

Amendment No. 623

Assembly Amendment to Senate Bill No. 169 First Reprint (BDR 15-495)

Proposed by: Assembly Committee on Judiciary

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

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: 5/18/2013

S.B. No. 169—Revises provisions governing criminal penalties. (BDR 15-495)



SENATE BILL NO. 169—SENATORS SEGERBLOM AND KIHUEN

FEBRUARY 19, 2013

JOINT SPONSORS: ASSEMBLYMEN OHRENSCHALL, FLORES; BENITEZ-THOMPSON,
FRIERSON AND NEAL

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing criminal penalties. (BDR 15-495)

FISCAL NOTE: Effect on Local Government: No.
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; revising criminal penalties for crimes that are gross misdemeanors; revising provisions governing the sealing of records of convictions pertaining to gross misdemeanors; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law generally provides that a person convicted of a gross misdemeanor may be punished, in lieu of or in addition to a fine, by imprisonment in the county jail for not more than 1 year. (NRS 193.140) Existing law further provides that a person convicted of certain other offenses may also be punished, in lieu of or in addition to a fine, by imprisonment in the county jail for not more than 1 year. (NRS 200.5099, 372.760, 374.765, 383.180, 453.411, 459.280, 459.595, 618.685, 638.170, 641A.440)

This bill provides that a person convicted of a gross misdemeanor may, in lieu of or in addition to any fine, only be punished by imprisonment in the county jail for a maximum of 364 days. **Sections 4, 8-10, 16-18, 23, 27 and 28** of this bill also clarify that certain crimes which are punishable by imprisonment in the county jail for a maximum of 364 days constitute gross misdemeanors.

Existing law provides that a person may petition the court in which the person was convicted for the sealing of all records relating to a conviction of a gross misdemeanor after 7 years from the date of release from actual custody or discharge from probation, whichever occurs later. (NRS 179.245) **Section 5** of this bill reduces the period to 5 years after the date of release from actual custody or discharge from probation, whichever occurs later.

Section 30 of this bill provides that the amendatory provisions of this bill apply to a person who is sentenced on or after October 1, 2013, for a crime committed before, on or after October 1, 2013.

Section 31 of this bill authorizes a person who was convicted of a gross misdemeanor before October 1, 2013, and sentenced to a term of imprisonment in the county jail for 1 year to file a petition with the court of original jurisdiction requesting that the court, for good cause shown, order that his or her original sentence be modified to a sentence imposing a term of imprisonment for 364 days.

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

Section 1. NRS 193.140 is hereby amended to read as follows:

193.140 Every person convicted of a gross misdemeanor shall be punished by imprisonment in the county jail for not more than ~~1 year;~~ **364 days**, or by a fine of not more than \$2,000, or by both fine and imprisonment, unless the statute in force at the time of commission of such gross misdemeanor prescribed a different penalty.

Sec. 2. NRS 193.1605 is hereby amended to read as follows:

193.1605 1. Any person who commits a gross misdemeanor on the property of a public or private school, at an activity sponsored by a public or private school, or on a school bus or at a bus stop used to load and unload a school bus while the bus is engaged in its official duties:

(a) Shall be punished by imprisonment in the county jail for not fewer than 15 days but not more than ~~1 year;~~ **364 days**; and

(b) In addition to imprisonment, may be punished by a fine of not more than \$2,000.

2. For the purposes of this section, "school bus" has the meaning ascribed to it in NRS 483.160.

Sec. 3. NRS 193.330 is hereby amended to read as follows:

193.330 1. An act done with the intent to commit a crime, and tending but failing to accomplish it, is an attempt to commit that crime. A person who attempts to commit a crime, unless a different penalty is prescribed by statute, shall be punished as follows:

(a) If the person is convicted of:

(1) Attempt to commit a category A felony, 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.

(2) Attempt to commit a category B felony for which the maximum term of imprisonment authorized by statute is greater than 10 years, 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 10 years.

(3) Attempt to commit a category B felony for which the maximum term of imprisonment authorized by statute is 10 years or less, for a category C felony as provided in NRS 193.130.

(4) Attempt to commit a category C felony, for a category D felony as provided in NRS 193.130, or for a gross misdemeanor by imprisonment in the county jail for not more than ~~1 year;~~ **364 days**, or by a fine of not more than \$2,000, or by both fine and imprisonment.

(5) Attempt to commit a category D felony, for a category E felony as provided in NRS 193.130, or for a gross misdemeanor by imprisonment in the county jail for not more than ~~1 year;~~ **364 days**, or by a fine of not more than \$2,000, or by both fine and imprisonment.

(6) Attempt to commit a category E felony, for a category E felony as provided in NRS 193.130, or for a gross misdemeanor by imprisonment in the county jail for not more than ~~1 year;~~ **364 days**, or by a fine of not more than \$2,000, or by both fine and imprisonment.

