

Amendment No. 450

Senate Amendment to Senate Bill No. 138	(BDR 14-222)
Proposed by: Senate Committee on Judiciary	
Amends: Summary: No Title: Yes 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) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

NCA/BAW



Date: 4/13/2015

S.B. No. 138—Revises provisions governing the forfeiture of property.
(BDR 14-222)



SENATE BILL NO. 138—SENATORS GUSTAVSON;
AND SETTELMAYER

FEBRUARY 12, 2015

JOINT SPONSORS: ASSEMBLYMEN FIORE, ELLISON;
DICKMAN, JONES AND WHEELER

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing the forfeiture of property.
(BDR 14-222)FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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 criminal procedure; ~~establishing a uniform procedure for the criminal forfeiture of property used or obtained in certain crimes; providing for the distribution of forfeited property and proceeds from the sale of such property;~~ requiring the reporting of certain information relating to the forfeiture of property; ~~revising provisions authorizing the forfeiture of property; repealing certain provisions governing the seizure, forfeiture and disposition of property and proceeds;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the seizure, forfeiture and disposition of certain property and proceeds attributable to the commission of certain crimes. (NRS 179.1156-179.121) Existing law separately provides for the seizure, forfeiture and disposition of property and proceeds attributable to any technological crime which is punishable as a felony. (NRS 179.1211-179.1235) Finally, existing law provides for the seizure, forfeiture and disposition of property and proceeds attributable to racketeering crimes. (NRS 207.350-207.520) ~~Section 52 of this bill repeals the existing statutory scheme for the seizure, forfeiture and disposition of property and proceeds.~~

~~Sections 2-21 of this bill enact a new statutory scheme, under the jurisdiction of the courts presiding over criminal proceedings, governing the seizure, forfeiture and disposition of property and proceeds attributable to certain crimes. Section 12 provides that property is subject to forfeiture only if the underlying crime provides for such forfeiture, and there is: (1) proof of a criminal conviction; (2) a plea agreement; or (3) an agreement by the parties. Section 12 also requires the State to establish that seized property is forfeitable by clear and convincing evidence. Sections 16 and 17 provide for the seizure of property for which forfeiture is sought by a court order, or without a court order if: (1) the seizure is pursuant to a lawful arrest; (2) the property has been the subject of a prior judgment in the favor of the State; or (3) there is probable cause to believe that a delay would result in the removal or destruction of the property.~~

~~Sections 21 and 22 authorize a person to: (1) file a petition for the remission or mitigation of a forfeiture; and (2) seek a pretrial hearing to determine the validity of the seizure. Section 27 provides that the property of an innocent owner may not be forfeited and sets forth a process for determining whether a person is an innocent owner. Section 28 provides that any forfeited currency or property auction proceeds must only: (1) be used to pay all outstanding liens on the property; (2) be used to pay reasonable expenses, except personnel costs; and (3) be deposited, if any funds remain, in the State General Fund. Section 20. **This bill** requires each law enforcement agency to submit an annual report containing certain information relating to the seizure, forfeiture and disposition of property to the Office of the Attorney General. ~~(Sections 22-31 of this bill revise existing law authorizing the forfeiture of property attributable to certain crimes to incorporate references to the new procedures for forfeiture pursuant to sections 2-31.)~~~~

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

Section 1. ~~[Chapter 179 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 31, inclusive, of this act.] (Deleted by amendment.)~~

Sec. 2. ~~[As used in sections 2 to 31, inclusive, of this act, the words and terms defined in sections 3 to 8, inclusive, of this act have the meanings ascribed to them in those sections.] (Deleted by amendment.)~~

Sec. 3. ~~["Actual knowledge" means direct and clear awareness of information, a fact or a condition.] (Deleted by amendment.)~~

Sec. 4. ~~["Constructive knowledge" means knowledge that is imputed to family or household members of a defendant if the defendant had been adjudicated guilty three or more times for the same or specified similar violation in the 10 years immediately preceding the alleged violation.] (Deleted by amendment.)~~

Sec. 5. ~~["Contraband" means goods that are unlawful to import, export or possess.] (Deleted by amendment.)~~

Sec. 6. ~~["Conveyance" means a device used for transportation and includes, without limitation, a motor vehicle, trailer, snowmobile, airplane and vessel, and any equipment attached to it. The term does not include property that is stolen or taken in violation of the law.] (Deleted by amendment.)~~

Sec. 7. ~~["Instrumentality" means property otherwise lawful to possess that is used in a crime. The term includes, without limitation, a tool, firearm, conveyance, computer, computer software, telecommunications device, money and any other means of exchange.] (Deleted by amendment.)~~

Sec. 8. ~~["Law subject to forfeiture" means a statute for which forfeiture is prescribed for a violation of the statute.] (Deleted by amendment.)~~

Sec. 9. ~~[The Legislature finds and declares that the public policy of this State concerning forfeiture of property is to:~~

- ~~1. Deter criminal activity by reducing its economic incentives;~~
- ~~2. Increase the pecuniary loss from engaging in criminal activity;~~
- ~~3. Protect against the wrongful forfeiture of property; and~~
- ~~4. Ensure that only criminal forfeiture is allowed in this State.] (Deleted by amendment.)~~

Sec. 10. ~~[The provisions of sections 2 to 31, inclusive, of this act govern the seizure, forfeiture and disposition of all property and proceeds subject to forfeiture.] (Deleted by amendment.)~~

1 Sec. 11. ~~{1. When a person is convicted of violating a law subject to~~
2 ~~forfeiture, the court, consistent with the provisions of sections 2 to 31, inclusive,~~
3 ~~of this act, may order the person to forfeit:~~

4 ~~(a) Property the person derived directly from the commission of the crime;~~
5 ~~(b) Property directly traceable to property described in paragraph (a); and~~
6 ~~(c) Instrumentalities the person used in the commission of the crime.~~
7 ~~2. Property and instrumentalities subject to forfeiture are limited to:~~
8 ~~(a) Land, buildings, containers, conveyances, equipment, materials,~~
9 ~~products, money, securities and negotiable instruments; and~~
10 ~~(b) Ammunition, firearms and accessories used in the furtherance or~~
11 ~~commission of a violation of a law subject to forfeiture.}~~ (Deleted by
12 amendment.)

13 Sec. 12. ~~{1. Property is subject to forfeiture only if the violation is of a~~
14 ~~law subject to forfeiture and the violation is established by:~~

15 ~~(a) Proof of a criminal conviction;~~
16 ~~(b) Part of a plea agreement approved by the presiding criminal court; or~~
17 ~~(c) Agreement by the parties.~~
18 ~~2. The State must establish that seized property is forfeitable by clear and~~
19 ~~convincing evidence.}~~ (Deleted by amendment.)

20 Sec. 13. ~~{Upon the State's motion following conviction, the court may order~~
21 ~~the forfeiture of substitute property owned by the defendant up to the value of~~
22 ~~unreachable property if the State proves by a preponderance of the evidence that~~
23 ~~the defendant intentionally transferred, sold or deposited property with a third~~
24 ~~party to avoid the court's jurisdiction.}~~ (Deleted by amendment.)

25 Sec. 14. ~~{The State may not seek personal money judgments or other~~
26 ~~remedies not provided by sections 2 to 31, inclusive, of this act.}~~ (Deleted by
27 amendment.)

