

SENATE BILL NO. 86—SENATOR SEEVERS GANSERT

PREFILED JANUARY 26, 2023

Referred to Committee on Judiciary

SUMMARY—Revises provisions related to crimes. (BDR 14-106)

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 crimes; revising the requirements for eligibility to participate in certain treatment programs for offenders; revising provisions relating to technical violations of the conditions of parole or probation; revising requirements relating to eligibility of probationers for early discharge from probation; reducing the felony theft threshold; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a court to establish a program for the treatment of alcohol or other substance use disorders, a program for the treatment of mental illness or intellectual disabilities and a program for the treatment of veterans and members of the military to which a court may assign an eligible defendant. (NRS 176A.230, 176A.250, 176A.280) **Sections 1-3** of this bill make a defendant ineligible for participation in such a program if the offense committed by the defendant was: (1) abuse, neglect or endangerment of a child; or (2) abuse, neglect, exploitation, isolation or abandonment of an older or vulnerable person.

Existing law requires the Division of Parole and Probation of the Department of Public Safety to adopt a written system of graduated sanctions for parole and probation officers to use when a probationer commits a technical violation of the conditions of probation. (NRS 176A.510) **Section 4** of this bill requires this system to include as a sanction certain terms of imprisonment.

Existing law requires the Division to petition the court to recommend the early discharge of a person from probation who, among other requirements: (1) has paid restitution in full or, because of economic hardship, has been unable to make restitution as ordered by the court; and (2) has not been convicted of certain offenses. (NRS 176A.840) **Section 5** of this bill removes provisions authorizing the Division to recommend the early discharge of a person from probation who has been unable to make restitution due to economic hardship, thereby prohibiting the Division from petitioning the court to recommend the early discharge of a person who has not paid restitution in full. **Section 5** also provides that, to be eligible for early discharge from probation, a person must not have been convicted of:



(1) certain sexual offenses; (2) certain offenses involving a firearm or other dangerous weapon or silencer; (3) residential burglary; or (4) invasion of the home. **Section 5** also eliminates an exception for financial hardship from the requirement that a person must have paid restitution in full in order to be eligible for early discharge from probation.

Existing law authorizes the State Board of Parole Commissioners to take certain actions if the Board finds that a parolee committed one or more technical violations of the conditions of parole, including temporarily revoking parole supervision and imposing certain terms of imprisonment depending on how many times parole supervision has previously been temporarily revoked. (NRS 213.1519)

Section 25 of this bill increases the number of days for which the Board may temporarily revoke parole supervision and impose a term of imprisonment from: (1) thirty days to ninety days for the first temporary parole revocation; and (2) ninety days to one hundred and eighty days for the second temporary parole revocation. Under existing law the Board is authorized to fully revoke parole supervision and impose the remainder of the sentence for a fourth or subsequent revocation. (NRS 213.1519) **Section 25** instead authorizes the Board to fully revoke parole supervision for a third or subsequent parole revocation.

Section 6 of this bill reduces the felony theft threshold from \$1,200 to \$750. **Sections 7-24 and 26-29** of this bill make conforming changes to various theft offenses that use monetary thresholds.

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

Section 1. NRS 176A.240 is hereby amended to read as follows:

176A.240 1. Except as otherwise provided in subparagraph (1) of paragraph (a) of subsection 3 of NRS 176.211, if a defendant who suffers from a substance use disorder or any co-occurring disorder tenders a plea of guilty, guilty but mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill of, any offense for which the suspension of sentence or the granting of probation is not prohibited by statute, the court may:

(a) Without entering a judgment of conviction and with the consent of the defendant, suspend or defer further proceedings and place the defendant on probation upon terms and conditions that must include attendance and successful completion of a program established pursuant to NRS 176A.230 if the court determines that the defendant is eligible for participation in such a program; or

(b) Enter a judgment of conviction and place the defendant on probation upon terms and conditions that must include attendance and successful completion of a program established pursuant to NRS 176A.230 if the court determines that the defendant is eligible for participation in such a program.

2. Except as otherwise provided in subsection 4, a defendant is eligible for participation in a program established pursuant to



1 NRS 176A.230 if the defendant is diagnosed as having a substance
2 use disorder or any co-occurring disorder:

3 (a) After an in-person clinical assessment by:

4 (1) A counselor who is licensed or certified to make such a
5 diagnosis; or

6 (2) A duly licensed physician qualified by the Board of
7 Medical Examiners to make such a diagnosis; or

8 (b) Pursuant to a substance use assessment.

9 3. A counselor or physician who diagnoses a defendant as
10 having a substance use disorder shall submit a report and
11 recommendation to the court concerning the length and type of
12 treatment required for the defendant.

13 4. ~~HH~~ *A defendant is not eligible for assignment to the*
14 *program if* the offense committed by the defendant is ~~aa~~ :

15 (a) A category A felony ~~for a~~ ;

16 (b) A sexual offense as defined in NRS 179D.097 that is
17 punishable as a category B felony ~~[, the defendant is not eligible for~~
18 ~~assignment to the program.] ; or~~

19 (c) *A violation of NRS 200.508 or 200.5099.*

20 5. Upon violation of a term or condition:

21 (a) The court may enter a judgment of conviction, if applicable,
22 and proceed as provided in the section pursuant to which the
23 defendant was charged.

24 (b) Notwithstanding the provisions of paragraph (e) of
25 subsection 2 of NRS 193.130, the court may order the defendant to
26 the custody of the Department of Corrections if the offense is
27 punishable by imprisonment in the state prison.

28 6. Except as otherwise provided in subsection 8, upon
29 fulfillment of the terms and conditions, the court:

30 (a) Shall discharge the defendant and dismiss the proceedings or
31 set aside the judgment of conviction, as applicable, unless the
32 defendant:

33 (1) Has been previously convicted in this State or in any
34 other jurisdiction of a felony; or

35 (2) Has previously failed to complete a specialty court
36 program; or

37 (b) May discharge the defendant and dismiss the proceedings or
38 set aside the judgment of conviction, as applicable, if the defendant:

39 (1) Has been previously convicted in this State or in any
40 other jurisdiction of a felony; or

41 (2) Has previously failed to complete a specialty court
42 program.

43 7. Discharge and dismissal pursuant to this section is without
44 adjudication of guilt and is not a conviction for purposes of this
45 section or for purposes of employment, civil rights or any statute or



1 regulation or license or questionnaire or for any other public or
2 private purpose, but is a conviction for the purpose of additional
3 penalties imposed for second or subsequent convictions or the
4 setting of bail. Discharge and dismissal restores the defendant, in the
5 contemplation of the law, to the status occupied before the arrest,
6 indictment or information. The defendant may not be held thereafter
7 under any law to be guilty of perjury or otherwise giving a false
8 statement by reason of failure to recite or acknowledge that arrest,
9 indictment, information or trial in response to an inquiry made of
10 the defendant for any purpose.