(b) If the person is convicted of attempt to commit a misdemeanor, a gross misdemeanor or a felony for which a category is not designated by statute, by imprisonment for not more than one-half the longest term authorized by statute, or

1 by a fine of not more than one-half the largest sum, prescribed upon conviction for
2 the commission of the offense attempted, or by both fine and imprisonment.

3 2. Nothing in this section protects a person who, in an unsuccessful attempt to
4 commit one crime, does commit another and different one, from the punishment
5 prescribed for the crime actually committed. A person may be convicted of an
6 attempt to commit a crime, although it appears on the trial that the crime was
7 consummated, unless the court in its discretion discharges the jury and directs the
8 defendant to be tried for the crime itself.

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

10 200.5099 1. Except as otherwise provided in subsection 6, any person who
11 abuses an older person or a vulnerable person is guilty:

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

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

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

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

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

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

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

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

34 (a) Is less than \$650, for a **gross** misdemeanor by imprisonment in the county
35 jail for not more than ~~1 year,~~ **364 days**, or by a fine of not more than \$2,000, or by
36 both fine and imprisonment;

37 (b) Is at least \$650, but less than \$5,000, for a category B felony by
38 imprisonment in the state prison for a minimum term of not less than 2 years and a
39 maximum term of not more than 10 years, or by a fine of not more than \$10,000, or
40 by both fine and imprisonment; or

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

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

50 4. If a person exploits an older person or a vulnerable person and the
51 monetary value of any money, assets and property obtained cannot be determined,
52 the person shall be punished for a gross misdemeanor by imprisonment in the

1 county jail for not more than ~~1 year~~ 364 days, or by a fine of not more than
2 \$2,000, or by both fine and imprisonment.

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

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

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

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

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

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

24 9. As used in this section:

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

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

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

36 **Sec. 5.** NRS 179.245 is hereby amended to read as follows:

37 179.245 1. Except as otherwise provided in subsection 5 and NRS
38 176A.265, 176A.295, 179.259, 453.3365 and 458.330, a person may petition the
39 court in which the person was convicted for the sealing of all records relating to a
40 conviction of:

41 (a) A category A or B felony after 15 years from the date of release from actual
42 custody or discharge from parole or probation, whichever occurs later;

43 (b) A category C or D felony after 12 years from the date of release from actual
44 custody or discharge from parole or probation, whichever occurs later;

45 (c) A category E felony after 7 years from the date of release from actual
46 custody or discharge from parole or probation, whichever occurs later;

47 (d) Any gross misdemeanor after ~~7~~ 5 years from the date of release from
48 actual custody or discharge from probation, whichever occurs later;

49 (e) A violation of NRS 484C.110 or 484C.120 other than a felony, or a battery
50 which constitutes domestic violence pursuant to NRS 33.018 other than a felony,
51 after 7 years from the date of release from actual custody or from the date when the
52 person is no longer under a suspended sentence, whichever occurs later; or

(f) Any other misdemeanor after 2 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later.

2. A petition filed pursuant to subsection 1 must:

(a) Be accompanied by current, verified records of the petitioner's criminal history received from:

(1) The Central Repository for Nevada Records of Criminal History; and

(2) The local law enforcement agency of the city or county in which the conviction was entered;

(b) Include a list of any other public or private agency, company, official or other custodian of records that is reasonably known to the petitioner to have possession of records of the conviction and to whom the order to seal records, if issued, will be directed; and

(c) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed.

3. Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and:

(a) If the person was convicted in a district court or justice court, the prosecuting attorney for the county; or

(b) If the person was convicted in a municipal court, the prosecuting attorney for the city.

➤ The prosecuting attorney and any person having relevant evidence may testify and present evidence at the hearing on the petition.

4. If, after the hearing, the court finds that, in the period prescribed in subsection 1, the petitioner has not been charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction which are in the custody of the court, of another court in the State of Nevada or of a public or private agency, company or official in the State of Nevada, and may also order all such criminal identification records of the petitioner returned to the file of the court where the proceeding was commenced from, including, but not limited to, the Federal Bureau of Investigation, the California Bureau of Criminal Identification and Information, sheriffs' offices and all other law enforcement agencies reasonably known by either the petitioner or the court to have possession of such records.

5. A person may not petition the court to seal records relating to a conviction of a crime against a child or a sexual offense.

6. If the court grants a petition for the sealing of records pursuant to this section, upon the request of the person whose records are sealed, the court may order sealed all records of the civil proceeding in which the records were sealed.

7. As used in this section:

(a) "Crime against a child" has the meaning ascribed to it in NRS 179D.0357.

(b) "Sexual offense" means:

(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(2) Sexual assault pursuant to NRS 200.366.

(3) Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony.

(4) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.

(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this paragraph.

(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(9) Incest pursuant to NRS 201.180.

(10) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195.

(11) Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony.

(12) Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.

(13) Lewdness with a child pursuant to NRS 201.230.

(14) Sexual penetration of a dead human body pursuant to NRS 201.450.