28 Sec. 15. ~~{A defendant is not jointly and severally liable for forfeiture~~
29 ~~awards owed by other defendants. If ownership of property is unclear, a court~~
30 ~~may order each defendant to forfeit property on a pro rata basis or any other~~
31 ~~means the court finds equitable.}~~ (Deleted by amendment.)

32 Sec. 16. ~~{At the request of the State, at any time, a court may issue an ex~~
33 ~~parte preliminary order to seize or secure property for which forfeiture is sought~~
34 ~~and to provide for its custody.}~~ (Deleted by amendment.)

35 Sec. 17. ~~{Property subject to forfeiture may be seized at any time without a~~
36 ~~court order if:~~

37 ~~1. The seizure is incident to a lawful arrest or a lawful search;~~
38 ~~2. The property subject to seizure has been the subject of a prior judgment~~
39 ~~in favor of the State; or~~
40 ~~3. The State has probable cause to believe that the delay occasioned by the~~
41 ~~necessity to obtain a court order would result in the removal or destruction of the~~
42 ~~property and that the property is forfeitable pursuant to sections 2 to 31,~~
43 ~~inclusive, of this act.}~~ (Deleted by amendment.)

44 Sec. 18. ~~{When property is seized, the law enforcement agency seizing the~~
45 ~~property shall:~~

46 ~~1. Give an itemized receipt to the person possessing the property; or~~
47 ~~2. In the absence of a person possessing the property, leave such a receipt~~
48 ~~in the place where the property was found, if reasonably possible.}~~ (Deleted by
49 amendment.)

50 Sec. 19. ~~{1. At the time of the seizure of property or the entry of a~~
51 ~~restraining order relating to the property, the State acquires provisional title to~~
52 ~~the seized property. Provisional title authorizes the State to hold and protect the~~
53 ~~property.~~

~~2. Title to the property vests with the State when the trier of fact renders a final forfeiture verdict and relates back to the time when the State acquired provisional title to the property. However, such title is subject to claims by third parties adjudicated pursuant to sections 2 to 31, inclusive, of this act.} (Deleted by amendment.)~~

~~Sec. 20. {1. If the owner of seized property seeks its return before the criminal trial, the owner may post bond or give substitute property equal to the fair market value of the seized property at the time the bond amount is determined. On the posting of a bond or the giving of substitute property, the State shall return the seized property to the owner within a reasonable period not to exceed 5 business days. The forfeiture action may then proceed against the bond or substitute property.~~

~~2. This section does not apply to property reasonably held for investigatory purposes.} (Deleted by amendment.)~~

~~Sec. 21. {1. Before the entry of a court order disposing of a forfeiture action pursuant to sections 2 to 31, inclusive, of this act, any person who has an interest in seized property may file with the Attorney General a petition for remission or mitigation of the forfeiture.~~

~~2. The Attorney General or the Attorney General's designee shall remit or mitigate the forfeiture upon reasonable terms and conditions if the Attorney General or the Attorney General's designee finds that~~

~~(a) The petitioner did not intend to violate the law subject to forfeitures or
(b) Extenuating circumstances justify the remission or mitigation of the forfeiture.} (Deleted by amendment.)~~

~~Sec. 22. {1. After the seizure of property pursuant to sections 2 to 31, inclusive, of this act, a defendant or third party has a right to a pretrial hearing to determine the validity of the seizure.~~

~~2. The claimant may claim, at least 60 days before the trial of the related crime, the right to possession of property by motion to the court.~~

~~3. The claimant shall file a motion establishing the validity of the alleged interest in the property.~~

~~4. The court may hear the motion not more than 30 days after the motion is filed.~~

~~5. The State shall file an answer showing probable cause for the seizure, or cross motions, at least 10 days before the hearing.~~

~~6. The court shall grant the motion if it finds that~~

~~(a) It is likely the final judgment will be that the State must return the property to the claimant; or~~

~~(b) The property is the only reasonable means for a defendant to pay for legal representation in the forfeiture or related criminal proceeding. At the court's discretion, the court may order the return of funds or property sufficient to obtain legal counsel, but less than the total amount seized, and require an accounting.~~

~~7. The court may order the State to give security for satisfaction of any judgment, including damages, that may be rendered in the action or order other relief as may be just.} (Deleted by amendment.)~~

~~Sec. 23. {The local rules of practice adopted in the judicial district where the action is pending, to the extent they are not inconsistent with state law, apply to discovery pursuant to sections 2 to 31, inclusive, of this act.} (Deleted by amendment.)~~

~~Sec. 24. {The litigation related to the forfeiture of property must be held in a single proceeding following the trial of the related crime.} (Deleted by amendment.)~~

1 Sec. 25. ~~[1. At any time after a determination by the trier of fact, the~~
2 ~~defendant may petition the court to determine whether the forfeiture is~~
3 ~~unconstitutionally excessive under the Nevada Constitution or the United States~~
4 ~~Constitution.~~

5 ~~2. The defendant has the burden of establishing the forfeiture is grossly~~
6 ~~disproportional to the seriousness of the related crime by a preponderance of the~~
7 ~~evidence at a hearing conducted by the court without a jury.~~

8 ~~3. In determining whether the forfeiture of property is unconstitutionally~~
9 ~~excessive, the court may consider all relevant factors, including, without~~
10 ~~limitations:~~

11 ~~(a) The seriousness of the related crime and its impact on the community,~~
12 ~~including, without limitation, the duration of the activity and the harm caused by~~
13 ~~the defendant;~~

14 ~~(b) The extent to which the defendant participated in the related crimes;~~

15 ~~(c) The extent to which the property was used in committing the related~~
16 ~~crimes;~~

17 ~~(d) The sentence imposed for committing the related crimes; and~~

18 ~~(e) Whether the related crime was completed or attempted.~~

19 ~~4. In determining the value of the property subject to forfeiture, the court~~
20 ~~may consider relevant factors, including, without limitation:~~

21 ~~(a) The fair market value of the property;~~

22 ~~(b) The value of the property to the defendant, including hardship to the~~
23 ~~defendant if the forfeiture is realized; and~~

24 ~~(c) The hardship from the loss of a primary residence, motor vehicle or other~~
25 ~~property to the defendant's family members or others if the property is forfeited.~~

26 ~~5. The court may not consider the value of the property to the State in~~
27 ~~determining whether the forfeiture of the property is constitutionally excessive.]~~
28 ~~(Deleted by amendment.)~~

29 Sec. 26. ~~[1. A bona fide security interest in any property is not subject to~~
30 ~~forfeiture unless the person claiming a security interest in the property had actual~~
31 ~~knowledge that the property was subject to forfeiture at the time that the property~~
32 ~~was seized or restrained pursuant to sections 2 to 31, inclusive, of this act.~~

33 ~~2. A person claiming a security interest:~~

34 ~~(a) Bears the burden of production; and~~

35 ~~(b) Must establish the validity of the interest by a preponderance of the~~
36 ~~evidence.] (Deleted by amendment.)~~

37 Sec. 27. ~~[The property of an innocent owner may not be forfeited. The~~
38 ~~process for determining whether a person is an innocent owner is as follows:~~

39 ~~1. A person who has any interest, including, without limitation, joint~~
40 ~~tenancy, tenancy in common or tenancy by the entirety, in property subject to~~
41 ~~forfeiture that existed at the time the unlawful conduct giving rise to the~~
42 ~~forfeiture occurred and who claims to be an innocent owner has the burden of~~
43 ~~production to show that the person has a legal right, title or interest in the~~
44 ~~property seized pursuant to sections 2 to 31, inclusive, of this act.~~