11 8. If the defendant was charged with a violation of NRS
12 200.485, 484C.110 or 484C.120, upon fulfillment of the terms and
13 conditions, the district court, justice court or municipal court, as
14 applicable, may conditionally dismiss the charges or set aside the
15 judgment of conviction, as applicable. If a court conditionally
16 dismisses the charges or sets aside the judgment of conviction, the
17 court shall notify the defendant that any conditionally dismissed
18 charge or judgment of conviction that is set aside is a conviction for
19 the purpose of additional penalties imposed for second or
20 subsequent convictions or the setting of bail in a future case, but is
21 not a conviction for purposes of employment, civil rights or any
22 statute or regulation or license or questionnaire or for any other
23 public or private purpose. Conditional dismissal or having a
24 judgment of conviction set aside restores the defendant, in the
25 contemplation of the law, to the status occupied before the arrest,
26 complaint, indictment or information. The defendant may not be
27 held thereafter under any law to be guilty of perjury or otherwise
28 giving a false statement by reason of failure to recite or
29 acknowledge that arrest, complaint, indictment, information or trial
30 in response to an inquiry made of the defendant for any purpose.

31 **Sec. 2.** NRS 176A.260 is hereby amended to read as follows:

32 176A.260 1. Except as otherwise provided in subparagraph
33 (1) of paragraph (a) of subsection 3 of NRS 176.211, if a defendant
34 who suffers from mental illness or is intellectually disabled tenders
35 a plea of guilty, guilty but mentally ill or nolo contendere to, or is
36 found guilty or guilty but mentally ill of, any offense for which the
37 suspension of sentence or the granting of probation is not prohibited
38 by statute, the court may:

39 (a) Without entering a judgment of conviction and with the
40 consent of the defendant, suspend or defer further proceedings and
41 place the defendant on probation upon terms and conditions that
42 must include attendance and successful completion of a program
43 established pursuant to NRS 176A.250 if the court determines that
44 the defendant is eligible for participation in such a program; or



(b) Enter a judgment of conviction and place the defendant on probation upon terms and conditions that must include attendance and successful completion of a program established pursuant to NRS 176A.250, if the court determines that the defendant is eligible for participation in such a program.

2. Except as otherwise provided in subsection 4, a defendant is eligible for participation in a program established pursuant to NRS 176A.250 if the defendant is diagnosed as having a mental illness or an intellectual disability:

(a) After an in-person clinical assessment by:

(1) A counselor who is licensed or certified to make such a diagnosis; or

(2) A duly licensed physician qualified by the Board of Medical Examiners to make such a diagnosis; and

(b) If the defendant appears to suffer from a mental illness, pursuant to a mental health screening that indicates the presence of a mental illness.

3. A counselor or physician who diagnoses a defendant as having a mental illness or intellectual disability shall submit a report and recommendation to the court concerning the length and type of treatment required for the defendant within the maximum probation terms applicable to the offense for which the defendant is convicted.

4. ~~[(f)]~~ *A defendant is not eligible for assignment to the program if* the offense committed by the defendant is ~~[(a)]~~:

(a) ~~A category A felony [(or a)]~~;

(b) ~~A sexual offense as defined in NRS 179D.097 that is punishable as a category B felony [, the defendant is not eligible for assignment to the program.]~~; or

(c) *A violation of NRS 200.508 or 200.5099.*

5. Upon violation of a term or condition:

(a) The court may enter a judgment of conviction, if applicable, and proceed as provided in the section pursuant to which the defendant was charged.

(b) Notwithstanding the provisions of paragraph (e) of subsection 2 of NRS 193.130, the court may order the defendant to the custody of the Department of Corrections if the offense is punishable by imprisonment in the state prison.

6. Except as otherwise provided in subsection 8, upon fulfillment of the terms and conditions, the court:

(a) Shall discharge the defendant and dismiss the proceedings or set aside the judgment of conviction, as applicable, unless the defendant:

(1) Has been previously convicted in this State or in any other jurisdiction of a felony; or



(2) Has previously failed to complete a specialty court program; or

(b) May discharge the defendant and dismiss the proceedings or set aside the judgment of conviction, as applicable, if the defendant:

(1) Has been previously convicted in this State or in any other jurisdiction of a felony; or

(2) Has previously failed to complete a specialty court program.

7. Discharge and dismissal pursuant to this section is without adjudication of guilt and is not a conviction for purposes of this section or for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and dismissal restores the defendant, in the contemplation of the law, to the status occupied before the arrest, indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, indictment, information or trial in response to an inquiry made of the defendant for any purpose.

8. If the defendant was charged with a violation of NRS 200.485, 484C.110 or 484C.120, upon fulfillment of the terms and conditions, the district court, justice court or municipal court, as applicable, may conditionally dismiss the charges or set aside the judgment of conviction, as applicable. If a court conditionally dismisses the charges or sets aside the judgment of conviction, the court shall notify the defendant that any conditionally dismissed charge or judgment of conviction that is set aside is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail in a future case, but is not a conviction for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose. Conditional dismissal or having a judgment of conviction set aside restores the defendant, in the contemplation of the law, to the status occupied before the arrest, complaint, indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, complaint, indictment, information or trial in response to an inquiry made of the defendant for any purpose.

Sec. 3. NRS 176A.287 is hereby amended to read as follows:

176A.287 1. Except as otherwise provided in subsection 2, a defendant is not eligible for assignment to a program of treatment established pursuant to NRS 176A.280 if:



(a) The offense committed by the defendant was ~~fel~~:

(1) A category A felony ~~for a~~;

(2) A sexual offense as defined in NRS 179D.097 that is punishable as a category B felony; or

(3) *A violation of NRS 200.508 or 200.5099; or*

(b) The defendant was discharged or released from the Armed Forces of the United States, a reserve component thereof or the National Guard under dishonorable conditions.

2. A defendant described in paragraph (b) of subsection 1 may be assigned to a program of treatment established pursuant to NRS 176A.280 if a justice court, municipal court or district court, as applicable, determines that extraordinary circumstances exist which warrant the assignment of the defendant to the program.

Sec. 4. NRS 176A.510 is hereby amended to read as follows:

176A.510 1. The Division shall adopt a written system of graduated sanctions for parole and probation officers to use when responding to a technical violation of the conditions of probation. The system must:

(a) Set forth a menu of presumptive sanctions for the most common violations, including, without limitation, failure to report, willful failure to pay fines and fees, failure to participate in a required program or service, failure to complete community service and failure to refrain from the use of alcohol or controlled substances.