(15) Luring a child or a person with mental illness pursuant to NRS 201.560, if punishable as a felony.

(16) An attempt to commit an offense listed in subparagraphs (1) to (15), inclusive.

Sec. 6. NRS 332.810 is hereby amended to read as follows:

332.810 1. Before a contract is awarded, a person who has bid on the contract or an officer, employee, representative, agent or consultant of such a person shall not:

(a) Make an offer or promise of future employment or business opportunity to, or engage in a discussion of future employment or business opportunity with, an evaluator or member of the governing body offering the contract;

(b) Offer, give or promise to offer or give money, a gratuity or any other thing of value to an evaluator or member of the governing body offering the contract; or

(c) Solicit or obtain from an officer, employee or member of the governing body offering the contract:

(1) Any proprietary information regarding the contract; or

(2) Any information regarding a bid on the contract submitted by another person, unless such information is available to the general public.

2. A person who violates any of the provisions of subsection 1 is guilty of a gross misdemeanor and shall be punished by imprisonment in the county jail for not more than ~~1 year,~~ **364 days**, or by a fine of not less than \$2,000 nor more than \$50,000, or by both fine and imprisonment.

Sec. 7. NRS 333.800 is hereby amended to read as follows:

333.800 1. Before a contract is awarded, a person who has provided a bid or proposal on the contract or an officer, employee, representative, agent or consultant of such a person shall not:

(a) Make an offer or promise of future employment or business opportunity to, or engage in a discussion of future employment or business opportunity with, the Administrator, a purchasing officer or an employee of the using agency for which the contract is being offered;

(b) Offer, give or promise to offer or give money, a gratuity or any other thing of value to the Administrator, a purchasing officer or an employee of the using agency for which the contract is being offered; or

(c) Solicit or obtain from the Administrator, a purchasing officer or an employee of the using agency for which the contract is being offered:

(1) Any proprietary information regarding the contract; or

(2) Any information regarding a bid or proposal on the contract submitted by another person, unless such information is available to the general public.

2. A person who violates any of the provisions of subsection 1 is guilty of a gross misdemeanor and shall be punished by imprisonment in the county jail for not more than ~~1-year~~ **364 days**, or by a fine of not less than \$2,000 nor more than \$50,000, or by both fine and imprisonment.

Sec. 8. NRS 372.760 is hereby amended to read as follows:

372.760 Any person required to make, render, sign or verify any report who makes any false or fraudulent return, with intent to defeat or evade the determination of an amount due required by law to be made, **is guilty of a gross misdemeanor and** shall for each offense be fined not less than \$300 nor more than \$5,000, or be imprisoned for not more than ~~1-year~~ **364 days** in the county jail, or be punished by both fine and imprisonment.

Sec. 9. NRS 374.765 is hereby amended to read as follows:

374.765 Any person required to make, render, sign or verify any report who makes any false or fraudulent return, with intent to defeat or evade the determination of an amount due required by law to be made, **is guilty of a gross misdemeanor and** shall for each offense be fined not less than \$300 nor more than \$5,000, or be imprisoned for not ~~exceeding 1-year~~ **more than 364 days** in the county jail, or be subject to both fine and imprisonment.

Sec. 10. NRS 383.180 is hereby amended to read as follows:

383.180 1. Except as otherwise provided in NRS 383.170, a person who willfully removes, mutilates, defaces, injures or destroys the cairn or grave of a native Indian **is guilty of a gross misdemeanor and** shall be punished by a fine of \$500 for the first offense, or by a fine of not more than \$3,000 for a second or subsequent offense, and may be further punished by imprisonment in the county jail for not more than ~~1-year~~ **364 days**.

2. A person who fails to notify the Office of the discovery and location of an Indian burial site in violation of NRS 383.170 **is guilty of a gross misdemeanor and** shall be punished by a fine of \$500 for the first offense, or by a fine of not more than \$1,500 for a second or subsequent offense, and may be further punished by imprisonment in the county jail for not more than ~~1-year~~ **364 days**.

3. A person who:

(a) Possesses any artifact or human remains taken from the cairn or grave of a native Indian on or after October 1, 1989, in a manner other than that authorized by NRS 383.170;

(b) Publicly displays or exhibits any of the human remains of a native Indian, except during a funeral ceremony; or

(c) Sells any artifact or human remains taken from the cairn or grave of a native Indian,

is guilty of a category D felony and shall be punished as provided in NRS 193.130.

4. This section does not apply to:

(a) The possession or sale of an artifact:

(1) Discovered in or taken from a location other than the cairn or grave of a native Indian; or

(2) Removed from the cairn or grave of a native Indian by other than human action; or

(b) Action taken by a peace officer in the performance of his or her duties.

