

SENATE BILL NO. 169—SENATORS SEGERBLOM AND KIHUEN

FEBRUARY 19, 2013

JOINT SPONSORS: ASSEMBLYMEN OHRENSCHALL, FLORES;  
BENITEZ-THOMPSON, FRIERSON AND NEAL

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing criminal penalties.  
(BDR 15-495)

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

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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 criminal penalties for crimes that are gross misdemeanors; revising provisions governing the sealing of records of convictions pertaining to gross misdemeanors; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law generally provides that a person convicted of a gross misdemeanor  
2 may be punished, in lieu of or in addition to a fine, by imprisonment in the county  
3 jail for not more than 1 year. (NRS 193.140) Existing law further provides that a  
4 person convicted of certain other offenses may also be punished, in lieu of or in  
5 addition to a fine, by imprisonment in the county jail for not more than 1 year.  
6 (NRS 200.5099, 372.760, 374.765, 383.180, 453.411, 459.280, 459.595, 618.685,  
7 638.170, 641A.440)  
8 This bill provides that a person convicted of a gross misdemeanor may, in lieu  
9 of or in addition to any fine, only be punished by imprisonment in the county jail  
10 for a maximum of 364 days. **Sections 4, 8-10, 16-18, 23, 27 and 28** of this bill also  
11 clarify that certain crimes which are punishable by imprisonment in the county jail  
12 for a maximum of 364 days constitute gross misdemeanors.  
13 Existing law provides that a person may petition the court in which the person  
14 was convicted for the sealing of all records relating to a conviction of a gross  
15 misdemeanor after 7 years from the date of release from actual custody or discharge  
16 from probation, whichever occurs later. (NRS 179.245) **Section 5** of this bill  
17 reduces the period to 5 years after the date of release from actual custody or  
18 discharge from probation, whichever occurs later.



\* S B 1 6 9 R 1 \*

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

1       **Section 1.** NRS 193.140 is hereby amended to read as follows:  
2       193.140 Every person convicted of a gross misdemeanor shall  
3 be punished by imprisonment in the county jail for not more than  
4 ~~1 year,~~ **364 days**, or by a fine of not more than \$2,000, or by both  
5 fine and imprisonment, unless the statute in force at the time of  
6 commission of such gross misdemeanor prescribed a different  
7 penalty.

8       **Sec. 2.** NRS 193.1605 is hereby amended to read as follows:  
9       193.1605 1. Any person who commits a gross misdemeanor  
10 on the property of a public or private school, at an activity  
11 sponsored by a public or private school, or on a school bus or at a  
12 bus stop used to load and unload a school bus while the bus is  
13 engaged in its official duties:

- 14       (a) Shall be punished by imprisonment in the county jail for not  
15 fewer than 15 days but not more than ~~1 year;~~ **364 days;** and  
16       (b) In addition to imprisonment, may be punished by a fine of  
17 not more than \$2,000.

18       2. For the purposes of this section, "school bus" has the  
19 meaning ascribed to it in NRS 483.160.

20       **Sec. 3.** NRS 193.330 is hereby amended to read as follows:  
21       193.330 1. An act done with the intent to commit a crime,  
22 and tending but failing to accomplish it, is an attempt to commit that  
23 crime. A person who attempts to commit a crime, unless a different  
24 penalty is prescribed by statute, shall be punished as follows:

- 25       (a) If the person is convicted of:  
26           (1) Attempt to commit a category A felony, for a category B  
27 felony by imprisonment in the state prison for a minimum term of  
28 not less than 2 years and a maximum term of not more than 20  
29 years.  
30           (2) Attempt to commit a category B felony for which the  
31 maximum term of imprisonment authorized by statute is greater than  
32 10 years, for a category B felony by imprisonment in the state prison  
33 for a minimum term of not less than 1 year and a maximum term of  
34 not more than 10 years.  
35           (3) Attempt to commit a category B felony for which the  
36 maximum term of imprisonment authorized by statute is 10 years or  
37 less, for a category C felony as provided in NRS 193.130.  
38           (4) Attempt to commit a category C felony, for a category D  
39 felony as provided in NRS 193.130, or for a gross misdemeanor by  
40 imprisonment in the county jail for not more than ~~1 year;~~ **364 days,**  
41 or by a fine of not more than \$2,000, or by both fine and  
42 imprisonment.



1 (5) Attempt to commit a category D felony, for a category E  
2 felony as provided in NRS 193.130, or for a gross misdemeanor by  
3 imprisonment in the county jail for not more than ~~1 year,~~ 364 days,  
4 or by a fine of not more than \$2,000, or by both fine and  
5 imprisonment.

6 (6) Attempt to commit a category E felony, for a category E  
7 felony as provided in NRS 193.130, or for a gross misdemeanor by  
8 imprisonment in the county jail for not more than ~~1 year,~~ 364 days,  
9 or by a fine of not more than \$2,000, or by both fine and  
10 imprisonment.

11 (b) If the person is convicted of attempt to commit a  
12 misdemeanor, a gross misdemeanor or a felony for which a category  
13 is not designated by statute, by imprisonment for not more than one-  
14 half the longest term authorized by statute, or by a fine of not more  
15 than one-half the largest sum, prescribed upon conviction for the  
16 commission of the offense attempted, or by both fine and  
17 imprisonment.