(b) Take into account factors such as responsivity factors impacting a person's ability to successfully complete any conditions of supervision, the severity of the current violation, the person's previous criminal record, the number and severity of any previous violations and the extent to which graduated sanctions were imposed for previous violations.

(c) Include as a sanction a term of imprisonment of not less than 10 days and not more than 30 days.

2. The Division shall establish and maintain a program of initial and ongoing training for parole and probation officers regarding the system of graduated sanctions.

3. Notwithstanding any rule or law to the contrary, a parole and probation officer shall use graduated sanctions established pursuant to this section when responding to a technical violation.

4. A parole and probation officer intending to impose a graduated sanction shall provide the supervised person with notice of the intended sanction. The notice must inform the person of any alleged violation and the date thereof and the graduated sanction to be imposed.

5. The failure of a supervised person to comply with a sanction may constitute a technical violation of the conditions of probation.



6. The Division may not seek revocation of probation for a technical violation of the conditions of probation until all graduated sanctions have been exhausted. If the Division determines that all graduated sanctions have been exhausted, the Division shall submit a report to the court or Board outlining the reasons for the recommendation of revocation and the steps taken by the Division to change the supervised person's behavior while in the community, including, without limitation, any graduated sanctions imposed before recommending revocation.

7. As used in this section:

(a) "Absconding" has the meaning ascribed to it in NRS 176A.630.

(b) "Responsivity factors" has the meaning ascribed to it in NRS 213.107.

(c) "Technical violation" means any alleged violation of the conditions of probation that does not constitute absconding and is not the commission of a:

(1) New felony or gross misdemeanor;

(2) Battery which constitutes domestic violence pursuant to NRS 200.485;

(3) Violation of NRS 484C.110 or 484C.120;

(4) Crime of violence that is punishable as a misdemeanor;

(5) Harassment pursuant to NRS 200.571 or stalking or aggravated stalking pursuant to NRS 200.575;

(6) Violation of a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591 or a temporary or extended order for protection against sexual assault pursuant to NRS 200.378; or

(7) Violation of a stay away order involving a natural person who is the victim of the crime for which the supervised person is being supervised.

➤ The term does not include termination from a specialty court program.

Sec. 5. NRS 176A.840 is hereby amended to read as follows:

176A.840 1. The Division shall petition the court to recommend the early discharge of a person from probation if the person:

(a) Has not violated any condition of probation during the immediately preceding 12 months;



(b) Is current with any fee to defray the costs of his or her supervision charged by the Division pursuant to NRS 213.1076;

(c) Has paid restitution in full ; ~~for, because of economic hardship that is verified by the Division, has been unable to make restitution as ordered by the court;~~

(d) Has completed any program of substance use treatment or mental health treatment or a specialty court program as mandated by the court or the Division; and

(e) Has not been convicted of ~~fel~~ :

(1) A violent or sexual offense as defined in NRS 202.876 ~~for a~~ ;

(2) A sexual offense as defined in NRS 179D.097;

(3) A violation of NRS 200.508 ~~H~~ , 202.257, 202.265, 202.285, 202.350, 202.360 or 205.067; or

(4) A violation of NRS 205.060 punishable as a category B felony.

2. This section must not be construed to prohibit the court from allowing the early discharge of a person from probation if the person does not meet the requirements set forth in subsection 1.

Sec. 6. NRS 205.0835 is hereby amended to read as follows:

205.0835 1. Unless a greater penalty is imposed by a specific statute and unless the provisions of NRS 205.08345 apply under the circumstances, a person who commits theft in violation of any provision of NRS 205.0821 to 205.0835, inclusive, shall be punished pursuant to the provisions of this section.

2. If the value of the property or services involved in the theft:

(a) Is less than ~~[\$1,200,] \$750~~, the person who committed the theft is guilty of a misdemeanor.

(b) Is ~~[\$1,200] \$750~~ or more but less than \$5,000, the person who committed the theft is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(c) Is \$5,000 or more but less than \$25,000, the person who committed the theft is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(d) Is \$25,000 or more but less than \$100,000, the person who committed the theft 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 by a fine of not more than \$10,000.

(e) Is \$100,000 or more, the person who committed the theft 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 20 years, and by a fine of not more than \$15,000.



3. In addition to any other penalty, the court shall order the person who committed the theft to pay restitution.

Sec. 7. NRS 205.130 is hereby amended to read as follows:

205.130 1. Except as otherwise provided in this subsection and subsections 2 and 3, a person who willfully, with an intent to defraud, draws or passes a check or draft to obtain:

(a) Money;

(b) Delivery of other valuable property;

(c) Services;

(d) The use of property; or

(e) Credit extended by any licensed gaming establishment,

↪ drawn upon any real or fictitious person, bank, firm, partnership, corporation or depository, when the person has insufficient money, property or credit with the drawee of the instrument to pay it in full upon its presentation, is guilty of a misdemeanor. If that instrument, or a series of instruments passed in the State during a period of 90 days, is in the amount of ~~[\$1,200]~~ \$750 or more, the person is guilty of a category D felony and shall be punished as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

2. A person who was previously convicted three times of a misdemeanor under the provisions of this section, or of an offense of a similar nature, in this State or any other state, or in a federal jurisdiction, who violates this section is guilty of a category D felony and shall be punished as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

3. A person who willfully issues any check or draft for the payment of wages in excess of ~~[\$1,200]~~ \$750, when the person knows he or she has insufficient money or credit with the drawee of the instrument to pay the instrument in full upon presentation is guilty of a gross misdemeanor.

4. For the purposes of this section, "credit" means an arrangement or understanding with a person, firm, corporation, bank or depository for the payment of a check or other instrument.

Sec. 8. NRS 205.134 is hereby amended to read as follows:

205.134 1. A notice in boldface type which is clearly legible and is in substantially the following form must be posted in a conspicuous place in every principal and branch office of every bank and in every place of business in which retail selling is conducted:

The issuance of a check or draft without sufficient money or with intent to defraud is punishable by imprisonment in the county jail for not more than 6 months, or by a fine of not



more than \$1,000, or by both fine and imprisonment, and the issuance of such a check or draft in an amount of ~~[\$1,200]~~ \$750 or more or by a person who previously has been convicted three times of this or a similar offense is punishable as a category D felony as provided in NRS 193.130.

2. Failure of the owner, operator or manager of a bank or other place of business to post the sign required by this section is not a defense to charge of a violation of NRS 205.130.

Sec. 9. NRS 205.220 is hereby amended to read as follows:

205.220 Except as otherwise provided in NRS 205.226 and 205.228, a person commits grand larceny if the person:

1. Intentionally steals, takes and carries away, leads away or drives away:

(a) Personal goods or property, with a value of ~~[\$1,200]~~ \$750 or more, owned by another person;

(b) Bedding, furniture or other property, with a value of ~~[\$1,200]~~ \$750 or more, which the person, as a lodger, is to use in or with his or her lodging and which is owned by another person; or

(c) Real property, with a value of ~~[\$1,200]~~ \$750 or more, that the person has converted into personal property by severing it from real property owned by another person.