Sec. 11. NRS 383.435 is hereby amended to read as follows:

383.435 1. Except as otherwise provided in this section, a person who knowingly and willfully removes, mutilates, defaces, excavates, injures or destroys a historic or prehistoric site or resource on state land or who receives, traffics in or

1 sells cultural property appropriated from state land without a valid permit, unless a
2 greater penalty is provided by a specific statute:

3 (a) For a first offense, is guilty of a misdemeanor and shall be punished by a
4 fine of \$500.

5 (b) For a second or subsequent offense, is guilty of a gross misdemeanor and
6 shall be punished by imprisonment in the county jail for not more than ~~1-year~~ 364
7 days or by a fine of not more than \$3,000, or by both fine and imprisonment.

8 2. This section does not apply to any action taken:

9 (a) In accordance with an agreement with the Office entered into pursuant to
10 NRS 383.430; or

11 (b) In accordance with the provisions of NRS 381.195 to 381.227, inclusive,
12 by the holder of a permit issued pursuant to those sections.

13 3. In addition to any other penalty, a person who violates a provision of this
14 section is liable for civil damages to the state agency or political subdivision which
15 has jurisdiction over the state land in an amount equal to the cost or, in the
16 discretion of the court, an amount equal to twice the cost of the restoration,
17 stabilization and interpretation of the site plus any court costs and fees.

18 **Sec. 12.** NRS 398.496 is hereby amended to read as follows:

19 398.496 1. An athlete's agent shall not, with the intent to induce a student
20 athlete to enter into any contract:

21 (a) Give any materially false or misleading information or make a materially
22 false promise or representation;

23 (b) Furnish anything of value to the student athlete before the student athlete
24 enters into the contract; or

25 (c) Furnish anything of value to a natural person other than the student athlete
26 or another registered athlete's agent.

27 2. An athlete's agent shall not intentionally:

28 (a) Initiate communication, direct or indirect, with a student athlete to recruit or
29 solicit the student athlete to enter into a contract of agency, unless the agent is
30 registered pursuant to NRS 398.400 to 398.620, inclusive;

31 (b) Refuse or fail to retain or permit inspection of records required to be
32 retained pursuant to NRS 398.480;

33 (c) Fail to register when required pursuant to NRS 398.448;

34 (d) Include materially false or misleading information in an application for
35 registration or renewal of registration;

36 (e) Predate or postdate a contract of agency; or

37 (f) Fail to notify a student athlete, before the student athlete signs or otherwise
38 authenticates a contract of agency for a particular sport, that the signing or
39 authentication will make the student athlete ineligible to participate as a student
40 athlete in that sport.

41 3. A person who willfully violates:

42 (a) A provision of NRS 398.400 to 398.620, inclusive;

43 (b) A regulation adopted by the Secretary of State pursuant to NRS 398.400 to
44 398.620, inclusive; or

45 (c) An order denying, suspending or revoking the effectiveness of a
46 registration, or an order to cease and desist, issued by the Secretary of State
47 pursuant to NRS 398.400 to 398.620, inclusive,

48 is guilty of a gross misdemeanor and shall be punished by imprisonment in the
49 county jail for not more than ~~1-year~~ 364 days, or by a fine of not more than
50 \$25,000, or by both fine and imprisonment. In addition to any other penalty, the
51 court shall order the person to pay restitution.

52 4. A person who violates:

(a) A regulation adopted by the Secretary of State pursuant to NRS 398.400 to 398.620, inclusive; or

(b) An order denying, suspending or revoking the effectiveness of a registration, or an order to cease and desist, issued by the Secretary of State pursuant to NRS 398.400 to 398.620, inclusive,

↳ without knowledge of the regulation or order, is guilty of a misdemeanor and shall be punished by a fine of not more than \$25,000.

5. The provisions of NRS 398.400 to 398.620, inclusive, do not limit the power of the State of Nevada to punish a person for conduct which constitutes a crime pursuant to any other law.

Sec. 13. NRS 444.630 is hereby amended to read as follows:

444.630 1. A person who places, deposits or dumps, or who causes to be placed, deposited or dumped, or who causes or allows to overflow, any sewage, sludge, cesspool or septic tank effluent, or accumulation of human excreta, or any solid waste, in or upon any street, alley, public highway or road in common use, or upon any public park or other public property other than property designated or set aside for such a purpose by the governing body having charge thereof, or upon any private property, is guilty of:

(a) For a first offense within the immediately preceding 2 years, a misdemeanor.

(b) For a second offense within the immediately preceding 2 years, a gross misdemeanor and shall be punished by imprisonment in the county jail for not less than 14 days but not more than ~~1-year~~ 364 days.

(c) For a third or subsequent offense within the immediately preceding 2 years, a gross misdemeanor and shall be punished by imprisonment in the county jail for ~~1-year~~ 364 days.

2. In addition to any criminal penalty imposed pursuant to subsection 1, any civil penalty imposed pursuant to NRS 444.635 and any administrative penalty imposed pursuant to NRS 444.629, a court shall sentence a person convicted of violating subsection 1:

(a) If the person is a natural person, to clean up the dump site and perform 10 hours of community service under the conditions prescribed in NRS 176.087.

