

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; requiring the reporting of certain information relating to the forfeiture of property; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law provides for the seizure, forfeiture and disposition of certain
2 property and proceeds attributable to the commission of certain crimes. (NRS
3 179.1156-179.121) Existing law separately provides for the seizure, forfeiture and
4 disposition of property and proceeds attributable to any technological crime which
5 is punishable as a felony. (NRS 179.1211-179.1235) Finally, existing law provides
6 for the seizure, forfeiture and disposition of property and proceeds attributable to
7 racketeering crimes. (NRS 207.350-207.520) This bill requires each law
8 enforcement agency to submit an annual report containing certain information
9 relating to the seizure, forfeiture and disposition of property to the Office of the
10 Attorney General.

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

- 1 **Section 1.** (Deleted by amendment.)
2 **Sec. 2.** (Deleted by amendment.)
3 **Sec. 3.** (Deleted by amendment.)
4 **Sec. 4.** (Deleted by amendment.)



- 1 **Sec. 5.** (Deleted by amendment.)
- 2 **Sec. 6.** (Deleted by amendment.)
- 3 **Sec. 7.** (Deleted by amendment.)
- 4 **Sec. 8.** (Deleted by amendment.)
- 5 **Sec. 9.** (Deleted by amendment.)
- 6 **Sec. 10.** (Deleted by amendment.)
- 7 **Sec. 11.** (Deleted by amendment.)
- 8 **Sec. 12.** (Deleted by amendment.)
- 9 **Sec. 13.** (Deleted by amendment.)
- 10 **Sec. 14.** (Deleted by amendment.)
- 11 **Sec. 15.** (Deleted by amendment.)
- 12 **Sec. 16.** (Deleted by amendment.)
- 13 **Sec. 17.** (Deleted by amendment.)
- 14 **Sec. 18.** (Deleted by amendment.)
- 15 **Sec. 19.** (Deleted by amendment.)
- 16 **Sec. 20.** (Deleted by amendment.)
- 17 **Sec. 21.** (Deleted by amendment.)
- 18 **Sec. 22.** (Deleted by amendment.)
- 19 **Sec. 23.** (Deleted by amendment.)
- 20 **Sec. 24.** (Deleted by amendment.)
- 21 **Sec. 25.** (Deleted by amendment.)
- 22 **Sec. 26.** (Deleted by amendment.)
- 23 **Sec. 27.** (Deleted by amendment.)
- 24 **Sec. 28.** (Deleted by amendment.)
- 25 **Sec. 29.** (Deleted by amendment.)

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

28 ***1. On an annual basis, each law enforcement agency shall***
29 ***report the following information about each individual seizure and***
30 ***forfeiture completed by the law enforcement agency under state***
31 ***forfeiture law:***

32 ***(a) Data on seizures and forfeitures, including, without***
33 ***limitation, the:***

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

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

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

40 ***(4) Market value of the property seized;***

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

42 ***(6) Date of the disposition of the property.***

43 ***(b) Data on the use of proceeds, including, without limitation,***
44 ***the:***



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

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

6 (3) *Distribution of proceeds pursuant to NRS 179.118,*
7 *179.1187, 179.1233 and 207.500.*

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

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

13 3. *Each law enforcement agency shall file with the Office of*
14 *the Attorney General the report required by subsection 1. A null*
15 *report must be filed by a law enforcement agency that did not*
16 *engage in a seizure or forfeiture during the reporting period. The*
17 *Office of the Attorney General shall compile the submissions and*
18 *issue an aggregate report of all forfeitures in this State.*

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

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

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

25 5. *The Office of the Attorney General shall include in the*
26 *aggregate report information on any law enforcement agencies*
27 *not in compliance with this section.*

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

30 179.1156 Except as otherwise provided in NRS 179.1211 to
31 179.1235, inclusive, and 207.350 to 207.520, inclusive, the
32 provisions of NRS 179.1156 to 179.121, inclusive, *and section 30*
33 *of this act* govern the seizure, forfeiture and disposition of all
34 property and proceeds subject to forfeiture.

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

37 179.1157 As used in NRS 179.1156 to 179.119, inclusive, *and*
38 *section 30 of this act*, unless the context otherwise requires, the
39 words and terms defined in NRS 179.1158 to 179.11635, inclusive,
40 have the meanings ascribed to them in those sections.

41 **Sec. 31.** (Deleted by amendment.)

42 **Sec. 32.** (Deleted by amendment.)

43 **Sec. 33.** (Deleted by amendment.)

44 **Sec. 34.** (Deleted by amendment.)

45 **Sec. 35.** (Deleted by amendment.)



- 1 **Sec. 36.** (Deleted by amendment.)
- 2 **Sec. 37.** (Deleted by amendment.)
- 3 **Sec. 38.** (Deleted by amendment.)
- 4 **Sec. 39.** (Deleted by amendment.)
- 5 **Sec. 40.** (Deleted by amendment.)
- 6 **Sec. 41.** (Deleted by amendment.)
- 7 **Sec. 42.** (Deleted by amendment.)
- 8 **Sec. 43.** (Deleted by amendment.)
- 9 **Sec. 44.** (Deleted by amendment.)
- 10 **Sec. 45.** (Deleted by amendment.)
- 11 **Sec. 46.** (Deleted by amendment.)
- 12 **Sec. 47.** (Deleted by amendment.)
- 13 **Sec. 48.** (Deleted by amendment.)
- 14 **Sec. 49.** (Deleted by amendment.)
- 15 **Sec. 50.** (Deleted by amendment.)
- 16 **Sec. 51.** (Deleted by amendment.)
- 17 **Sec. 52.** (Deleted by amendment.)