2. Uses a card or other device for automatically withdrawing or transferring money in a financial institution to obtain intentionally money to which the person knows he or she is not entitled.

3. Intentionally steals, takes and carries away, leads away, drives away or entices away:

(a) One or more head of livestock owned by another person; or

(b) One or more domesticated animals or domesticated birds, with an aggregate value of ~~[\$1,200]~~ \$750 or more, owned by another person.

4. With the intent to defraud, steal, appropriate or prevent identification:

(a) Marks or brands, causes to be marked or branded, alters or defaces a mark or brand, or causes to be altered or defaced a mark or brand upon one or more head of livestock owned by another person;

(b) Sells or purchases the hide or carcass of one or more head of livestock owned by another person that has had a mark or brand cut out or obliterated;

(c) Kills one or more head of livestock owned by another person but running at large, whether or not the livestock is marked or branded; or

(d) Kills one or more domesticated animals or domesticated birds, with an aggregate value of ~~[\$1,200]~~ \$750 or more, owned by



another person but running at large, whether or not the animals or birds are marked or branded.

Sec. 10. NRS 205.240 is hereby amended to read as follows:

205.240 1. Except as otherwise provided in NRS 205.220, 205.226, 205.228, 475.105 and 501.3765, a person commits petit larceny if the person:

(a) Intentionally steals, takes and carries away, leads away or drives away:

(1) Personal goods or property, with a value of less than ~~[\$1,200,] \$750~~, owned by another person;

(2) Bedding, furniture or other property, with a value of less than ~~[\$1,200,] \$750~~, which the person, as a lodger, is to use in or with his or her lodging and which is owned by another person; or

(3) Real property, with a value of less than ~~[\$1,200,] \$750~~, that the person has converted into personal property by severing it from real property owned by another person.

(b) Intentionally steals, takes and carries away, leads away, drives away or entices away one or more domesticated animals or domesticated birds, with an aggregate value of less than ~~[\$1,200,] \$750~~, owned by another person.

2. Unless a greater penalty is provided pursuant to NRS 205.267, a person who commits petit larceny is guilty of a misdemeanor. In addition to any other penalty, the court shall order the person to pay restitution.

Sec. 11. NRS 205.267 is hereby amended to read as follows:

205.267 1. A person who intentionally steals, takes and carries away scrap metal or utility property with a value of less than ~~[\$1,200] \$750~~ within a period of 90 days is guilty of a misdemeanor.

2. A person who intentionally steals, takes and carries away scrap metal or utility property with a value of ~~[\$1,200] \$750~~ or more within a period of 90 days is guilty of:

(a) If the value of the scrap metal or utility property taken is ~~[\$1,200] \$750~~ or more but less than \$5,000, a category D felony and shall be punished as provided in NRS 193.130.

(b) If the value of the scrap metal or utility property taken is \$5,000 or more but less than \$25,000, a category C felony and shall be punished as provided in NRS 193.130.

(c) If the value of the scrap metal or utility property taken is \$25,000 or more but less than \$100,000, 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 by a fine of not more than \$10,000.

(d) If the value of the scrap metal or utility property taken is \$100,000 or more, a category B felony and shall be punished by



1 imprisonment in the state prison for a minimum term of not less
2 than 1 year and a maximum term of not more than 20 years, and by
3 a fine of not more than \$15,000.

4 3. In addition to any other penalty, the court shall order a
5 person who violates the provisions of subsection 1 or 2 to pay
6 restitution and:

7 (a) For a first offense, to perform 100 hours of community
8 service.

9 (b) For a second offense, to perform 200 hours of community
10 service.

11 (c) For a third or subsequent offense, to perform up to 300 hours
12 of community service for up to 1 year, as determined by the court.

13 4. In determining the value of the scrap metal or utility
14 property taken, the cost of repairing and, if necessary, replacing any
15 property damaged by the theft of the scrap metal or utility property
16 must be added to the value of the property.

17 5. As used in this section:

18 (a) "Scrap metal" has the meaning ascribed to it in
19 NRS 647.017.

20 (b) "Utility property" has the meaning ascribed to it in
21 NRS 202.582.

22 **Sec. 12.** NRS 205.275 is hereby amended to read as follows:

23 205.275 1. Except as otherwise provided in NRS 501.3765, a
24 person commits an offense involving stolen property if the person,
25 for his or her own gain or to prevent the owner from again
26 possessing the owner's property, buys, receives, possesses or
27 withholds property:

28 (a) Knowing that it is stolen property; or

29 (b) Under such circumstances as should have caused a
30 reasonable person to know that it is stolen property.

31 2. A person who commits an offense involving stolen property
32 in violation of subsection 1:

33 (a) If the value of the property is less than ~~[\$1,200,] \$750~~, is
34 guilty of a misdemeanor;

35 (b) If the value of the property is ~~[\$1,200] \$750~~ or more but less
36 than \$5,000, is guilty of a category D felony and shall be punished
37 as provided in NRS 193.130;

38 (c) If the value of the property is \$5,000 or more but less than
39 \$25,000, is guilty of a category C felony and shall be punished as
40 provided in NRS 193.130;

41 (d) If the value of the property is \$25,000 or more but less than
42 \$100,000 or if the property is a firearm, is guilty of a category B
43 felony and shall be punished by imprisonment in the state prison for
44 a minimum term of not less than 1 year and a maximum term of not
45 more than 10 years, and by a fine of not more than \$10,000; or



(e) If the value of the property is \$100,000 or more, 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 20 years, and by a fine of not more than \$15,000.

3. In addition to any other penalty, the court shall order the person to pay restitution.

4. A person may be prosecuted and convicted pursuant to this section whether or not the principal is or has been prosecuted or convicted.

5. Possession by any person of three or more items of the same or a similar class or type of personal property on which a permanently affixed manufacturer's serial number or manufacturer's identification number has been removed, altered or defaced, is prima facie evidence that the person has violated this section.

6. For the purposes of this section, the value of the property involved shall be deemed to be the highest value attributable to the property by any reasonable standard.

7. As used in this section, "stolen property" means property that has been taken from its owner by larceny, robbery, burglary, embezzlement, theft or any other offense that is a crime against property, whether or not the person who committed the taking is or has been prosecuted or convicted for the offense.