(b) If the person is a business entity:

(1) For a first or second offense within the immediately preceding 2 years, to:

(I) Clean up the dump site; and

(II) Perform 40 hours of community service cleaning up other dump sites identified by the solid waste management authority.

(2) For a third or subsequent offense within the immediately preceding 2 years, to:

(I) Clean up the dump site; and

(II) Perform 200 hours of community service cleaning up other dump sites identified by the solid waste management authority.

3. If a person is sentenced to clean up a dump site pursuant to subsection 2, the person shall:

(a) Within 3 calendar days after sentencing, commence cleaning up the dump site; and

(b) Within 5 business days after cleaning up the dump site, provide to the solid waste management authority proof of the lawful disposal of the sewage, solid waste or other matter that the person was convicted of disposing of unlawfully.

↳ The solid waste management authority shall prescribe the forms of proof which may be provided to satisfy the provisions of paragraph (b).

4. In addition to any other penalty prescribed by law, if a business entity is convicted of violating subsection 1:

(a) Such violation constitutes reasonable grounds for the revocation of any license to engage in business that has been issued to the business entity by any governmental entity of this State; and

(b) The solid waste management authority may seek the revocation of such a license by way of any applicable procedures established by the governmental entity that issued the license.

5. Except as otherwise provided in NRS 444.585, ownership of solid waste does not transfer from the person who originally possessed it until it is received for transport by a person authorized to dispose of solid waste pursuant to this chapter or until it is disposed of at a municipal disposal site. Identification of the owner of any solid waste which is disposed of in violation of subsection 1 creates a reasonable inference that the owner is the person who disposed of the solid waste. The fact that the disposal of the solid waste was not witnessed does not, in and of itself, preclude the identification of its owner.

6. All:

(a) Health officers and their deputies;

(b) Game wardens;

(c) Police officers of cities and towns;

(d) Sheriffs and their deputies;

(e) Other peace officers of the State of Nevada; and

(f) Other persons who are specifically designated by the local government to do so,

shall, within their respective jurisdictions, enforce the provisions of this section.

7. A district health officer or a deputy of the district health officer or other person specifically designated by the local government to do so may issue a citation for any violation of this section which occurs within the jurisdiction of the district health officer.

8. To effectuate the purposes of this section, the persons charged with enforcing this section may request information from any:

(a) Agency of the State or its political subdivisions.

(b) Employer, public or private.

(c) Employee organization or trust of any kind.

(d) Financial institution or other entity which is in the business of providing credit reports.

(e) Public utility.

Each of these persons and entities, their officers and employees, shall cooperate by providing any information in their possession which may aid in the location and identification of a person believed to be in violation of subsection 1. A disclosure made in good faith pursuant to this subsection does not give rise to any action for damages for the disclosure.

Sec. 14. NRS 445A.705 is hereby amended to read as follows:

445A.705 1. Except as otherwise provided in NRS 445A.710 or unless a greater penalty is prescribed by NRS 459.600, a person who intentionally or with criminal negligence violates NRS 445A.465 or 445A.575, any limitation established pursuant to NRS 445A.525 and 445A.530, the terms or conditions of a permit issued pursuant to NRS 445A.495 to 445A.515, inclusive, or any final order issued under NRS 445A.690, except a final order concerning a diffuse source, is guilty of a gross misdemeanor and shall be punished by a fine of not more than \$25,000 for each day of the violation or by imprisonment in the county jail for not more than ~~1 year,~~ 364 days, or by both fine and imprisonment.

2. If the conviction is for a second violation of the provisions indicated in subsection 1, the person is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. The penalties imposed by subsections 1 and 2 are in addition to any other penalties, civil or criminal, provided pursuant to NRS 445A.300 to 445A.730, inclusive.

Sec. 15. NRS 445A.710 is hereby amended to read as follows:

445A.710 1. Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained by the provisions of NRS 445A.300 to 445A.730, inclusive, or by any permit, rule, regulation or order issued pursuant thereto, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required to be maintained under the provisions of NRS 445A.300 to 445A.730, inclusive, or by any permit, rule, regulation or order issued pursuant thereto, is guilty of a gross misdemeanor and shall be punished by a fine of not more than \$10,000 or by imprisonment in the county jail for not more than ~~1 year~~ **364 days**, or by both fine and imprisonment.

2. The penalty imposed by subsection 1 is in addition to any other penalties, civil or criminal, provided pursuant to NRS 445A.300 to 445A.730, inclusive.

Sec. 16. NRS 453.411 is hereby amended to read as follows:

453.411 1. It is unlawful for a person knowingly to use or be under the influence of a controlled substance except in accordance with a lawfully issued prescription.

2. It is unlawful for a person knowingly to use or be under the influence of a controlled substance except when administered to the person at a rehabilitation clinic established or licensed by the Health Division of the Department, or a hospital certified by the Department.

