

Amendment No. 61

Assembly Amendment to Assembly Bill No. 142

(BDR 15-599)

Proposed by: Assembly Committee on Judiciary**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: No

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

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 underlining* is newly added transitory language.

NCA/BAW



Date: 4/1/2011

A.B. No. 142—Makes various changes governing crimes against property.
(BDR 15-599)



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:

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

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

1 **Section 1.** NRS 193.167 is hereby amended to read as follows:
2 193.167 1. Except as otherwise provided in NRS 193.169, any person who
3 commits the crime of:
4 (a) Murder;
5 (b) Attempted murder;
6 (c) Assault;
7 (d) Battery;
8 (e) Kidnapping;

(f) Robbery;
(g) Sexual assault;
(h) Embezzlement of money or property of a value of ~~[\$250]~~ ~~[\$450]~~ \$650 or more;

(i) Obtaining money or property of a value of ~~[\$250]~~ ~~[\$450]~~ \$650 or more by false pretenses; or

(j) Taking money or property from the person of another,
➤ against any person who is 60 years of age or older or against a vulnerable person shall, in addition to the term of imprisonment prescribed by statute for the crime, be punished, if the crime is a misdemeanor or gross misdemeanor, by imprisonment in the county jail for a term equal to the term of imprisonment prescribed by statute for the crime, and, if the crime is a felony, by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years.

2. Except as otherwise provided in NRS 193.169, any person who commits a criminal violation of the provisions of chapter 90 or 91 of NRS against any person who is 60 years of age or older or against a vulnerable person shall, in addition to the term of imprisonment prescribed by statute for the criminal violation, be punished, if the criminal violation is a misdemeanor or gross misdemeanor, by imprisonment in the county jail for a term equal to the term of imprisonment prescribed by statute for the criminal violation, and, if the criminal violation is a felony, by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years.

3. In determining the length of the additional penalty imposed pursuant to this section, the court shall consider the following information:

- (a) The facts and circumstances of the crime or criminal violation;
- (b) The criminal history of the person;
- (c) The impact of the crime or criminal violation on any victim;
- (d) Any mitigating factors presented by the person; and
- (e) Any other relevant information.

➤ The court shall state on the record that it has considered the information described in paragraphs (a) to (e), inclusive, in determining the length of the additional penalty imposed.

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

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

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

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

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

1. Where the amount of the false or fraudulent charge, claim, item or demand is ~~[\$250]~~ ~~[\$450]~~ \$650 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 of the fraudulent charge, claim, item or demand is less than ~~[\$250.]~~ ~~[\$450.]~~ \$650, for a misdemeanor.

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

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

1. Where the amount of the money or the actual value of the property fraudulently appropriated or secreted with the intent to appropriate is ~~[\$250.]~~ ~~[\$450.]~~ \$650 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 of the money or the actual value of the property fraudulently appropriated or secreted with the intent to appropriate is less than ~~[\$250.]~~ ~~[\$450.]~~ \$650, for a misdemeanor.

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

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

(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.]~~ ~~[\$450.]~~ \$650, 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) At least ~~[\$250.]~~ ~~[\$450.]~~ \$650 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,

1 may be combined for the purpose of imposing punishment for an offense charged
2 pursuant to this subsection.

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

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

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

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

14 6. A person who violates any provision of subsection 1, if substantial bodily
15 or mental harm or death results to the older person or vulnerable person, is guilty of
16 a category B felony and shall be punished by imprisonment in the state prison for a
17 minimum term of not less than 2 years and a maximum term of not more than 20
18 years, unless a more severe penalty is prescribed by law for the act or omission
19 which brings about the abuse.

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

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

29 9. As used in this section:

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

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

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

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

42 204.010 Every public officer or other person who has in his or her possession,
43 control or custody any public money belonging to this state, or to any county, town,
44 city, district or municipal corporation within this state, or to whom any such public
45 money is entrusted for safekeeping, or for transmission to any treasurer, other
46 officer or person entitled to receive it, who uses any of the public money for his or
47 her own private purposes, or for any purpose other than one authorized by law,
48 shall, if the amount so unlawfully used is less than ~~[\$250.]~~ ~~[\$450.]~~ \$650. be
49 punished for a misdemeanor.

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

51 204.020 A public officer or other person who has in his or her possession,
52 control or custody any public money belonging to this state, or to any county, town,
53 city, district or municipal corporation within this state, or to whom any such public

1 money is entrusted for safekeeping or for transmission to any treasurer or other
2 officer, or other person entitled to receive it, who uses any of the public money for
3 his or her own private purposes, or for any purpose other than one authorized by
4 law, if the amount unlawfully used is ~~[\$250.]~~ ~~[\$450.]~~ \$650 or more, is guilty of a
5 category D felony and shall be punished as provided in NRS 193.130. In addition to
6 any other penalty, the court shall order the person to pay restitution.