45 ~~2. The State shall summarily return the property subject to forfeiture to a~~
46 ~~person who is an innocent owner if the property in which the person has an~~
47 ~~interest is a:~~

48 ~~(a) Homestead declared pursuant to chapter 115 of NRS; or~~

49 ~~(b) Vehicle if the equity in the vehicle is less than \$15,000.~~

50 ~~3. If subsection 1 is satisfied and the State seeks to proceed with the~~
51 ~~forfeiture against the property, other than property listed in subsection 2, the~~
52 ~~State must prove by a preponderance of the evidence that the person had actual~~
53 ~~or constructive knowledge of the unlawful conduct giving rise to the forfeiture.~~

~~4. A person who acquired an ownership interest in property after the unlawful conduct giving rise to the forfeiture occurred and who claims to be an innocent owner has the burden of production to show that the person has legal right, title or interest in the property seized pursuant to sections 2 to 31, inclusive, of this act.~~

~~5. If subsection 4 is satisfied and the State seeks to proceed with the forfeiture against the property, the State must prove by a preponderance of the evidence that at the time the person acquired the property interest, the person had actual knowledge or constructive knowledge that the property was subject to forfeiture or was not a bona fide purchaser without notice of any defect in title and for valuable consideration.~~

~~6. If the State fails to meet its burden pursuant to subsection 3 or 5, the court shall~~

~~(a) Find that the person is an innocent owner; and~~

~~(b) Order the State to relinquish all claims of title to the property.] (Deleted by amendment.)~~

~~Sec. 28. 1. If unclaimed property or contraband held for evidentiary purposes is no longer needed for that purpose, the court may order that:~~

~~(a) Such property be delivered to the State Treasurer within 30 days after the order; or~~

~~(b) Such contraband be destroyed within 30 days after the order.~~

~~2. If a forfeiture is granted pursuant to section 11 of this act, the court may order that the property be delivered to the State Treasurer within 30 days after the order.~~

~~3. Upon motion, the court may order that a portion of any currency seized or proceeds from public auction be used to pay reasonable expenses, except personnel costs, related to the seizure, storage and maintenance of custody of any forfeited items.~~

~~4. The State Treasurer shall dispose of all forfeited property that is not currency at public auction.~~

~~5. Any auction proceeds and forfeited currency must be used only:~~

~~(a) To pay all outstanding recorded liens on the forfeited property;~~

~~(b) To comply with an order of the court to pay reasonable expenses, except personnel costs; and~~

~~(c) If any amounts remain after satisfying the purposes set forth in paragraphs (a) and (b), to be deposited into the State General Fund.] (Deleted by amendment.)~~

~~Sec. 29. 1. A law enforcement agency shall not:~~

~~1. Retain forfeited property for its own use; or~~

~~2. Sell forfeited property directly or indirectly to:~~

~~(a) An employee of the law enforcement agency;~~

~~(b) A person related to an employee of the law enforcement agency by blood or marriage; or~~

~~(c) Another law enforcement agency.] (Deleted by amendment.)~~

~~Sec. 30. Chapter 179 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. On an annual basis, each law enforcement agency shall report the following information about each individual seizure and forfeiture completed by the law enforcement agency under state [or federal] forfeiture law:~~

~~(a) Data on seizures and forfeitures, including, without limitation, the:~~

~~(1) Date that currency, vehicles, houses or other types of property were seized;~~

(2) Type of property seized, including, the year, make and model, as applicable;

(3) Type of crime associated with the seizure of the property;

(4) Market value of the property seized;

(5) Disposition of the property following the seizure; and

(6) Date of the disposition of the property.

(b) Data on the use of proceeds ~~from any public auction,~~ including, without limitation, the:

(1) Payment of all outstanding liens on the forfeited property;

(2) Payment of reasonable expenses, except personnel costs, of the seizure, storage and maintenance of custody of any forfeited property; and

(3) ~~Funds deposited into the State General Fund.~~ Distribution of proceeds pursuant to NRS 179.118, 179.1187, 179.1233 and 207.500.

(c) Any other information required by the Office of the Attorney General.

2. The Office of the Attorney General shall develop standard forms, processes and deadlines for the entry of electronic data for the annual submission of the report required by subsection 1.

3. Each law enforcement agency shall file with the Office of the Attorney General the report required by subsection 1. ~~The law enforcement agency shall file separate reports for forfeitures completed under state and federal forfeiture law.~~ A null report must be filed by a law enforcement agency that did not engage in a seizure or forfeiture during the reporting period. The Office of the Attorney General shall compile the submissions and issue an aggregate report of all forfeitures in this State.

4. On or before April 1 of each year, the Office of the Attorney General shall make available:

(a) On its Internet website, the reports submitted by law enforcement agencies and the aggregate report.

(b) Upon request, printed copies of the reports submitted by law enforcement agencies and the aggregate report.

5. The Office of the Attorney General shall include in the aggregate report information on any law enforcement agencies not in compliance with this section. ~~Any law enforcement agency that is not in compliance with this section as determined by the Office of the Attorney General may not receive any money from any forfeiture pursuant to sections 2 to 31, inclusive, of this act.~~

Sec. 30.3. NRS 179.1156 is hereby amended to read as follows:

179.1156 Except as otherwise provided in NRS 179.1211 to 179.1235, inclusive, and 207.350 to 207.520, inclusive, the provisions of NRS 179.1156 to 179.121, inclusive, and section 30 of this act govern the seizure, forfeiture and disposition of all property and proceeds subject to forfeiture.

Sec. 30.7. NRS 179.1157 is hereby amended to read as follows:

179.1157 As used in NRS 179.1156 to 179.119, inclusive, and section 30 of this act, unless the context otherwise requires, the words and terms defined in NRS 179.1158 to 179.11635, inclusive, have the meanings ascribed to them in those sections.

Sec. 31. ~~1. The State shall return seized property to the owner within a reasonable period not to exceed 5 days after:~~

~~(a) The court finds that the owner has a bona fide security interest;~~

~~(b) The court finds that the owner was an innocent owner pursuant to section 27 of this act;~~

~~(c) The acquittal or dismissal of the criminal charge that is the basis of the forfeiture proceedings; or~~

~~(d) The disposal of the criminal charge that is the basis of the forfeiture proceedings.~~

~~2. The State is responsible for any damages, storage fees and related costs applicable to property returned pursuant to subsection 1-f. (Deleted by amendment.)~~

Sec. 32. ~~[NRS 179.1152 is hereby amended to read as follows:~~

~~179.1152 1. If a peace officer:~~

~~(a) Has detained a person pursuant to NRS 171.123, has arrested a person pursuant to any statutory provision authorizing or requiring the arrest of a person or is investigating a crime for which a suspect;~~

~~(1) Has not been identified; or~~

~~(2) Has been identified but was not reasonably believed by the peace officer to possess or control a prepaid or stored value card before the peace officer lawfully obtained possession of a prepaid or stored value card;~~

~~(b) Has lawfully obtained possession of a prepaid or stored value card; and~~

~~(c) Has probable cause to believe that the prepaid or stored value card represents the proceeds of a crime or has been used, is being used or is intended for use in the commission of a crime;~~

~~the peace officer may use an electronic device, a necessary electronic communications network or any other reasonable means to determine the name, personal information and amount of funds associated with the prepaid or stored value card.~~