Sec. 13. NRS 205.365 is hereby amended to read as follows:

205.365 A person, after once selling, bartering or disposing of any tract of land, town lot, or executing any bond or agreement for the sale of any land or town lot, who again, knowingly and fraudulently, sells, barter or disposes of the same tract of land or lot, or any part thereof, or knowingly and fraudulently executes any bond or agreement to sell, barter or dispose of the same land or lot, or any part thereof, to any other person, for a valuable consideration, shall be punished:

1. Where the value of the property involved is ~~[\$1,200]~~ \$750 or more, for a category D felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

2. Where the value of the property is less than ~~[\$1,200,]~~ \$750, for a misdemeanor.

Sec. 14. NRS 205.370 is hereby amended to read as follows:

205.370 A person who, by false representations of his or her own wealth, or mercantile correspondence and connections, obtains a credit thereby and defrauds any person of money, goods, chattels or any valuable thing, or if a person causes or procures another to report falsely of his or her wealth or mercantile character, and by thus imposing upon any person obtains credit and thereby



1 fraudulently gets into the possession of goods, wares or
2 merchandise, or other valuable thing, is a swindler, and must be
3 sentenced to return the property fraudulently obtained, if it can be
4 done, or to pay restitution and shall be punished:

5 1. Where the amount of money or the value of the chattels,
6 goods, wares or merchandise, or other valuable thing so obtained is
7 ~~[\$1,200]~~ \$750 or more, for a category D felony as provided in
8 NRS 193.130.

9 2. Otherwise, for a misdemeanor.

10 **Sec. 15.** NRS 205.377 is hereby amended to read as follows:

11 205.377 1. A person shall not, in the course of an enterprise
12 or occupation, knowingly and with the intent to defraud, engage in
13 an act, practice or course of business or employ a device, scheme or
14 artifice which operates or would operate as a fraud or deceit upon a
15 person by means of a false representation or omission of a material
16 fact that:

17 (a) The person knows to be false or omitted;

18 (b) The person intends another to rely on; and

19 (c) Results in a loss to any person who relied on the false
20 representation or omission,

21 ➤ in at least two transactions that have the same or similar pattern,
22 intents, results, accomplices, victims or methods of commission, or
23 are otherwise interrelated by distinguishing characteristics and are
24 not isolated incidents within 4 years and in which the aggregate loss
25 or intended loss is more than ~~[\$1,200]~~ \$750.

26 2. Each act which violates subsection 1 constitutes a separate
27 offense.

28 3. A person who violates subsection 1 is guilty of a category B
29 felony and shall be punished by imprisonment in the state prison for
30 a minimum term of not less than 1 year and a maximum term of not
31 more than 20 years, and may be further punished by a fine of not
32 more than \$10,000.

33 4. In addition to any other penalty, the court shall order a
34 person who violates subsection 1 to pay restitution.

35 5. A violation of this section constitutes a deceptive trade
36 practice for the purposes of NRS 598.0903 to 598.0999, inclusive.

37 6. As used in this section, "enterprise" has the meaning
38 ascribed to it in NRS 207.380.

39 **Sec. 16.** NRS 205.380 is hereby amended to read as follows:

40 205.380 1. A person who knowingly and designedly by any
41 false pretense obtains from any other person any chose in action,
42 money, goods, wares, chattels, effects or other valuable thing,
43 including rent or the labor of another person not his or her
44 employee, with the intent to cheat or defraud the other person, is a
45 cheat, and, unless otherwise prescribed by law, shall be punished:



(a) If the value of the thing or labor fraudulently obtained was less than ~~[\$1,200,] \$750~~, for a misdemeanor, and must be sentenced to restore the property fraudulently obtained if it can be done, or tender payment for rent or labor.

(b) If the value of the thing or labor fraudulently obtained was ~~[\$1,200] \$750~~ or more but less than \$5,000, for a category D felony as provided in NRS 193.130.

(c) If the value of the thing or labor fraudulently obtained was \$5,000 or more but less than \$25,000, for a category C felony as provided in NRS 193.130.

(d) If the value of the thing or labor fraudulently obtained was \$25,000 or more but less than \$100,000, 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, and by a fine of not more than \$10,000.

(e) If the value of the thing or labor fraudulently obtained was \$100,000 or more, 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 20 years, and by a fine of not more than \$15,000.

2. In addition to any other penalty set forth in paragraph (b), (c), (d) or (e) of subsection 1, the court shall order the person to pay restitution.

3. For the purposes of this section, it is prima facie evidence of an intent to defraud if the drawer of a check or other instrument given in payment for:

(a) Property which can be returned in the same condition in which it was originally received;

(b) Rent; or

(c) Labor performed in a workmanlike manner whenever a written estimate was furnished before the labor was performed and the actual cost of the labor does not exceed the estimate,

↳ stops payment on that instrument and fails to return or offer to return the property in that condition, or to specify in what way the labor was deficient within 5 days after receiving notice from the payee that the instrument has not been paid by the drawee.

4. The notice must be sent to the drawer by certified mail, return receipt requested, at the address shown on the instrument. The notice must include a statement of the penalties set forth in this section. Return of the notice because of nondelivery to the drawer raises a rebuttable presumption of the intent to defraud.

5. A notice in boldface type clearly legible and in substantially the following form must be posted in a conspicuous place in every principal and branch office of every bank and in every place of business in which retail selling is conducted or labor is performed



for the public and must be furnished in written form by a landlord to a tenant:

The stopping of payment on a check or other instrument given in payment for property which can be returned in the same condition in which it was originally received, rent or labor which was completed in a workmanlike manner, and the failure to return or offer to return the property in that condition or to specify in what way the labor was deficient within 5 days after receiving notice of nonpayment is punishable:

1. If the value of the property, rent or labor fraudulently obtained was less than ~~[\$1,200,] \$750~~, as a misdemeanor by imprisonment in the county jail for not more than 6 months, or by a fine of not more than \$1,000, or by both fine and imprisonment.

2. If the value of the property, rent or labor fraudulently obtained was ~~[\$1,200] \$750~~ or more but less than \$5,000, as a category D 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 4 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

3. If the value of the property, rent or labor fraudulently obtained was \$5,000 or more but less than \$25,000, as a category C 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 5 years, or by a fine of not more than \$10,000, or by both fine and imprisonment.

4. If the value of the property, rent or labor fraudulently obtained was \$25,000 or more but less than \$100,000, as 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, and by a fine of not more than \$10,000.

5. If the value of the property, rent or labor fraudulently obtained was \$100,000 or more, as 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 20 years, and by a fine of not more than \$15,000.

Sec. 17. NRS 205.415 is hereby amended to read as follows:

205.415 A person who sells one or more tickets to any ball, benefit or entertainment, or asks or receives any subscription or promise thereof, for the benefit or pretended benefit of any person, association or order, without being authorized thereto by the person,



1 association or order for whose benefit or pretended benefit it is
2 done, shall be punished:

3 1. Where the amount received from such sales, subscriptions or
4 promises totals ~~[\$1,200]~~ \$750 or more, for a category D felony as
5 provided in NRS 193.130. In addition to any other penalty, the court
6 shall order the person to pay restitution.