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

8 204.030 1. It is unlawful for any public officer, and any other person
9 receiving money on behalf of, or for or on account of, this State or of any
10 department of the State Government or of any bureau or fund created by law in
11 which the State is directly or indirectly interested, or for or on account of any
12 county, city, town, municipal corporation or any school or district:

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

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

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

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

24 (a) Where the amount involved is ~~[\$250.]~~ ~~[\$450.]~~ \$650 or more, for a category
25 D felony as provided in NRS 193.130.

26 (b) Where the amount involved is less than ~~[\$250.]~~ ~~[\$450.]~~ \$650, for a
27 misdemeanor.

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

29 204.050 A state, county, city or town treasurer who willfully misappropriates
30 any money, funds or securities received by or deposited with the treasurer, or who
31 is guilty of any other malfeasance or willful neglect of duty in office, shall be
32 punished:

33 1. Where the amount misappropriated is ~~[\$250.]~~ ~~[\$450.]~~ \$650 or more, for a
34 category D felony as provided in NRS 193.130. In addition to any other penalty, the
35 court shall order the person to pay restitution.

36 2. Where the amount misappropriated is less than ~~[\$250.]~~ ~~[\$450.]~~ \$650, for a
37 misdemeanor.

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

39 205.08345 1. A person who participates in an organized retail theft ring is
40 guilty of a category B felony and shall be punished by imprisonment in the state
41 prison for:

42 (a) If the aggregated value of the property or services involved in all thefts
43 committed by the organized retail theft ring in this State during a period of 90 days
44 is at least ~~[\$2,500.]~~ \$3,500 but less than \$10,000, a minimum term of not less than 1
45 year and a maximum term of not more than 10 years, and by a fine of not more than
46 \$10,000.

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

51 2. In addition to any other penalty, the court shall order a person who violates
52 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.]~~ \$650, 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.]~~ \$650 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 depositary, 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.]~~ \$650 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]~~ \$650, 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]~~ \$650 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]~~ \$650 or more, owned by another person;

(b) Bedding, furniture or other property, with a value of ~~[\$250]~~ ~~[\$450]~~ \$650 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]~~ \$650 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]~~ \$650 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]~~ \$650 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]~~ \$650, owned by another person;

(2) Bedding, furniture or other property, with a value of less than ~~[\$250]~~ ~~[\$450]~~ \$650, 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]~~ \$650, 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,~~ \$650, 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,~~ \$650 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,~~ \$650 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,~~ \$650 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.

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,]~~ **\$650**, is guilty of a misdemeanor;

(b) If the value of the property is ~~[\$250] [\$450]~~ **\$650** 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, or any part thereof, to any other person, for a valuable consideration, shall be punished:

1. Where the value of the property involved is ~~[\$250.]~~ ~~[\$450.]~~ \$650 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 value of the property is less than ~~[\$250.]~~ ~~[\$450.]~~ \$650, for a misdemeanor.

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

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

1. Where the amount of money or the value of the chattels, goods, wares or merchandise, or other valuable thing so obtained is ~~[\$250.]~~ ~~[\$450.]~~ \$650 or more, for a category C felony as provided in NRS 193.130.

2. Otherwise, for a misdemeanor.

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

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

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

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

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

in at least two transactions that have the same or similar pattern, intents, results, accomplices, victims or methods of commission, or are otherwise interrelated by distinguishing characteristics and are not isolated incidents within 4 years and in which the aggregate loss or intended loss is more than ~~[\$250.]~~ ~~[\$450.]~~ \$650.

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

3. A person who violates 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 20 years, and may be further punished by a fine of not more than \$10,000.

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

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

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

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

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

(a) If the value of the thing or labor fraudulently obtained was ~~[\$250] [\$450]~~ \$650 or more, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$10,000, or by both fine and imprisonment. In addition to any other penalty, the court shall order the person to pay restitution.

(b) If the value of the thing or labor fraudulently obtained was less than ~~[\$250;] [\$450;]~~ \$650, for a misdemeanor, and must be sentenced to restore the property fraudulently obtained, if it can be done, or tender payment for rent or labor.