~~2. The Attorney General, the Attorney General's designee or any state or local law enforcement agency in this State may enter into a contract with any person to assist in carrying out the provisions of this section.~~

~~3. Before entering into a contract pursuant to subsection 2, the Attorney General, the Attorney General's designee or a state or local law enforcement agency shall consider the following factors:~~

~~(a) The functional benefits to all law enforcement agencies in this State of maintaining either a single database or a series of interlinked databases relating to possible criminal use of prepaid or stored value cards;~~

~~(b) The overall costs of establishing and maintaining such a database or databases;~~

~~(c) Any other factors that the Attorney General, the Attorney General's designee or the state or local law enforcement agency believe to be relevant.~~

~~4. Any contract entered into pursuant to this section:~~

~~(a) May be a sole source contract, not subject to the rules and requirements of open competitive bidding, if the period of the contract does not exceed 5 years; and~~

~~(b) Must indemnify and hold harmless any person who enters into a contract pursuant to this section, and any officers, employees or agents of that person, for claims for actions taken at the direction of a law enforcement agency in this State and within the scope of the contract.~~

~~5. As used in this section:~~

~~(a) "Prepaid or stored value card" means any instrument or device used to access funds or monetary value represented in digital electronic format, whether or not specially encrypted, and stored or capable of storage on electronic media in such a way as to be retrievable and transferable electronically;~~

~~(b) "Proceeds" [has the meaning ascribed to it in NRS 179.1161.] means any property, or that part of an item of property, derived directly or indirectly from the commission or attempted commission of a crime.] (Deleted by amendment.)~~

Sec. 33. ~~[NRS 31.840 is hereby amended to read as follows:~~

~~31.840 [Except as provided in NRS 179.1171, the] The plaintiff in an action to recover the possession of personal property may, at the time of issuing the~~

summons, or at any time before answer, claim the delivery of such property to the plaintiff as provided in this chapter.] **(Deleted by amendment.)**

Sec. 34. [NRS 115.010 is hereby amended to read as follows:

~~115.010 1. The homestead is not subject to forced sale on execution or any final process from any court, except as otherwise provided by subsections 2, 3 and 5, and NRS 115.090 and except as otherwise required by federal law.~~

~~2. The exemption provided in subsection 1 extends only to that amount of equity in the property held by the claimant which does not exceed \$550,000 in value, unless allodial title has been established and not relinquished, in which case the exemption provided in subsection 1 extends to all equity in the dwelling, its appurtenances and the land on which it is located.~~

~~3. Except as otherwise provided in subsection 4, the exemption provided in subsection 1 does not extend to process to enforce the payment of obligations contracted for the purchase of the property, or for improvements made thereon, including any mechanic's lien lawfully obtained, or for legal taxes, or for:~~

~~(a) Any mortgage or deed of trust thereon executed and given, including, without limitation, any second or subsequent mortgage, mortgage obtained through refinancing, line of credit taken against the property and a home equity loan; or~~

~~(b) Any lien to which prior consent has been given through the acceptance of property subject to any recorded declaration of restrictions, deed restriction, restrictive covenant or equitable servitude, specifically including any lien in favor of an association pursuant to NRS 116.3116 or 117.070,~~

~~→ by both husband and wife, when that relation exists.~~

~~4. If allodial title has been established and not relinquished, the exemption provided in subsection 1 extends to process to enforce the payment of obligations contracted for the purchase of the property, and for improvements made thereon, including any mechanic's lien lawfully obtained, and for legal taxes levied by a state or local government, and for:~~

~~(a) Any mortgage or deed of trust thereon; and~~

~~(b) Any lien even if prior consent has been given through the acceptance of property subject to any recorded declaration of restrictions, deed restriction, restrictive covenant or equitable servitude, specifically including any lien in favor of an association pursuant to NRS 116.3116 or 117.070;~~

~~→ unless a waiver for the specific obligation to which the judgment relates has been executed by all allodial titleholders of the property.~~

~~5. Establishment of allodial title does not exempt the property from forfeiture pursuant to [NRS 179.1156 to 179.121, inclusive, 179.1211 to 179.1235, inclusive, or 207.350 to 207.520, inclusive.] **sections 2 to 31, inclusive, of this act.**~~

~~6. Any declaration of homestead which has been filed before July 1, 2007, shall be deemed to have been amended on that date by extending the homestead exemption commensurate with any increase in the amount of equity held by the claimant in the property selected and claimed for the exemption up to the amount permitted by law on that date, but the increase does not impair the right of any creditor to execute upon the property when that right existed before July 1, 2007.]~~

(Deleted by amendment.)

Sec. 35. [NRS 200.760 is hereby amended to read as follows:

~~200.760 All assets derived from or relating to any violation of NRS 200.366, 200.710 to 200.730, inclusive, or 201.230 are subject to forfeiture. A proceeding for their forfeiture may be brought pursuant to [NRS 179.1156 to 179.119, inclusive.] **sections 2 to 31, inclusive, of this act.** **(Deleted by amendment.)**~~

Sec. 36. [NRS 201.351 is hereby amended to read as follows:

~~201.351 [1.] All assets derived from or relating to any violation of NRS 201.300 or 201.320 are subject to forfeiture pursuant to [NRS 179.121 and a~~

~~proceeding for their forfeiture may be brought pursuant to NRS 179.1156 to 179.121, inclusive.~~

~~2. In any proceeding for forfeiture brought pursuant to NRS 179.1156 to 179.121, inclusive, the plaintiff may apply for, and a court may issue without notice or hearing, a temporary restraining order to preserve property which would be subject to forfeiture pursuant to this section if:~~

~~(a) The forfeitable property is in the possession or control of the party against whom the order will be entered; and~~

~~(b) The court determines that the nature of the property is such that it can be concealed, disposed of or placed beyond the jurisdiction of the court before a hearing on the matter.~~

~~3. A temporary restraining order which is issued without notice may be issued for not more than 30 days and may be extended only for good cause or by consent. The court shall provide notice and hold a hearing on the matter before the order expires.~~

~~4. Any proceeds derived from a forfeiture of property pursuant to this section and remaining after the distribution required by subsection 1 of NRS 179.118 must be deposited with the county treasurer and distributed to programs for the prevention of child prostitution or for services to victims which are designated to receive such distributions by the district attorney of the county.] sections 2 to 31, inclusive, of this act.] (Deleted by amendment.)~~

Sec. 37. ~~[NRS 202.257 is hereby amended to read as follows:~~

~~202.257 1. It is unlawful for a person who:~~

~~(a) Has a concentration of alcohol of 0.10 or more in his or her blood or breath;~~
~~or~~

~~(b) Is under the influence of any controlled substance, or is under the combined influence of intoxicating liquor and a controlled substance, or any person who inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders him or her incapable of safely exercising actual physical control of a firearm,~~

~~---to have in his or her actual physical possession any firearm. This prohibition does not apply to the actual physical possession of a firearm by a person who was within the person's personal residence and had the firearm in his or her possession solely for self defense.~~

~~2. Any evidentiary test to determine whether a person has violated the provisions of subsection 1 must be administered in the same manner as an evidentiary test that is administered pursuant to NRS 484C.160 to 484C.250, inclusive, except that submission to the evidentiary test is required of any person who is directed by a police officer to submit to the test. If a person to be tested fails to submit to a required test as directed by a police officer, the officer may direct that reasonable force be used to the extent necessary to obtain the samples of blood from the person to be tested, if the officer has reasonable cause to believe that the person to be tested was in violation of this section.~~

