

ASSEMBLY BILL NO. 15—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED NOVEMBER 15, 2018

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing crimes related to certain financial transactions. (BDR 15-409)

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 crimes; revising provisions governing crimes related to certain financial transactions; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that if a monetary instrument represents the proceeds of or is derived from any unlawful activity, it is unlawful for a person who has knowledge of that fact to conduct or attempt to conduct a financial transaction involving such monetary instrument or transport or attempt to transport the monetary instrument, if the person has the intent to further any unlawful activity or has certain other knowledge. (NRS 207.195) This bill increases the penalty for a violation of any such provision from a category D to a category B felony.

Existing law also provides that it is unlawful for any person to conduct or attempt to conduct a financial transaction with the intent to evade any regulation governing the records of certain casinos regarding transactions involving cash. A person who violates such a provision is guilty of a category D felony. (NRS 207.195) This bill: (1) expands the prohibition and makes it unlawful for any person to conduct or attempt to conduct a financial transaction with the intent to evade any provision of federal or state law that requires the reporting of a financial transaction; and (2) provides that a person who violates such a provision is guilty of a category C felony.

This bill additionally makes it unlawful for a person to conduct or attempt to conduct a financial transaction concerning any property that has a value of \$5,000 or more with the knowledge that the property is directly or indirectly derived from any unlawful activity. A person who violates such a provision is guilty of a category B felony.



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

Section 1. NRS 207.195 is hereby amended to read as follows:

207.195 1. If a monetary instrument represents the proceeds of or is directly or indirectly derived from any unlawful activity, it is unlawful for a person, having knowledge of that fact:

(a) To conduct or attempt to conduct a financial transaction involving the instrument:

(1) With the intent to further any unlawful activity;

(2) With the knowledge that the transaction conceals the location, source, ownership or control of the instrument; or

(3) With the knowledge that the transaction evades any provision of federal or state law that requires the reporting of a financial transaction.

(b) To transport or attempt to transport the monetary instrument:

(1) With the intent to further any unlawful activity;

(2) With the knowledge that the transportation conceals the location, source, ownership or control of any proceeds derived from unlawful activity; or

(3) With the knowledge that the transportation evades any provision of federal or state law that requires the reporting of a financial transaction.

2. *It is unlawful for any person to conduct or attempt to conduct a financial transaction concerning any property that has a value of \$5,000 or more with the knowledge that the property is directly or indirectly derived from any unlawful activity.*

3. It is unlawful for any person to conduct or attempt to conduct a financial transaction with the intent to evade ~~the regulation adopted pursuant to NRS 463.125.~~

~~—3.~~ *any provision of federal or state law that requires the reporting of a financial transaction.*

4. A person who violates any provision of subsection 1 or 2 is guilty of a category ~~D~~ B felony and shall be punished *by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years.*

5. *A person who violates any provision of subsection 3 is guilty of a category C felony and shall be punished* as provided in NRS 193.130.

~~4.~~ 6. Each violation of ~~subsection 1 or 2~~ *this section* involving one or more monetary instruments totaling \$10,000 or more shall be deemed a separate offense.

~~5.~~ 7. As used in this section:

(a) "Financial transaction" means any purchase, sale, loan, pledge, gift, transfer, deposit, withdrawal or other exchange



1 involving a monetary instrument. The term does not include any
2 instrument or transaction for the payment of assistance of counsel in
3 a criminal prosecution.

4 (b) "Monetary instrument" includes any coin or currency of the
5 United States or any other country, any traveler's check, personal
6 check, money order, bank check, cashier's check, stock, bond,
7 precious metal, precious stone or gem or any negotiable instrument
8 to which title passes upon delivery. The term does not include any
9 instrument or transaction for the payment of assistance of counsel in
10 a criminal prosecution.

11 (c) "Unlawful activity" includes any crime related to
12 racketeering as defined in NRS 207.360 or any offense punishable
13 as a felony pursuant to state or federal statute. The term does not
14 include any procedural error in the acceptance of a credit
15 instrument, as defined in NRS 463.01467, by a person who holds a
16 nonrestricted gaming license.

17 **Sec. 2.** This act becomes effective on July 1, 2019.