7 2. Otherwise, for a misdemeanor.

8 **Sec. 18.** NRS 205.445 is hereby amended to read as follows:

9 205.445 1. It is unlawful for a person:

10 (a) To obtain food, foodstuffs, lodging, merchandise or other
11 accommodations at any hotel, inn, trailer park, motor court,
12 boardinghouse, rooming house, lodging house, furnished apartment
13 house, furnished bungalow court, furnished automobile camp, eating
14 house, restaurant, grocery store, market or dairy, without paying
15 therefor, with the intent to defraud the proprietor or manager
16 thereof;

17 (b) To obtain credit at a hotel, inn, trailer park, motor court,
18 boardinghouse, rooming house, lodging house, furnished apartment
19 house, furnished bungalow court, furnished automobile camp, eating
20 house, restaurant, grocery store, market or dairy by the use of any
21 false pretense; or

22 (c) After obtaining credit, food, lodging, merchandise or other
23 accommodations at a hotel, inn, trailer park, motor court,
24 boardinghouse, rooming house, lodging house, furnished apartment
25 house, furnished bungalow court, furnished automobile camp, eating
26 house, restaurant, grocery store, market or dairy, to abscond or
27 surreptitiously, or by force, menace or threats, to remove any part of
28 his or her baggage therefrom, without paying for the food or
29 accommodations.

30 2. A person who violates any of the provisions of subsection 1
31 shall be punished:

32 (a) Where the total value of the credit, food, foodstuffs, lodging,
33 merchandise or other accommodations received from any one
34 establishment is ~~[\$1,200]~~ \$750 or more, for a category D felony as
35 provided in NRS 193.130. In addition to any other penalty, the court
36 shall order the person to pay restitution.

37 (b) Otherwise, for a misdemeanor.

38 3. Proof that lodging, food, foodstuffs, merchandise or other
39 accommodations were obtained by false pretense, or by false or
40 fictitious show or pretense of any baggage or other property, or that
41 the person refused or willfully neglected to pay for the food,
42 foodstuffs, lodging, merchandise or other accommodations, or that
43 the person gave in payment for the food, foodstuffs, lodging,
44 merchandise or other accommodations negotiable paper on which
45 payment was refused, or that the person absconded without paying



1 or offering to pay for the food, foodstuffs, lodging, merchandise or
2 other accommodations, or that the person surreptitiously removed or
3 attempted to remove his or her baggage, is prima facie evidence of
4 the fraudulent intent mentioned in this section.

5 4. This section does not apply where there has been an
6 agreement in writing for delay in payment for a period to exceed 10
7 days.

8 **Sec. 19.** NRS 205.520 is hereby amended to read as follows:

9 205.520 A bailee, or any officer, agent or servant of a bailee,
10 who issues or aids in issuing a document of title, knowing that the
11 goods covered by the document of title have not been received by
12 him or her, or are not under his or her control at the time the
13 document is issued, shall be punished:

14 1. Where the value of the goods purported to be covered by the
15 document of title is ~~[\$1,200]~~ \$750 or more, for a category D felony
16 as provided in NRS 193.130. In addition to any other penalty, the
17 court shall order the person to pay restitution.

18 2. Where the value is less than ~~[\$1,200;]~~ \$750, for a
19 misdemeanor.

20 **Sec. 20.** NRS 205.540 is hereby amended to read as follows:

21 205.540 Except as otherwise provided in chapter 104 of NRS,
22 a bailee, or any officer, agent or servant of a bailee, who issues or
23 aids in issuing a duplicate or additional negotiable document of title,
24 knowing that a former negotiable document for the same goods or
25 any part of them is outstanding and uncanceled, shall be punished:

26 1. Where the value of the goods purported to be covered by the
27 document of title is ~~[\$1,200]~~ \$750 or more, for a category D felony
28 as provided in NRS 193.130. In addition to any other penalty, the
29 court shall order the person to pay restitution.

30 2. Where the value is less than ~~[\$1,200;]~~ \$750, for a
31 misdemeanor.

32 **Sec. 21.** NRS 205.570 is hereby amended to read as follows:

33 205.570 A person who, with the intent to defraud, obtains a
34 negotiable document of title for goods to which the person does not
35 have title, or which are subject to a security interest, and negotiates
36 the document for value, without disclosing the want of title or the
37 existence of the security interest, shall be punished:

38 1. Where the value of the goods purported to be covered by the
39 document of title is ~~[\$1,200]~~ \$750 or more, for a category D felony
40 as provided in NRS 193.130. In addition to any other penalty, the
41 court shall order the person to pay restitution.

42 2. Where the value is less than ~~[\$1,200;]~~ \$750, for a
43 misdemeanor.



Sec. 22. NRS 205.580 is hereby amended to read as follows:

205.580 A person who, with the intent to defraud, secures the issue by a bailee of a negotiable document of title, knowing at the time of issue that any or all of the goods are not in possession of the bailee, by inducing the bailee to believe that the goods are in the bailee's possession, shall be punished:

1. Where the value of the goods purported to be covered by the document of title is ~~[\$1,200]~~ \$750 or more, for a category D felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

2. Where the value is less than ~~[\$1,200;]~~ \$750, for a misdemeanor.

Sec. 23. NRS 205.590 is hereby amended to read as follows:

205.590 A person who, with the intent to defraud, negotiates or transfers for value a document of title, which by the terms thereof represents that goods are in possession of the bailee who issued the document, knowing that the bailee is not in possession of the goods or any part thereof, without disclosing this fact, shall be punished:

1. Where the value of the goods purported to be covered by the document of title is ~~[\$1,200]~~ \$750 or more, for a category D felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

2. Where the value is less than ~~[\$1,200;]~~ \$750, for a misdemeanor.

Sec. 24. NRS 205.950 is hereby amended to read as follows:

205.950 1. It is unlawful for a person to receive an advance fee, salary, deposit or money to obtain a loan for another unless the person places the advance fee, salary, deposit or money in escrow pending completion of the loan or a commitment for the loan.

2. Advance payments to cover reasonably estimated costs paid to third persons are excluded from the provisions of subsection 1 if the person making them first signs a written agreement which specifies the estimated costs by item and the estimated aggregate cost, and which recites that money advanced for costs will not be refunded. If an itemized service is not performed and the estimated cost thereof is not refunded, the recipient of the advance payment is subject to the penalties provided in subsection 3.