~~3. Any person who violates the provisions of subsection 1 is guilty of a misdemeanor.~~

~~4. A firearm is subject to forfeiture pursuant to [NRS 179.1156 to 179.119, inclusive,] sections 2 to 31, inclusive, of this act only if, during the violation of subsection 1, the firearm is brandished, aimed or otherwise handled by the person in a manner which endangered others.~~

~~5. As used in this section, the phrase "concentration of alcohol of 0.10 or more in his or her blood or breath" means 0.10 gram or more of alcohol per 100 milliliters of the blood of a person or per 210 liters of his or her breath.] (Deleted by amendment.)~~

1 **Sec. 38.** ~~[NRS 205A.060 is hereby amended to read as follows:~~

2 ~~205A.060 The Board shall:~~

3 ~~1. Facilitate cooperation between state, local and federal officers in detecting,~~
4 ~~investigating and prosecuting technological crimes.~~

5 ~~2. Establish, support and assist in the coordination of activities between two~~
6 ~~multiagency task forces on technological crime, one based in Reno and one based~~
7 ~~in Las Vegas, consisting of investigators and forensic examiners who are~~
8 ~~specifically trained to investigate technological crimes.~~

9 ~~3. Coordinate and provide training and education for members of the general~~
10 ~~public, private industry and governmental agencies, including, without limitation,~~
11 ~~law enforcement agencies, concerning the statistics and methods of technological~~
12 ~~crimes and how to prevent, detect and investigate technological crimes.~~

13 ~~4. Assist the Division of Enterprise Information Technology Services of the~~
14 ~~Department of Administration in securing governmental information systems~~
15 ~~against illegal intrusions and other criminal activities.~~

16 ~~5. Evaluate and recommend changes to the existing civil and criminal laws~~
17 ~~relating to technological crimes in response to current and projected changes in~~
18 ~~technology and law enforcement techniques.~~

19 ~~6. [Distribute money deposited pursuant to NRS 179.1233 into the Account~~
20 ~~for the Technological Crime Advisory Board in accordance with the provisions of~~
21 ~~NRS 205A.090.~~

22 ~~7.] Authorize the payment of expenses incurred by the Board in carrying out~~
23 ~~its duties pursuant to this chapter.] (Deleted by amendment.)~~

24 **Sec. 39.** ~~[NRS 205A.090 is hereby amended to read as follows:~~

25 ~~205A.090 1. The Account for the Technological Crime Advisory Board is~~
26 ~~hereby created in the State General Fund. The Board shall administer the Account.~~

27 ~~2. The money in the Account must only be used to carry out the provisions of~~
28 ~~this chapter and pay the expenses incurred by the Board in the discharge of its~~
29 ~~duties, including, without limitation, the payment of any expenses related to the~~
30 ~~creation and subsequent activities of the task forces on technological crime.~~

31 ~~3. [For each criminal or civil forfeiture carried out pursuant to NRS 179.1211~~
32 ~~to 179.1235, inclusive, the Board shall distribute the money deposited into the~~
33 ~~Account pursuant to NRS 179.1233 in the following manner:~~

34 ~~(a) Not less than 25 percent to be retained in the Account for use by the Board~~
35 ~~to carry out the provisions of this chapter and to pay the expenses incurred by the~~
36 ~~Board in the discharge of its duties.~~

37 ~~(b) Not more than 75 percent to be distributed to the federal, state and local law~~
38 ~~enforcement agencies that participated in the investigation of the unlawful act~~
39 ~~giving rise to the criminal or civil forfeiture in accordance with the level of~~
40 ~~participation of each law enforcement agency as determined by the Board. If the~~
41 ~~participating law enforcement agencies have entered into an agreement to share any~~
42 ~~such money, the Board shall distribute the money to the law enforcement agencies~~
43 ~~in accordance with the provisions of the agreement.~~

44 ~~4.] Claims against the Account must be paid as other claims against the State~~
45 ~~are paid.~~

46 ~~[5.] 4. The money in the Account that is provided from sources other than the~~
47 ~~State General Fund or the State Highway Fund must remain in the Account and~~
48 ~~must not revert to the State General Fund at the end of any fiscal year. Money in the~~
49 ~~Account that is appropriated or allocated from the State General Fund or the State~~
50 ~~Highway Fund must revert as provided in the legislation that authorizes the~~
51 ~~appropriation or the allocation.] (Deleted by amendment.)~~

1 **Sec. 40.** ~~[NRS 207.410 is hereby amended to read as follows:~~
2 ~~207.410 In lieu of the fine which may be imposed for a violation of NRS~~
3 ~~207.400, the convicted person may be sentenced to pay a fine which does not~~
4 ~~exceed three times:~~

5 ~~1. Any gross pecuniary value the convicted person gained; or~~
6 ~~2. Any gross loss the convicted person caused, including property damage~~
7 ~~and personal injury but excluding any pain and suffering;~~
8 ~~whichever is greater, as a result of the violation. The convicted person may also~~
9 ~~be sentenced to pay court costs and the reasonable costs of the investigation and~~
10 ~~prosecution. If property is ordered forfeited pursuant to [NRS 207.450,] sections 2~~
11 ~~to 31, inclusive, of this act, the value of that property must be subtracted from a~~
12 ~~fine imposed pursuant to this section.] (Deleted by amendment.)~~

13 **Sec. 41.** ~~[NRS 207.420 is hereby amended to read as follows:~~
14 ~~207.420 [1.] If the indictment or information filed regarding a violation of~~
15 ~~NRS 207.400 alleges that real or personal property was derived from, realized~~
16 ~~through, or used or intended for use in the course of the unlawful act and the extent~~
17 ~~of that property:~~

18 ~~[(a)] 1. The jury; or~~
19 ~~[(b)] 2. If the trial is without a jury, the court;~~
20 ~~shall, upon a conviction, determine at a separate hearing the extent of the~~
21 ~~property to be forfeited [.] pursuant to sections 2 to 31, inclusive, of this act. If the~~
22 ~~indictment or information does not include such an allegation, the property is not~~
23 ~~subject to criminal forfeiture.~~

24 ~~[2. The property subject to criminal forfeiture pursuant to subsection 1~~
25 ~~includes:~~

26 ~~(a) Any title or interest acquired or maintained by the unlawful conduct;~~
27 ~~(b) Any proceeds derived from the unlawful conduct;~~
28 ~~(c) Any property or contractual right which affords a source of influence over~~
29 ~~any enterprise established, operated, controlled, participated in or conducted in~~
30 ~~violation of NRS 207.400;~~

31 ~~(d) Any position, office, appointment, tenure or contract of employment:~~
32 ~~(1) Which was acquired or maintained in violation of NRS 207.400;~~
33 ~~(2) Through which the convicted person conducted or participated in the~~
34 ~~conduct of such unlawful affairs of an enterprise; or~~

35 ~~(3) Which afforded the convicted person a source of influence or control~~
36 ~~over the affairs of an enterprise which the convicted person exercised in violation~~
37 ~~of NRS 207.400;~~

38 ~~(e) Any compensation, right or benefit derived from a position, office,~~
39 ~~appointment, tenure or contract of employment that accrued to the convicted person~~
40 ~~during the period of unlawful conduct; and~~