3. Unless a greater penalty is provided in NRS 212.160, a person who violates this section shall be punished:

(a) If the controlled substance is listed in schedule I, II, III or IV, for a category E felony as provided in NRS 193.130.

(b) If the controlled substance is listed in schedule V, **for a gross misdemeanor** by imprisonment in the county jail for not more than ~~1 year~~ **364 days**, and may be further punished by a fine of not more than \$1,000.

Sec. 17. NRS 459.280 is hereby amended to read as follows:

459.280 1. A person who is employed at an area used for the disposal of radioactive waste and removes from the disposal area any of that waste, or without prior written authorization from the State Health Officer removes from the disposal area for his or her own personal use any machinery or equipment belonging to the operator of the area and used within the area where the waste is buried, **is guilty of a gross misdemeanor and** shall be punished by imprisonment in the county jail for not more than ~~1 year~~ **364 days**, or by a fine of not more than \$10,000, or by both fine and imprisonment.

2. If a person who violates this section is employed by the operator of the disposal area, the operator may be assessed an administrative penalty of not more than \$10,000, in addition to any other penalty provided by law.

Sec. 18. NRS 459.595 is hereby amended to read as follows:

459.595 Any person who:

1. Knowingly makes any false statement, representation or certification on any application, record, report, manifest, plan or other document filed or required to be maintained by any provision of NRS 459.400 to 459.560, inclusive, NRS 459.590 or by any regulation adopted or permit or order issued pursuant to those sections; or

2. Falsifies, tampers with or knowingly renders inaccurate any device or method for continuing observation required by a provision of NRS 459.400 to 459.560, inclusive, or by any regulation adopted or permit or order issued pursuant to those sections,

➤ *is guilty of a gross misdemeanor and* shall be punished by imprisonment in the county jail for not more than ~~1 year~~ *364 days*, or by a fine of not more than \$25,000, or by both fine and imprisonment. Each day the false document remains uncorrected or a device or method described in subsection 2 remains inaccurate constitutes a separate violation of this section for purposes of determining the maximum fine.

Sec. 19. NRS 482.551 is hereby amended to read as follows:

482.551 1. Except as otherwise provided in subsection 3, a person who knowingly:

- (a) Buys with the intent to resell;
- (b) Disposes of;
- (c) Sells; or
- (d) Transfers,

➤ a motor vehicle or part from a motor vehicle that has an identification number or mark that has been falsely attached, removed, defaced, altered or obliterated to misrepresent the identity or to prevent the identification of the motor vehicle or part from a 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 may be further punished by a fine of not more than \$60,000, or by both fine and imprisonment.

2. Except as otherwise provided in subsection 3 and NRS 482.5505, or if a greater penalty is otherwise provided by law, a person who takes possession of a motor vehicle or part from a motor vehicle knowing that an identification number or mark has been falsely attached, removed, defaced, altered or obliterated is guilty of a gross misdemeanor and shall be punished by imprisonment in the county jail for not more than ~~1 year~~ *364 days*, or by a fine of not more than \$10,000, or by both fine and imprisonment.

3. The provisions of this section do not apply to an owner of or person authorized to possess a motor vehicle or part of a motor vehicle:

(a) If the motor vehicle or part of the motor vehicle was recovered by a law enforcement agency after having been stolen;

(b) If the condition of the identification number or mark of the motor vehicle or part of the motor vehicle is known to, or has been reported to, a law enforcement agency; or

(c) If the motor vehicle or part from the motor vehicle has an identification number attached to it which has been assigned or approved by the Department in lieu of the original identification number or mark.

Sec. 20. NRS 554.090 is hereby amended to read as follows:

554.090 Any corporation, common carrier, agent or employee of any corporation, or any other person violating or assisting in violating any of the provisions of NRS 554.020 to 554.090, inclusive, is guilty of a gross misdemeanor and shall be punished by imprisonment in the county jail for not more than ~~1 year~~ *364 days*, or by a fine of not more than \$5,000, or by both fine and imprisonment. The prosecuting attorney and the State Department of Agriculture may recover the costs of the proceeding, including investigative costs, against a person convicted of a gross misdemeanor pursuant to this section.

1 **Sec. 21.** NRS 581.445 is hereby amended to read as follows:

2 581.445 1. Except as otherwise provided in subsection 2, a person who
3 violates any provision of NRS 581.415 is guilty of a gross misdemeanor and shall
4 be punished:

5 (a) For the first offense, by imprisonment in the county jail for not more than 6
6 months, or by a fine of not less than \$500 or more than \$2,000, or by both fine and
7 imprisonment.

8 (b) For a second or subsequent offense, by imprisonment in the county jail for
9 not more than ~~1 year~~ **364 days**, or by a fine of not less than \$2,000 or more than
10 \$5,000, or by both fine and imprisonment.