3. A person who violates the provisions of this section:

(a) Is guilty of a misdemeanor if the amount is less than ~~[\$1,200;]~~ \$750; or

(b) Is guilty of a category D felony if the amount is ~~[\$1,200]~~ \$750 or more and shall be punished as provided in NRS 193.130.

Sec. 25. NRS 213.1519 is hereby amended to read as follows:

213.1519 1. Except as otherwise provided in subsections 2 and 3, a parolee whose parole is revoked by decision of the Board



1 for the commission of a new felony or gross misdemeanor, battery
2 which constitutes domestic violence pursuant to NRS 200.485,
3 violation of NRS 484C.110 or 484C.120, crime of violence as
4 defined in NRS 200.408 that is punishable as a misdemeanor,
5 harassment pursuant to NRS 200.571, stalking or aggravated
6 stalking pursuant to NRS 200.575, violation of a stay away order
7 involving a natural person who is the victim of the crime for which
8 the parolee is being supervised, violation of a temporary or extended
9 order for protection against domestic violence issued pursuant to
10 NRS 33.017 to 33.100, inclusive, a restraining order or injunction
11 that is in the nature of a temporary or extended order for protection
12 against domestic violence issued in an action or proceeding brought
13 pursuant to title 11 of NRS, a temporary or extended order for
14 protection against stalking, aggravated stalking or harassment issued
15 pursuant to NRS 200.591 or a temporary or extended order for
16 protection against sexual assault pursuant to NRS 200.378 or for
17 absconding:

18 (a) Forfeits all credits for good behavior previously earned to
19 reduce his or her sentence pursuant to chapter 209 of NRS; and

20 (b) Must serve such part of the unexpired maximum term or the
21 maximum aggregate term, as applicable, of his or her original
22 sentence as may be determined by the Board with rehearing dates
23 scheduled pursuant to NRS 213.142.

24 ➤ The Board may restore any credits forfeited under this
25 subsection.

26 2. A parolee released on parole pursuant to subsection 1 of
27 NRS 213.1215 whose parole is revoked for having been convicted
28 of a new felony:

29 (a) Forfeits all credits for good behavior previously earned to
30 reduce his or her sentence pursuant to chapter 209 of NRS;

31 (b) Must serve the entire unexpired maximum term or the
32 maximum aggregate term, as applicable, of his or her original
33 sentence; and

34 (c) May not again be released on parole during his or her term of
35 imprisonment.

36 3. A parolee released on parole pursuant to subsection 2 of
37 NRS 213.1215 whose parole is revoked by decision of the Board for
38 a violation of any rule or regulation governing his or her conduct:

39 (a) Forfeits all credits for good behavior previously earned to
40 reduce his or her sentence pursuant to chapter 209 of NRS;

41 (b) Must serve such part of the unexpired maximum term or
42 maximum aggregate term, as applicable, of his or her original
43 sentence as may be determined by the Board; and

44 (c) Must not be considered again for release on parole pursuant
45 to subsection 2 of NRS 213.1215 but may be considered for release



on parole pursuant to NRS 213.1099, with rehearing dates scheduled pursuant to NRS 213.142.

➡ The Board may restore any credits forfeited under this subsection.

4. If the Board finds that the parolee committed one or more technical violations of the conditions of parole, the Board may:

(a) Continue parole supervision;

(b) Temporarily revoke parole supervision and impose a term of imprisonment of not more than:

(1) ~~Thirty~~ *Ninety* days for the first temporary parole revocation; *or*

(2) ~~Ninety~~ *One hundred and eighty* days for the second temporary parole revocation; or

~~[(3) One hundred and eighty days for the third temporary parole revocation; or]~~

(c) Fully revoke parole supervision and impose the remainder of the sentence for a ~~fourth~~ *third* or subsequent revocation.

5. As used in this section:

(a) "Absconding" has the meaning ascribed to it in NRS 176A.630.

(b) "Technical violation" means any alleged violation of the conditions of parole that does not constitute absconding and is not the commission of a:

(1) New felony or gross misdemeanor;

(2) Battery which constitutes domestic violence pursuant to NRS 200.485;

(3) Violation of NRS 484C.110 or 484C.120;

(4) Crime of violence as defined in NRS 200.408 that is punishable as a misdemeanor;

(5) Harassment pursuant to NRS 200.571 or stalking or aggravated stalking pursuant to NRS 200.575;

(6) Violation of a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591 or a temporary or extended order for protection against sexual assault pursuant to NRS 200.378; or

(7) Violation of a stay away order involving a natural person who is the victim of the crime for which the parolee is being supervised.

➡ The term does not include termination from a specialty court program.



Sec. 26. NRS 475.105 is hereby amended to read as follows:

475.105 A person who steals a device intended for use in preventing, controlling, extinguishing or giving warning of a fire:

1. If the device has a value of less than ~~[\$1,200:]~~ **\$750**, is guilty of a misdemeanor.

2. If the device has a value of ~~[\$1,200:]~~ **\$750** or more, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

Sec. 27. NRS 501.3765 is hereby amended to read as follows:

501.3765 1. Any person who intentionally steals, takes and carries away one or more traps, snares or similar devices owned by another person with an aggregate value of less than ~~[\$1,200:]~~ **\$750** is guilty of a gross misdemeanor.

2. Any person who buys, receives, possesses or withholds one or more traps, snares or similar devices owned by another person with an aggregate value of less than ~~[\$1,200:]~~ **\$750**:

(a) Knowing that the traps, snares or similar devices are stolen property; or

(b) Under such circumstances as should have caused a reasonable person to know that the traps, snares or similar devices are stolen property,

↪ is guilty of a gross misdemeanor.

Sec. 28. NRS 598.0999 is hereby amended to read as follows:

598.0999 1. Except as otherwise provided in NRS 598.0974, a person who violates a court order or injunction issued pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, upon a complaint brought by the Commissioner, the Director, the district attorney of any county of this State or the Attorney General shall forfeit and pay to the State General Fund a civil penalty of not more than \$10,000 for each violation. For the purpose of this section, the court issuing the order or injunction retains jurisdiction over the action or proceeding. Such civil penalties are in addition to any other penalty or remedy available for the enforcement of the provisions of NRS 598.0903 to 598.0999, inclusive.

2. Except as otherwise provided in NRS 598.0974, in any action brought pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, if the court finds that a person has willfully engaged in a deceptive trade practice, the Commissioner, the Director, the district attorney of any county in this State or the Attorney General bringing the action may recover a civil penalty not to exceed \$5,000 for each violation. The court in any such action may, in addition to any other relief or reimbursement, award reasonable attorney's fees and costs.



3. A natural person, firm, or any officer or managing agent of any corporation or association who knowingly and willfully engages in a deceptive trade practice:

(a) For an offense involving a loss of property or services valued at ~~[\$1,200]~~ **\$750** or more but less than \$5,000, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) For an offense involving a loss of property or services valued at \$5,000 or more but less than \$25,000, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(c) For an offense involving a loss of property or services valued at \$25,000 or more but less than \$100,000, 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 by a fine of not more than \$10,000.