41 ~~(f) Any amount payable or paid under any contract for goods or services which~~
42 ~~was awarded or performed in violation of NRS 207.400.~~

43 ~~3. If property which is ordered to be criminally forfeited pursuant to~~
44 ~~subsection 1:~~

45 ~~(a) Cannot be located;~~
46 ~~(b) Has been sold to a purchaser in good faith for value;~~
47 ~~(c) Has been placed beyond the jurisdiction of the court;~~
48 ~~(d) Has been substantially diminished in value by the conduct of the defendant;~~
49 ~~(e) Has been commingled with other property which cannot be divided without~~
50 ~~difficulty or undue injury to innocent persons; or~~
51 ~~(f) Is otherwise unreachable without undue injury to innocent persons;~~

52 ~~the court shall order the forfeiture of other property of the defendant up to the~~
53 ~~value of the property that is unreachable.] (Deleted by amendment.)~~

1 **Sec. 42.** ~~[NRS 207.470 is hereby amended to read as follows:~~
2 ~~207.470 1. Any person who is injured in his or her business or property by~~
3 ~~reason of any violation of NRS 207.400 has a cause of action against a person~~
4 ~~causing such injury for three times the actual damages sustained. An injured person~~
5 ~~may also recover attorney's fees in the trial and appellate courts and costs of~~
6 ~~investigation and litigation reasonably incurred. The defendant or any injured~~
7 ~~person in the action may demand a trial by jury in any civil action brought pursuant~~
8 ~~to this section. Any injured person has a claim to forfeited property or the proceeds~~
9 ~~derived therefrom and this claim is superior to any claim the State may have to the~~
10 ~~same property or proceeds if the injured person's claim is asserted before a final~~
11 ~~decree is issued which grants forfeiture of the property or proceeds to the State.~~

12 ~~2. A final judgment or decree rendered in favor of the State in any criminal~~
13 ~~proceeding under NRS 205.322 or 207.400 estops the defendant in any subsequent~~
14 ~~civil action or proceeding from denying the essential allegations of the criminal~~
15 ~~offense.~~

16 ~~3. Any civil action or proceeding under this section must be instituted in the~~
17 ~~district court of the State in the county in which the prospective defendant resides~~
18 ~~or has committed any act which subjects him or her to criminal or civil liability~~
19 ~~under this section or NRS 205.322 [,] or 207.400. [or 207.460.]~~

20 ~~4. Any civil remedy provided pursuant to this section is not exclusive of any~~
21 ~~other available remedy or penalty.] (Deleted by amendment.)~~

22 **Sec. 43.** ~~[NRS 207.480 is hereby amended to read as follows:~~
23 ~~207.480 A district court may, following a determination of civil liability~~
24 ~~under NRS 207.470 , [or 207.490,] take such actions as it deems proper, including~~
25 ~~ordering the defendant to pay all costs and expenses of the proceedings.] (Deleted~~
26 ~~by amendment.)~~

27 **Sec. 44.** ~~[NRS 228.178 is hereby amended to read as follows:~~

28 ~~228.178 1. The Attorney General may:~~

29 ~~(a) Investigate and prosecute any alleged technological crime.~~

30 ~~(b) Pursue the forfeiture of property relating to a technological crime in~~
31 ~~accordance with the provisions of [NRS 179.1211 to 179.1235, inclusive.] sections~~
32 ~~2 to 31, inclusive, of this act.~~

33 ~~(c) Bring an action to enjoin or obtain any other equitable relief to prevent the~~
34 ~~occurrence or continuation of a technological crime.~~

35 ~~2. As used in this section, "technological crime" has the meaning ascribed to~~
36 ~~it in NRS 205A.020.] (Deleted by amendment.)~~

37 **Sec. 45.** ~~[NRS 370.419 is hereby amended to read as follows:~~

38 ~~370.419 All fixtures, equipment and other materials and personal property on~~
39 ~~the premises of any wholesale or retail dealer who, with intent to defraud the State:~~

40 ~~1. Fails to keep or make any record, return, report or inventory required~~
41 ~~pursuant to NRS 370.080 to 370.327, inclusive;~~

42 ~~2. Keeps or makes any false or fraudulent record, return, report or inventory~~
43 ~~required pursuant to NRS 370.080 to 370.327, inclusive;~~

44 ~~3. Refuses to pay any tax imposed pursuant to NRS 370.080 to 370.327,~~
45 ~~inclusive; or~~

46 ~~4. Attempts in any manner to evade or defeat the requirements of NRS~~
47 ~~370.080 to 370.327, inclusive;~~

48 ~~→ is subject to forfeiture pursuant to [NRS 179.1156 to 179.119, inclusive.]~~
49 ~~sections 2 to 31, inclusive, of this act.] (Deleted by amendment.)~~

50 **Sec. 46.** ~~[NRS 387.203 is hereby amended to read as follows:~~

51 ~~387.203 1. Not later than November 1 of each year, the board of trustees of~~
52 ~~each school district shall submit to the Superintendent of Public Instruction and the~~
53 ~~Department of Taxation a report which includes the following information:~~

~~(a) For each fund within the school district, including, without limitation, the school district's general fund and any special revenue fund which receives state money, the total number and salaries of licensed and nonlicensed persons whose salaries are paid from the fund and who are employed by the school district in full-time positions or in part time positions added together to represent full time positions. Information must be provided for the current school year based upon the school district's final budget, including any amendments and augmentations thereto, and for the preceding school year. An employee must be categorized as filling an instructional, administrative, instructional support or other position.~~

~~(b) The school district's actual expenditures in the fiscal year immediately preceding the report.~~

~~(c) The school district's proposed expenditures for the current fiscal year.~~

~~(d) The schedule of salaries for licensed employees in the current school year and a statement of whether the negotiations regarding salaries for the current school year have been completed. If the negotiations have not been completed at the time the schedule of salaries is submitted, the board of trustees shall submit a supplemental report to the Superintendent of Public Instruction upon completion of negotiations or the determination of an arbitrator concerning the negotiations that includes the schedule of salaries agreed to or required by the arbitrator.~~

~~(e) The number of employees who received an increase in salary pursuant to subsection 2, 3 or 4 of NRS 291.160 for the current and preceding fiscal years. If the board of trustees is required to pay an increase in salary retroactively pursuant to subsection 2 of NRS 291.160, the board of trustees shall submit a supplemental report to the Superintendent of Public Instruction not later than February 15 of the year in which the retroactive payment was made that includes the number of teachers to whom an increase in salary was paid retroactively.~~

~~(f) The number of employees eligible for health insurance within the school district for the current and preceding fiscal years and the amount paid for health insurance for each such employee during those years.~~

~~(g) The rates for fringe benefits, excluding health insurance, paid by the school district for its licensed employees in the preceding and current fiscal years.~~

~~(h) The amount paid for extra duties, supervision of extracurricular activities and supplemental pay and the number of employees receiving that pay in the preceding and current fiscal years.~~

~~[(i) The expenditures from the account created pursuant to subsection 4 of NRS 479.1187. The report must indicate the total amount received by the district in the preceding fiscal year and the specific amount spent on books and computer hardware and software for each grade level in the district.]~~

~~2. On or before November 25 of each year, the Superintendent of Public Instruction shall submit to the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau, in a format approved by the Director of the Department of Administration, a compilation of the reports made by each school district pursuant to subsection 1.~~

