3. Present, cause to be presented or prepare with knowledge or belief that it will be presented to or by a provider or broker of viatical settlements, an investment agent, a financing agent, an insurer, a provider of insurance or any other person, in connection with a viatical settlement or transaction of insurance, a policy fraudulently by the insured or owner or an agent of either.

4. Embezzle, steal, misappropriate or convert money, premiums, credits or other property in an amount or having a value of less than ~~1\$2501~~ \$450 of a provider of viatical settlements, a viator, an insurer, an insured, an owner of a policy or other person engaged in the business of viatical settlements or insurance.

5. Attempt to commit, assist, aid, abet or conspire to commit an act or omission described in subsections 1 to 4, inclusive.

6. Under no circumstances is a violation of this section considered or intended to be a lesser included offense of a violation of the provisions of NRS 90.570.