(d) For an offense involving a loss of property or services valued at \$100,000 or more, 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 20 years, and by a fine of not more than \$15,000.

(e) For any offense other than an offense described in paragraphs (a) to (d), inclusive, is guilty of a misdemeanor.

➤ The court may require the natural person, firm, or officer or managing agent of the corporation or association to pay to the aggrieved party damages on all profits derived from the knowing and willful engagement in a deceptive trade practice and treble damages on all damages suffered by reason of the deceptive trade practice.

4. If a person violates any provision of NRS 598.0903 to 598.0999, inclusive, 598.100 to 598.2801, inclusive, 598.405 to 598.525, inclusive, 598.741 to 598.787, inclusive, 598.840 to 598.966, inclusive, or 598.9701 to 598.9718, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Commissioner or the district attorney of any county may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this State; or

(b) If the defendant is a corporation, dissolution of the corporation.

➤ The court may grant or deny the relief sought or may order other appropriate relief.



5. If a person violates any provision of NRS 228.500 to 228.640, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Attorney General may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this State; or

(b) If the defendant is a corporation, dissolution of the corporation.

➤ The court may grant or deny the relief sought or may order other appropriate relief.

6. In an action brought by the Commissioner or the Attorney General pursuant to subsection 4 or 5, process may be served by an employee of the Consumer Affairs Unit of the Department of Business and Industry or an employee of the Attorney General.

7. As used in this section:

(a) "Property" has the meaning ascribed to it in NRS 193.0225.

(b) "Services" has the meaning ascribed to it in NRS 205.0829.

(c) "Value" means the fair market value of the property or services at the time the deceptive trade practice occurred. The value of a written instrument which does not have a readily ascertainable market value is the greater of the face amount of the instrument less the portion satisfied or the amount of economic loss to the owner of the instrument resulting from the deprivation of the instrument. The trier of fact shall determine the value of all other property whose value is not readily ascertainable, and may, in making that determination, consider all relevant evidence, including evidence of the value of the property to its owner.

Sec. 29. NRS 612.445 is hereby amended to read as follows:

612.445 1. A person shall not make a false statement or representation, knowing it to be false, or knowingly fail to disclose a material fact in order to obtain or increase any benefit or other payment under this chapter, including, without limitation, by:

(a) Failing to properly report earnings;

(b) Filing a claim for benefits using the social security number, name or other personal identifying information of another person; or

(c) Filing a claim for or receiving benefits and failing to disclose, at the time he or she files the claim or receives the benefits, any compensation for a temporary total disability or a temporary partial disability or money for rehabilitative services pursuant to chapters 616A to 616D, inclusive, or 617 of NRS received by the person or for which a claim has been submitted pursuant to those chapters.



1 ➤ A person who violates the provisions of this subsection commits
2 unemployment insurance fraud.

3 2. When the Administrator finds that a person has committed
4 unemployment insurance fraud pursuant to subsection 1, the person
5 shall repay to the Administrator for deposit in the Fund a sum equal
6 to all of the benefits received by or paid to the person for each week
7 with respect to which the false statement or representation was made
8 or to which the person failed to disclose a material fact in addition to
9 any interest, penalties and costs related to that sum. Except as
10 otherwise provided in subsection 3 of NRS 612.480, the
11 Administrator may make an initial determination finding that a
12 person has committed unemployment insurance fraud pursuant to
13 subsection 1 at any time within 4 years after the first day of the
14 benefit year in which the person committed the unemployment
15 insurance fraud.

16 3. Except as otherwise provided in this subsection and
17 subsection 8, the person is disqualified from receiving
18 unemployment compensation benefits under this chapter:

19 (a) For a period beginning with the week in which the
20 Administrator issues a finding that the person has committed
21 unemployment insurance fraud pursuant to subsection 1 and ending
22 not more than 52 consecutive weeks after the week in which it is
23 determined that a claim was filed in violation of subsection 1; or

24 (b) Until the sum described in subsection 2, in addition to any
25 interest, penalties or costs related to that sum, is repaid to the
26 Administrator,

27 ➤ whichever is longer. The Administrator shall fix the period of
28 disqualification according to the circumstances in each case.

29 4. It is a violation of subsection 1 for a person to file a claim,
30 or to cause or allow a claim to be filed on his or her behalf, if:

31 (a) The person is incarcerated in the state prison or any county
32 or city jail or detention facility or other correctional facility in this
33 State; and

34 (b) The claim does not expressly disclose his or her
35 incarceration.

36 5. A person who obtains benefits of ~~[\$1,200]~~ \$750 or more in
37 violation of subsection 1 shall be punished in the same manner as
38 theft pursuant to subsection 2 of NRS 205.0835.

39 6. In addition to the repayment of benefits required pursuant to
40 subsection 2, the Administrator:

41 (a) Shall impose a penalty equal to 15 percent of the total
42 amount of benefits received by the person in violation of subsection
43 1. Money recovered by the Administrator pursuant to this paragraph
44 must be deposited in the Unemployment Trust Fund in accordance
45 with the provisions of NRS 612.590.



(b) May impose a penalty equal to not more than:

(1) If the amount of such benefits is greater than \$25 but not greater than \$1,000, 5 percent;

(2) If the amount of such benefits is greater than \$1,000 but not greater than \$2,500, 10 percent; or

(3) If the amount of such benefits is greater than \$2,500, 35 percent,

↳ of the total amount of benefits received by the person in violation of subsection 1 or any other provision of this chapter. Money recovered by the Administrator pursuant to this paragraph must be deposited in the Employment Security Fund in accordance with the provisions of NRS 612.615.

7. Except as otherwise provided in subsection 8, a person may not pay benefits as required pursuant to subsection 2 by using benefits which would otherwise be due and payable to the person if he or she was not disqualified.

8. The Administrator may waive the period of disqualification prescribed in subsection 3 for good cause shown or if the person adheres to a repayment schedule authorized by the Administrator that is designed to fully repay benefits received from an improper claim, in addition to any related interest, penalties and costs, within 18 months. If the Administrator waives the period of disqualification pursuant to this subsection, the person may repay benefits as required pursuant to subsection 2 by using any benefits which are due and payable to the person, except that benefits which are due and payable to the person may not be used to repay any related interest, penalties and costs.

9. The Administrator may recover any money required to be paid pursuant to this section in accordance with the provisions of NRS 612.365 and may collect interest on any such money in accordance with the provisions of NRS 612.620.

Sec. 30. The amendatory provisions of this act apply to offenses committed on or after October 1, 2023.