~~3. In preparing the agency biennial budget request for the State Distributive School Account for submission to the Department of Administration, the Superintendent of Public Instruction:~~

~~(a) Shall compile the information from the most recent compilation of reports submitted pursuant to subsection 2;~~

~~(b) May increase the line items of expenditures or revenues based on merit salary increases and cost of living adjustments or inflation, as deemed credible and reliable based upon published indexes and research relevant to the specific line item of expenditure or revenue;~~

~~(c) May adjust expenditures and revenues pursuant to paragraph (b) for any year remaining before the biennium for which the budget is being prepared and for the 2 years of the biennium covered by the biennial budget request to project the cost of expenditures or the receipt of revenues for the specific line items;~~

~~(d) May consider the cost of enhancements to existing programs or the projected cost of proposed new educational programs, regardless of whether those enhancements or new programs are included in the per pupil basic support guarantee for inclusion in the biennial budget request to the Department of Administration; and~~

~~(e) Shall obtain approval from the State Board for any inflationary increase, enhancement to an existing program or addition of a new program included in the agency biennial budget request.~~

~~4. The Superintendent of Public Instruction shall, in the compilation required by subsection 2, reconcile the revenues of the school districts with the apportionment received by those districts from the State Distributive School Account for the preceding year.~~

~~5. The request prepared pursuant to subsection 3 must:~~

~~(a) Be presented by the Superintendent of Public Instruction to such standing committees of the Legislature as requested by the standing committees for the purposes of developing educational programs and providing appropriations for those programs; and~~

~~(b) Provide for a direct comparison of appropriations to the proposed budget of the Governor submitted pursuant to subsection 4 of NRS 353.230. (Deleted by amendment.)~~

Sec. 47. [NRS 453.201 is hereby amended to read as follows:]

~~453.201 The following are subject to forfeiture pursuant to [NRS 179.1156 to 179.119, inclusive:] ***sections 2 to 31, inclusive, of this act.***~~

~~1. All controlled substances which have been manufactured, distributed, dispensed or acquired in violation of the provisions of NRS 453.011 to 453.552, inclusive, or a law of any other jurisdiction which prohibits the same or similar conduct.~~

~~2. All raw materials, products and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing or exporting any controlled substance in violation of the provisions of NRS 453.011 to 453.552, inclusive, or a law of any other jurisdiction which prohibits the same or similar conduct.~~

~~3. All property which is used, or intended for use, as a container for property described in subsections 1 and 2.~~

~~4. All books, records and research products and materials, including formulas, microfilm, tapes and data, which are used, or intended for use, in violation of the provisions of NRS 453.011 to 453.552, inclusive, or a law of any other jurisdiction which prohibits the same or similar conduct.~~

~~5. All conveyances, including aircraft, vehicles or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, concealment, manufacture or protection, for the purpose of sale, possession for sale or receipt of property described in subsection 1 or 2.~~

~~6. All drug paraphernalia as defined by NRS 453.554 which are used in violation of NRS 453.560, 453.562 or 453.566 or a law of any other jurisdiction which prohibits the same or similar conduct, or of an injunction issued pursuant to NRS 453.550.~~

~~7. All imitation controlled substances which have been manufactured, distributed or dispensed in violation of the provisions of NRS 453.232 or 453.261.~~

~~to 452.3648, inclusive, or a law of any other jurisdiction which prohibits the same or similar conduct.~~

~~8. All real property and mobile homes used or intended to be used by any owner or tenant of the property or mobile home to facilitate a violation of the provisions of NRS 452.011 to 452.552, inclusive, except NRS 452.336, or used or intended to be used to facilitate a violation of a law of any other jurisdiction which prohibits the same or similar conduct as prohibited in NRS 452.011 to 452.552, inclusive, except NRS 452.336. As used in this subsection, "tenant" means any person entitled, under a written or oral rental agreement, to occupy real property or a mobile home to the exclusion of others.~~

~~9. Everything of value furnished or intended to be furnished in exchange for a controlled substance in violation of the provisions of NRS 452.011 to 452.552, inclusive, or a law of any other jurisdiction which prohibits the same or similar conduct, all proceeds traceable to such an exchange, and all other property used or intended to be used to facilitate a violation of the provisions of NRS 452.011 to 452.552, inclusive, except NRS 452.336, or used or intended to be used to facilitate a violation of a law of any other jurisdiction which prohibits the same or similar conduct as prohibited in NRS 452.011 to 452.552, inclusive, except NRS 452.336. If an amount of cash which exceeds \$200 is found in the possession of a person who is arrested for a violation of NRS 452.337 or 452.338, then there is a rebuttable presumption that the cash is traceable to an exchange for a controlled substance and is subject to forfeiture pursuant to this subsection.~~

~~10. All firearms, as defined by NRS 202.253, which are in the actual or constructive possession of a person who possesses or is consuming, manufacturing, transporting, selling or under the influence of any controlled substance in violation of the provisions of NRS 452.011 to 452.552, inclusive, or a law of any other jurisdiction which prohibits the same or similar conduct.~~

~~11. All computer hardware, equipment, accessories, software and programs that are in the actual or constructive possession of a person who owns, operates, controls, profits from or is employed or paid by an illegal Internet pharmacy and who violates the provisions of NRS 452.3611 to 452.3648, inclusive, or a law of any other jurisdiction which prohibits the same or similar conduct.~~ **(Deleted by amendment.)**

Sec. 48. ~~NRS 452.305 is hereby amended to read as follows:~~

~~452.305 1. Whenever a person is arrested for violating any of the provisions of NRS 452.011 to 452.552, inclusive, except NRS 452.336, and real property or a mobile home occupied by the person as a tenant has been used to facilitate the violation, the prosecuting attorney responsible for the case shall cause to be delivered to the owner of the property or mobile home a written notice of the arrest.~~

~~2. Whenever a person is convicted of violating any of the provisions of NRS 452.011 to 452.552, inclusive, except NRS 452.336, and real property or a mobile home occupied by the person as a tenant has been used to facilitate the violation, the prosecuting attorney responsible for the case shall cause to be delivered to the owner of the property or mobile home a written notice of the conviction.~~

~~3. The notices required by this section must:~~

~~(a) Be written in language which is easily understood;~~

~~(b) Be sent by certified or registered mail, return receipt requested, to the owner at the owner's last known address;~~

~~(c) Be sent within 15 days after the arrest occurs or judgment of conviction is entered against the tenant, as the case may be;~~

~~(d) Identify the tenant involved and the offense for which the tenant has been arrested or convicted; and~~

~~(e) Advise the owner that:~~

~~(1) The property or mobile home is subject to forfeiture pursuant to [NRS 179.1156 to 179.119, inclusive.] sections 2 to 31, inclusive, of this act and NRS 453.201 unless the tenant, if convicted, is evicted;~~

~~(2) Any similar violation by the same tenant in the future may also result in the forfeiture of the property unless the tenant has been evicted;~~

~~(3) In any proceeding for forfeiture based upon such a violation the owner will, by reason of the notice, be deemed to have known of and consented to the unlawful use of the property or mobile home; and~~

~~(4) The provisions of NRS 40.2514 and 40.254 authorize the supplemental remedy of summary eviction to facilitate the owner's recovery of the property or mobile home upon such a violation and provide for the recovery of any reasonable attorney's fees the owner incurs in doing so.~~