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

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

(b) Rent; or

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

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

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

4. A notice in boldface type clearly legible and 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 or labor is performed for the public and must be furnished in written form by a landlord to a tenant:

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

1. If the value of the property, rent or labor fraudulently obtained was ~~[\$250] [\$450]~~ \$650 or more, as a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$10,000, or by both fine and imprisonment.

2. If the value of the property, rent or labor so fraudulently obtained was less than ~~[\$250;] [\$450;]~~ \$650, as a misdemeanor 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.

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

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

1. Where the amount received from such sales, subscriptions or promises totals ~~[\$250] [\$450]~~ **\$650** 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. Otherwise, for a misdemeanor.

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

205.445 1. It is unlawful for a person:

(a) To obtain food, foodstuffs, lodging, merchandise or other accommodations at any 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, without paying therefor, with the intent to defraud the proprietor or manager 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]~~ **\$650** 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]~~ \$650 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]~~ \$650, for a misdemeanor.

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

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

1. Where the value of the goods purported to be covered by the document of title is ~~[\$250]~~ ~~[\$450]~~ \$650 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]~~ \$650, for a misdemeanor.

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

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

1. Where the value of the goods purported to be covered by the document of title is ~~[\$250]~~ ~~[\$450]~~ \$650 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]~~ \$650, for a misdemeanor.

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

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

1. Where the value of the goods purported to be covered by the document of title is ~~[\$250]~~ ~~[\$450]~~ \$650 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]~~ \$650, for a misdemeanor.

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

205.590 A person who, with the intent to defraud, negotiates or transfers for value a document of title, which by the terms thereof 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]~~ \$650 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]~~ \$650, 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

1 fee, salary, deposit or money in escrow pending completion of the loan or a
2 commitment for the loan.

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

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

11 (a) Is guilty of a misdemeanor if the amount is less than ~~[\$250.]~~ ~~[\$450.]~~ \$650;

12 (b) Is guilty of a gross misdemeanor if the amount is ~~[\$250.]~~ ~~[\$450.]~~ \$650 or
13 more but less than \$1,000; or

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

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

17 207.340 1. As used in this section, unless the context otherwise requires:

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

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

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

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

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

33 (a) If the value of the coupons is less than ~~[\$250.]~~ ~~[\$450.]~~ \$650, for a
34 misdemeanor, and be sentenced to restore the amount of the value so obtained.

35 (b) If the value of the coupons is ~~[\$250.]~~ ~~[\$450.]~~ \$650 or more, for a category E
36 felony as provided in NRS 193.130. In addition to any other penalty, the court shall
37 order the person to pay restitution.

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

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

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

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

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

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

51 6. At the time of sentencing, a court may accept as a partial mitigation of the
52 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]~~ \$650 or more;
25. Embezzlement of money or property valued at ~~[\$250]~~ ~~[\$450]~~ \$650 or more;
26. Obtaining possession of money or property valued at ~~[\$250]~~ ~~[\$450]~~ \$650 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

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

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

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

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

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

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

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

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

33 (a) Where the commission, personal profit or compensation is ~~[\$250]~~ ~~[\$450]~~
34 \$650 or more, for a category D felony as provided in NRS 193.130.

35 (b) Where the commission, personal profit or compensation is less than ~~[\$250]~~
36 ~~[\$450]~~ \$650, for a misdemeanor.

37 6. A person who violates the provisions of this section shall pay any
38 commission, personal profit or compensation resulting from the contract or
39 transaction to the employing state, county, municipality, township, district or quasi-
40 municipal corporation as restitution.

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

42 422.540 1. A person, with the intent to defraud, commits an offense if with
43 respect to the Plan the person:

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

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

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

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

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

(a) Category D felony, as provided in NRS 193.130, if the amount of the claim or the value of the goods or services obtained or sought to be obtained was greater than or equal to ~~[\$250.]~~ ~~[\$450.]~~ \$650.

(b) Misdemeanor if the amount of the claim or the value of the goods or services obtained or sought to be obtained was less than ~~[\$250.]~~ ~~[\$450.]~~ \$650.

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

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

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

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

(a) While acting on behalf of a provider, purchase or lease goods, services, materials or supplies for which payment may be made, in whole or in part, pursuant to the Plan, 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 goods, services, materials or supplies for which payment may be made, in whole or in part, pursuant to the Plan, and offer, transfer or pay anything of additional value in connection with or in return for the sale or lease; or

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

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

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

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

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

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

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

(a) Is less than ~~[\$250.]~~ ~~[\$450.]~~ \$650., is guilty of a gross misdemeanor.

