

Amendment No. 19

Senate Amendment to Senate Bill No. 25	(BDR 18-220)
Proposed by: Senator Parks	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION		Initial and Date	SENATE ACTION		Initial and Date
Adopted	☐	Lost ☐	Adopted	☐	Lost ☐
Concurred In	☐	Not ☐	Concurred In	☐	Not ☐
Receded	☐	Not ☐	Receded	☐	Not ☐

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

DY/BAW



Date: 3/6/2013

S.B. No. 25—Makes various changes relating to technological crimes.
(BDR 18-220)



SENATE BILL NO. 25—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED DECEMBER 20, 2012

Referred to Committee on Government Affairs

SUMMARY—Makes various changes relating to technological crimes.
(BDR 18-220)

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

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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 technological crimes; authorizing the Attorney General to take certain actions to prevent technological crimes; revising the provisions governing actions which constitute theft to include the theft of audio or visual services; revising the provisions governing the appointment of an Executive Director of Technological Crime within the Office of the Attorney General; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill authorizes the Attorney General to investigate and prosecute any alleged technological crime, pursue the forfeiture of property relating to a technological crime and bring an action to enjoin or obtain any equitable relief to prevent the occurrence or continuation of any technological crime.

Existing law describes certain actions which constitute theft. (NRS 205.0832) Section 2 of this bill revises those provisions to include the theft of audio or visual services.

Existing law creates the Technological Crime Advisory Board. (NRS 205A.040) Existing law also requires the appointment of an Executive Director of Technological Crime within the Office of the Attorney General upon approval by two-thirds of the members of the Board. (NRS 205A.070) **Section 3** of this bill requires the appointment to be made upon approval by a majority of the members of the board.

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

Section 1. Chapter 228 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Attorney General may:

(a) Investigate and prosecute any alleged technological crime.

1 *(b) Pursue the forfeiture of property relating to a technological crime in*
2 *accordance with the provisions of NRS 179.1156 to 179.121, inclusive.*

3 *(c) Bring an action to enjoin or obtain any other equitable relief to prevent*
4 *the occurrence or continuation of a technological crime.*

5 *2. As used in this section, "technological crime" has the meaning ascribed*
6 *to it in NRS 205A.030.*

7 **Sec. 2. NRS 205.0832 is hereby amended to read as follows:**

8 205.0832 1. Except as otherwise provided in subsection 2, a person
9 commits theft if, without lawful authority, the person knowingly:

10 (a) Controls any property of another person with the intent to deprive that
11 person of the property.

12 (b) Converts, makes an unauthorized transfer of an interest in, or without
13 authorization controls any property of another person, or uses the services or
14 property of another person entrusted to him or her or placed in his or her possession
15 for a limited, authorized period of determined or prescribed duration or for a limited
16 use.

17 (c) Obtains real, personal or intangible property or the services of another
18 person by a material misrepresentation with intent to deprive that person of the
19 property or services. As used in this paragraph, "material misrepresentation" means
20 the use of any pretense, or the making of any promise, representation or statement
21 of present, past or future fact which is fraudulent and which, when used or made, is
22 instrumental in causing the wrongful control or transfer of property or services. The
23 pretense may be verbal or it may be a physical act.

24 (d) Comes into control of lost, mislaid or misdelivered property of another
25 person under circumstances providing means of inquiry as to the true owner and
26 appropriates that property to his or her own use or that of another person without
27 reasonable efforts to notify the true owner.

28 (e) Controls property of another person knowing or having reason to know that
29 the property was stolen.

30 (f) Obtains services , including, without limitation, audio or visual services,
31 or parts, products or other items related to such services which the person knows or,
32 in the case of audio or visual services, should have known are available only for
33 compensation without paying or agreeing to pay compensation or diverts the
34 services of another person to his or her own benefit or that of another person
35 without lawful authority to do so.

36 (g) Takes, destroys, conceals or disposes of property in which another person
37 has a security interest, with intent to defraud that person.

38 (h) Commits any act that is declared to be theft by a specific statute.

39 (i) Draws or passes a check, and in exchange obtains property or services, if
40 the person knows that the check will not be paid when presented.

41 (j) Obtains gasoline or other fuel or automotive products which are available
42 only for compensation without paying or agreeing to pay compensation.

43 2. A person who commits an act that is prohibited by subsection 1 which
44 involves the repair of a vehicle has not committed theft unless, before the repair
45 was made, the person received a written estimate of the cost of the repair.

46 ~~(Sec. 2)~~ **Sec. 3. NRS 205A.070 is hereby amended to read as follows:**

47 205A.070 1. Upon approval by ~~two-thirds~~ *a majority* of the members of
48 the Board, the Board shall appoint an Executive Director of Technological Crime
49 within the Office of the Attorney General.

50 2. The Executive Director is in the unclassified service of the State and serves
51 at the pleasure of the Board.

52 3. The Board shall establish the qualifications, powers and duties of the
53 Executive Director.

1 ~~Sec. 3.~~ **Sec. 4.** This act becomes effective on July 1, 2013.