~~4. Nothing in this section shall be deemed to preclude the commencement of a proceeding for forfeiture or the forfeiture of the property or mobile home, whether or not the notices required by this section are given as required, if the proceeding and forfeiture are otherwise authorized pursuant to [NRS 179.1156 to 179.119, inclusive.] sections 2 to 31, inclusive, of this act and NRS 453.201.~~

~~5. As used in this section, "tenant" means any person entitled under a written or oral rental agreement to occupy real property or a mobile home to the exclusion of others.] (Deleted by amendment.)~~

~~Sec. 49. [NRS 453A.410 is hereby amended to read as follows:~~

~~453A.410 1. If a law enforcement agency legally and justly seizes evidence from a medical marijuana establishment on a basis that, in consideration of due process and viewed in the manner most favorable to the establishment, would lead a reasonable person to believe that a crime has been committed, the relevant provisions of [NRS 179.1156 to 179.121, inclusive.] sections 2 to 31, inclusive, of this act apply insofar as they do not conflict with the provisions of this chapter.~~

~~2. As used in this section, "law enforcement agency" has the meaning ascribed to it in NRS 229C.065.] (Deleted by amendment.)~~

~~Sec. 50. [NRS 501.3857 is hereby amended to read as follows:~~

~~501.3857 Any gun, ammunition, trap, snare, vessel, vehicle, aircraft or other device or equipment used, or intended for use:~~

~~1. To facilitate the unlawful and intentional killing or possession of any big game mammal;~~

~~2. To hunt or kill a big game mammal by using information obtained as a result of the commission of an act prohibited by NRS 503.010 or a regulation of the Commission which prohibits the location of big game mammals for the purpose of hunting or killing by the use of:~~

~~(a) An aircraft, including, without limitation, any device that is used for navigation of, or flight in, the air;~~

~~(b) A hot air balloon or any other device that is lighter than air; or~~

~~(c) A satellite or any other device that orbits the earth and is equipped to produce images, or other similar devices; or~~

~~3. Knowingly to transport, sell, receive, acquire or purchase any big game mammal which is unlawfully killed or possessed;~~

~~is subject to forfeiture pursuant to [NRS 179.1156 to 179.119, inclusive.] sections 2 to 31, inclusive, of this act.] (Deleted by amendment.)~~

~~Sec. 51. [NRS 599B.255 is hereby amended to read as follows:~~

~~599B.255 1. Except as otherwise provided in NRS 599B.213, the Attorney General or the district attorney of any county in this state may prosecute a person who willfully violates, either directly or indirectly, the provisions of this chapter. Except as otherwise provided in subsection 2, such a person:~~

~~(a) For the first offense within 10 years, is guilty of a misdemeanor.~~

~~(b) For the second offense within 10 years, is guilty of a gross misdemeanor.~~
~~(c) For the third and all subsequent offenses within 10 years, is guilty of a category D felony and shall be punished as provided in NRS 192.130, or by a fine of not more than \$50,000, or by both fine and the punishment provided in NRS 192.130.~~

~~2. Any offense which occurs within 10 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of subsection 1 when evidenced by a conviction, without regard to the sequence of the offenses and convictions.~~

~~3. A person who violates any provision of NRS 599B.080 is guilty of a category D felony and shall be punished as provided in NRS 192.130, or by a fine of not more than \$50,000, or by both fine and the punishment provided in NRS 192.130.~~

~~4. Property or proceeds attributable to any violation pursuant to the provisions of this section are subject to forfeiture in the manner provided by [NRS 179.1156 to 179.121, inclusive.] sections 2 to 31, inclusive, of this act.] (Deleted by amendment.)~~

Sec. 52. ~~[NRS 179.1156, 179.1157, 179.1158, 179.1159, 179.1161, 179.1162, 179.1163, 179.11635, 179.1164, 179.1165, 179.1169, 179.1171, 179.1173, 179.1175, 179.118, 179.1185, 179.1187, 179.119, 179.121, 179.1211, 179.1213, 179.1215, 179.1217, 179.1219, 179.1221, 179.1223, 179.1225, 179.1227, 179.1229, 179.1231, 179.1233, 179.1235, 207.415, 207.430, 207.440, 207.450, 207.460, 207.490, 207.500 and 207.510 are hereby repealed.] (Deleted by amendment.)~~

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LEADLINES OF REPEALED SECTIONS

~~179.1156 Scope.~~
~~179.1157 Definitions.~~
~~179.1158 "Claimant" defined.~~
~~179.1159 "Plaintiff" defined.~~
~~179.1161 "Proceeds" defined.~~
~~179.1162 "Property" defined.~~
~~179.1163 "Protected interest" defined.~~
~~179.11635 "Willful blindness" defined.~~
~~179.1164 Property subject to seizure and forfeiture; exceptions.~~
~~179.1165 Seizure of property; Requirement of process.~~
~~179.1169 Title in property; transfer.~~
~~179.1171 Proceedings for forfeiture: Rules of practice; complaint; service of summons and complaint; answer; parties.~~
~~179.1173 Proceedings for forfeiture: Priority over other civil matters; motion to stay; standard of proof; conviction of claimant not required; confidentiality of informants; return of property to claimant.~~
~~179.1175 Disposition of property after seizure and forfeiture.~~
~~179.118 Distribution of proceeds from forfeited property.~~
~~179.1185 Issuance of certificate of title for forfeited vehicle or other conveyance.~~
~~179.1187 Establishment of account for proceeds from forfeited property; restrictions on use of money in account; distribution of certain amount to school~~

~~district; duties of school district and chief administrative officer of law enforcement agency.~~

~~179.119 Reports by law enforcement agencies that receive forfeited property or related proceeds; inclusion of such anticipated revenue in budget prohibited.~~

~~179.121 Forfeiture of personal property and conveyances used in commission of crime.~~

~~179.1211 Definitions.~~

~~179.1213 "Proceeds" defined.~~

~~179.1215 "Property" defined.~~

~~179.1217 "Technological crime" defined.~~

~~179.1219 Property subject to forfeiture; substitution for unreachable property.~~

~~179.1221 Forfeiture as part of plea agreement.~~

~~179.1222 Temporary restraining order to preserve property.~~

~~179.1225 Orders to secure property.~~

~~179.1227 Order of forfeiture; order to protect interests of State.~~

~~179.1229 Property subject to civil forfeiture; required proof; where action must be instituted.~~

~~179.1231 Seizure of property before forfeiture and final disposition; institution of proceedings; intercession by district attorney or Attorney General; interlocutory actions by court; order of forfeiture.~~

~~179.1233 Sale of forfeited property; use of proceeds; deposit of balance of proceeds in Account for the Technological Crime Advisory Board; payment of certain encumbrances.~~

~~179.1235 Limitation of actions.~~

~~207.415 Account for Prosecution of Racketeering created; use and distribution of money by Attorney General; reimbursement of Account.~~

~~207.430 Criminal forfeiture: Temporary restraining order to preserve property.~~

~~207.440 Criminal forfeiture: Orders to secure property.~~

~~207.450 Criminal forfeiture: Order of forfeiture; protection of property.~~

~~207.460 Civil forfeiture: Property subject to forfeiture.~~

~~207.490 Criminal and civil forfeiture: Seizure of property before forfeiture and final disposition; order of forfeiture; intercession by Attorney General; interlocutory actions by court.~~

~~207.500 Use, sale and other disposal of forfeited property by State, county or city; payment of certain encumbrances.~~

~~207.510 Parties to proceedings for forfeiture of property.]~~