11 2. A person who:

12 (a) Intentionally violates any provision of this chapter or any regulation
13 adopted pursuant thereto;

14 (b) Is convicted pursuant to subsection 1 more than three times in a 2-year
15 period; or

16 (c) Uses or has in his or her possession any device which has been altered to
17 facilitate fraud,

18 ~~is~~ is guilty of a category E felony and shall be punished as provided in NRS
19 193.130.

20 **Sec. 22.** NRS 582.320 is hereby amended to read as follows:

21 582.320 1. Except as otherwise provided in subsection 2, a person who by
22 himself or herself, by a servant or agent, or as the servant or agent of another
23 person, violates any provision of this chapter is guilty of a gross misdemeanor and
24 shall be punished by imprisonment in the county jail for not less than 6 months or
25 more than ~~1 year~~ **364 days**, or by a fine of not less than \$1,000 or more than
26 \$5,000, or by both fine and imprisonment.

27 2. A person who by himself or herself, by a servant or agent, or as the servant
28 or agent of another person:

29 (a) Intentionally violates any provision of this chapter or any regulation
30 adopted pursuant thereto; or

31 (b) Is convicted pursuant to subsection 1 more than three times in a 2-year
32 period,

33 ~~is~~ is guilty of a category E felony and shall be punished as provided in
34 NRS 193.130.

35 **Sec. 23.** NRS 618.685 is hereby amended to read as follows:

36 618.685 Any employer who willfully violates any requirement of this chapter,
37 or any standard, rule, regulation or order promulgated or prescribed pursuant to this
38 chapter, where the violation causes the death of any employee, shall be punished:

39 1. For a first offense, **for a misdemeanor** by a fine of not more than \$50,000
40 or by imprisonment in the county jail for not more than 6 months, or by both fine
41 and imprisonment.

42 2. For a second or subsequent offense, **for a gross misdemeanor** by a fine of
43 not more than \$100,000 or by imprisonment in the county jail for not more than ~~1~~
44 ~~year~~ **364 days**, or by both fine and imprisonment.

45 **Sec. 24.** NRS 623.360 is hereby amended to read as follows:

46 623.360 1. It is unlawful for any person to:

47 (a) Hold himself or herself out to the public or to solicit business as an
48 architect, registered interior designer or residential designer in this State without
49 having a certificate of registration or temporary certificate issued by the Board.
50 This paragraph does not prohibit a person who is exempt, pursuant to NRS 623.330,
51 from the provisions of this chapter from holding himself or herself out to the public
52 or soliciting business as an interior designer.

(b) Advertise or put out any sign, card or other device which indicates to the public that he or she is an architect, registered interior designer or residential designer or that he or she is otherwise qualified to:

(1) Engage in the practice of architecture or residential design; or

(2) Practice as a registered interior designer,

➤ without having a certificate of registration issued by the Board.

(c) Engage in the practice of architecture or residential design or practice as a registered interior designer without a certificate of registration issued by the Board.

(d) Violate any other provision of this chapter.

2. Any person who violates any of the provisions of subsection 1:

(a) For the first violation, is guilty of a misdemeanor and shall be punished by a fine of not less than \$500 nor more than \$1,000, and may be further punished by imprisonment in the county jail for not more than 6 months.

(b) For the second or any subsequent violation, is guilty of a gross misdemeanor and shall be punished by a fine of not less than \$1,000 nor more than \$2,000, and may be further punished by imprisonment in the county jail for not more than ~~1 year~~ 364 days.

3. If any person has engaged or is about to engage in any acts or practices which constitute or will constitute an offense against this chapter, the district court of any county, on application of the Board, may issue an injunction or other appropriate order restraining such conduct. Proceedings pursuant to this subsection are governed by Rule 65 of the Nevada Rules of Civil Procedure, except that no bond or undertaking is required in any action commenced by the Board.

Sec. 25. NRS 624.750 is hereby amended to read as follows:

624.750 1. It is unlawful for a person to commit any act or omission described in subsection 1 of NRS 624.3012, subsection 2 of NRS 624.3013, NRS 624.3014 or subsection 1, 3 or 7 of NRS 624.3016.

2. Unless a greater penalty is otherwise provided by a specific statute, any person who violates subsection 1, NRS 624.305, subsection 1 of NRS 624.700 or NRS 624.720 or 624.740:

(a) For a first offense, is guilty of a misdemeanor and shall be punished by a fine of not more than \$1,000, and may be further punished by imprisonment in the county jail for not more than 6 months.

(b) For the second offense, is guilty of a gross misdemeanor and shall be punished by a fine of not less than \$2,000 nor more than \$4,000, and may be further punished by imprisonment in the county jail for not more than ~~1 year~~ 364 days.

(c) For the third or subsequent offense, is guilty of a category E felony and shall be punished by a fine of not less than \$5,000 nor more than \$10,000 and may be further punished by imprisonment in the state prison for not less than 1 year and not more than 4 years.