(b) Is ~~[\$250.]~~ ~~[\$450.]~~ \$650 or more, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

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

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

1. If the device has a value of less than ~~[\$250.]~~ ~~[\$450.]~~ \$650., is guilty of a gross misdemeanor.

2. If the device has a value of ~~[\$250.]~~ ~~[\$450.]~~ \$650 or more, is guilty of grand larceny and shall be punished as provided in NRS 205.222.

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

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

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

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

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

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

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

(a) If the value of the vehicle sold, offered or displayed is ~~[\$250]~~ ~~[\$450]~~ \$650 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 value of the vehicle is less than ~~[\$250]~~ ~~[\$450]~~ \$650, for a misdemeanor.

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

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

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

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

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

(a) If the fair market value of the vehicle involved is ~~[\$250]~~ ~~[\$450]~~ \$650 or more, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) If the fair market value of the vehicle involved is less than ~~[\$250]~~ ~~[\$450]~~ \$650, is guilty of a misdemeanor.

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

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

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

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

(a) If the value of the vehicle removed from this State is less than ~~[\$250]~~ ~~[\$450]~~ \$650, is guilty of a misdemeanor.

(b) If the value of the vehicle removed from this State is ~~[\$250]~~ ~~[\$450]~~ \$650 or more, is guilty of a gross misdemeanor.

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

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

2. When the Administrator finds that a person has committed unemployment insurance fraud pursuant to subsection 1, the person shall repay to the Administrator for deposit in the Fund a sum equal to all of the benefits received by

1 or paid to the person for each week with respect to which the false statement or
2 representation was made or to which the person failed to disclose a material fact in
3 addition to any interest, penalties and costs related to that sum.

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

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

10 (b) Until the sum described in subsection 2, in addition to any interest,
11 penalties or costs related to that sum, is repaid to the Administrator,
12 ↪ whichever is longer. The Administrator shall fix the period of disqualification
13 according to the circumstances in each case.

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

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

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

19 5. A person who obtains benefits of ~~[\$250]~~ ~~[\$450]~~ \$650 or more in violation
20 of subsection 1 shall be punished in the same manner as theft pursuant to subsection
21 3 or 4 of NRS 205.0835.

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

25 (a) If the amount of such benefits is greater than \$1,000 but not greater than
26 \$2,500, 25 percent; or

27 (b) If the amount of such benefits is greater than \$2,500, 50 percent,
28 ↪ of the total amount of benefits received by the person in violation of subsection 1
29 or any other provision of this chapter.

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

33 8. The Administrator may waive the period of disqualification prescribed in
34 subsection 3 for good cause shown or if the person adheres to a repayment schedule
35 authorized by the Administrator that is designed to fully repay benefits received
36 from an improper claim, in addition to any related interest, penalties and costs,
37 within 18 months. If the Administrator waives the period of disqualification
38 pursuant to this subsection, the person may repay benefits as required pursuant to
39 subsection 2 by using any benefits which are due and payable to the person, except
40 that benefits which are due and payable to the person may not be used to repay any
41 related interest, penalties and costs.

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

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

46 616D.370 1. A person shall not, by any act or omission:

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

49 (b) Make or cause to be made a statement or representation for use in obtaining
50 or seeking to obtain authorization to provide specific accident benefits pursuant to
51 chapters 616A to 616D, inclusive, or chapter 617 of NRS, knowing the statement or
52 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]~~ \$650 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.]~~ \$650, 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 of additional value in connection with or in return for the sale or lease; or

(c) Refer a person to a provider of health care for accident benefits 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 value in connection with the referral.

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

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

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

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

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

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

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

(a) Is less than ~~[\$250.]~~ ~~[\$450.]~~ \$650, is guilty of a gross misdemeanor.

(b) Is ~~[\$250]~~ ~~[\$450]~~ \$650 or more, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

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

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

(a) A misdemeanor if the amount involved is less than ~~[\$250] [\$450] \$650~~;

(b) A gross misdemeanor if the amount involved is ~~[\$250] [\$450] \$650~~ or more but less than \$1,000; or

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

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

(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] \$650~~;

2. A gross misdemeanor if the amount involved is ~~[\$250] [\$450] \$650~~ 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] \$650~~ 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] \$650~~, 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;

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

3 (f) The reinstatement or conversion of a policy;

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

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

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

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

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

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

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

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

23 4. Embezzle, steal, misappropriate or convert money, premiums, credits or
24 other property in an amount or having a value of less than ~~[\$250] [\$450]~~ \$650 of a
25 provider of viatical settlements, a viator, an insurer, an insured, an owner of a
26 policy or other person engaged in the business of viatical settlements or insurance.

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

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