3. It is unlawful for a person to receive money for the purpose of obtaining or paying for services, labor, materials or equipment if the person:

(a) Willfully fails to use that money for that purpose by failing to complete the improvements for which the person received the money or by failing to pay for any services, labor, materials or equipment provided for that construction; and

(b) Wrongfully diverts that money to a use other than that for which it was received.

4. Unless a greater penalty is otherwise provided by a specific statute, any person who violates subsection 3:

(a) If the amount of money wrongfully diverted is \$1,000 or less, is guilty of a gross misdemeanor and shall be punished by a fine of not less than \$2,000 nor more than \$4,000, and may be further punished by imprisonment in the county jail for not more than ~~1 year~~ 364 days.

(b) If the amount of money wrongfully diverted is more than \$1,000, is guilty of a category E felony and shall be punished by a fine of not less than \$5,000 nor more than \$10,000, and may be further punished by imprisonment in the state prison for not less than 1 year and not more than 4 years.

5. Imposition of a penalty provided for in this section is not precluded by any disciplinary action taken by the Board against a contractor pursuant to the provisions of NRS 624.300 to 624.305, inclusive.

Sec. 26. NRS 624.965 is hereby amended to read as follows:

624.965 1. A violation of any provision of NRS 624.900 to 624.965, inclusive, or any regulation adopted by the Board with respect to contracts for work concerning a residential pool or spa by a contractor constitutes cause for disciplinary action pursuant to NRS 624.300.

2. It is unlawful for a person to violate any provision of NRS 624.900 to 624.965, inclusive.

3. Any person who violates any provision of NRS 624.900 to 624.965, inclusive:

(a) For a first offense, is guilty of a misdemeanor and shall be punished by a fine of not more than \$1,000, and may be further punished by imprisonment in the county jail for not more than 6 months.

(b) For the second offense, is guilty of a gross misdemeanor and shall be punished by a fine of not less than \$2,000 nor more than \$4,000, and may be further punished by imprisonment in the county jail for not more than ~~1 year~~ 364 days.

(c) For the third or subsequent offense, is guilty of a ~~felony~~ category E felony and shall be punished by a fine of not less than \$5,000 nor more than \$10,000 and may be further punished by imprisonment in the state prison for not less than 1 year and not more than 4 years.

4. The imposition of a penalty provided for in this section is not precluded by any disciplinary action taken by the Board against a contractor pursuant to the provisions of NRS 624.300 to 624.305, inclusive.

Sec. 27. NRS 638.170 is hereby amended to read as follows:

638.170 1. Except as otherwise provided in subsections 2 and 3 of this section and NRS 638.1525, a person who violates any of the provisions of this chapter is guilty of a misdemeanor.

2. A person who practices veterinary medicine without a license issued pursuant to the provisions of this chapter is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. A person who practices as a veterinary technician without a license issued pursuant to the provisions of this chapter *is guilty of a gross misdemeanor and* shall be punished by imprisonment in the county jail for not more than ~~1 year~~ 364 days, or by a fine of not more than \$2,000, or by both fine and imprisonment.

Sec. 28. NRS 641A.440 is hereby amended to read as follows:

641A.440 Any person who violates any of the provisions of this chapter or, having had his or her license suspended or revoked, continues to represent himself or herself as a marriage and family therapist, marriage and family therapist intern, clinical professional counselor or clinical professional counselor intern *is guilty of a gross misdemeanor and* shall be punished by imprisonment in the county jail for not more than ~~1 year~~ 364 days or by a fine of not more than \$5,000, or by both fine and imprisonment. Each violation is a separate offense.

Sec. 29. NRS 645F.430 is hereby amended to read as follows:

645F.430 A foreclosure purchaser who engages in any conduct that operates as a fraud or deceit upon a homeowner in connection with a transaction that is subject to the provisions of NRS 645F.300 to 645F.450, inclusive, including, without limitation, a foreclosure reconveyance, is guilty of a gross misdemeanor

1 and shall be punished by imprisonment in the county jail for not more than ~~1 year,~~
2 364 days, or by a fine of not more than \$50,000, or by both fine and imprisonment.

3 **Sec. 30.** The amendatory provisions of this act apply to a person who is
4 sentenced on or after October 1, 2013, for a crime committed before, on or after
5 October 1, 2013.

6 **Sec. 31. 1. A person who was convicted of a gross misdemeanor and**
7 **sentenced before October 1, 2013, to serve a term of imprisonment in the**
8 **county jail for 1 year may file a petition with the court of original jurisdiction**
9 **requesting that the court, for good cause shown, order that his or her original**
10 **sentence be modified to a sentence imposing a term of imprisonment for 364**
11 **days.**

12 **2. No person has a right to modification of a sentence pursuant to this**
13 **section, and the granting or denial of a petition pursuant to this section does**
14 **not establish a basis for any cause of action against this State, any political**
15 **subdivision of this State or any agency, board, commission, department,**
16 **officer, employee or agent of this State or a political subdivision of this State.**