18 2. Nothing in this section protects a person who, in an  
19 unsuccessful attempt to commit one crime, does commit another and  
20 different one, from the punishment prescribed for the crime actually  
21 committed. A person may be convicted of an attempt to commit a  
22 crime, although it appears on the trial that the crime was  
23 consummated, unless the court in its discretion discharges the jury  
24 and directs the defendant to be tried for the crime itself.

25 **Sec. 4.** NRS 200.5099 is hereby amended to read as follows:

26 200.5099 1. Except as otherwise provided in subsection 6,  
27 any person who abuses an older person or a vulnerable person is  
28 guilty:

29 (a) For the first offense, of a gross misdemeanor; or

30 (b) For any subsequent offense or if the person has been  
31 previously convicted of violating a law of any other jurisdiction that  
32 prohibits the same or similar conduct, of a category B felony and  
33 shall be punished by imprisonment in the state prison for a  
34 minimum term of not less than 2 years and a maximum term of not  
35 more than 6 years, unless a more severe penalty is prescribed by law  
36 for the act or omission which brings about the abuse.

37 2. Except as otherwise provided in subsection 7, any person  
38 who has assumed responsibility, legally, voluntarily or pursuant to a  
39 contract, to care for an older person or a vulnerable person and who:

40 (a) Neglects the older person or vulnerable person, causing the  
41 older person or vulnerable person to suffer physical pain or mental  
42 suffering;

43 (b) Permits or allows the older person or vulnerable person to  
44 suffer unjustifiable physical pain or mental suffering; or



1 (c) Permits or allows the older person or vulnerable person to be  
2 placed in a situation where the older person or vulnerable person  
3 may suffer physical pain or mental suffering as the result of abuse or  
4 neglect,

5 ➤ is guilty of a gross misdemeanor unless a more severe penalty is  
6 prescribed by law for the act or omission which brings about the  
7 abuse or neglect.

8 3. Except as otherwise provided in subsection 4, any person  
9 who exploits an older person or a vulnerable person shall be  
10 punished, if the value of any money, assets and property obtained or  
11 used:

12 (a) Is less than \$650, for a **gross** misdemeanor by imprisonment  
13 in the county jail for not more than ~~1-year,~~ **364 days**, or by a fine  
14 of not more than \$2,000, or by both fine and imprisonment;

15 (b) Is at least \$650, but less than \$5,000, for a category B felony  
16 by imprisonment in the state prison for a minimum term of not less  
17 than 2 years and a maximum term of not more than 10 years, or by a  
18 fine of not more than \$10,000, or by both fine and imprisonment; or

19 (c) Is \$5,000 or more, for a category B felony by imprisonment  
20 in the state prison for a minimum term of not less than 2 years and a  
21 maximum term of not more than 20 years, or by a fine of not more  
22 than \$25,000, or by both fine and imprisonment,

23 ➤ unless a more severe penalty is prescribed by law for the act  
24 which brought about the exploitation. The monetary value of all of  
25 the money, assets and property of the older person or vulnerable  
26 person which have been obtained or used, or both, may be combined  
27 for the purpose of imposing punishment for an offense charged  
28 pursuant to this subsection.

29 4. If a person exploits an older person or a vulnerable person  
30 and the monetary value of any money, assets and property obtained  
31 cannot be determined, the person shall be punished for a gross  
32 misdemeanor by imprisonment in the county jail for not more than  
33 ~~1-year,~~ **364 days**, or by a fine of not more than \$2,000, or by both  
34 fine and imprisonment.

35 5. Any person who isolates an older person or a vulnerable  
36 person is guilty:

37 (a) For the first offense, of a gross misdemeanor; or

38 (b) For any subsequent offense, of a category B felony and shall  
39 be punished by imprisonment in the state prison for a minimum  
40 term of not less than 2 years and a maximum term of not more than  
41 10 years, and may be further punished by a fine of not more than  
42 \$5,000.

43 6. A person who violates any provision of subsection 1, if  
44 substantial bodily or mental harm or death results to the older person  
45 or vulnerable person, is guilty of a category B felony and shall be



1 punished by imprisonment in the state prison for a minimum term of  
2 not less than 2 years and a maximum term of not more than 20  
3 years, unless a more severe penalty is prescribed by law for the act  
4 or omission which brings about the abuse.

5 7. A person who violates any provision of subsection 2, if  
6 substantial bodily or mental harm or death results to the older person  
7 or vulnerable person, shall be punished for a category B felony by  
8 imprisonment in the state prison for a minimum term of not less  
9 than 2 years and a maximum term of not more than 6 years, unless a  
10 more severe penalty is prescribed by law for the act or omission  
11 which brings about the abuse or neglect.

12 8. In addition to any other penalty imposed against a person for  
13 a violation of any provision of NRS 200.5091 to 200.50995,  
14 inclusive, the court shall order the person to pay restitution.

15 9. As used in this section:

16 (a) "Allow" means to take no action to prevent or stop the abuse  
17 or neglect of an older person or a vulnerable person if the person  
18 knows or has reason to know that the older person or vulnerable  
19 person is being abused or neglected.

20 (b) "Permit" means permission that a reasonable person would  
21 not grant and which amounts to a neglect of responsibility attending  
22 the care and custody of an older person or a vulnerable person.

23 (c) "Substantial mental harm" means an injury to the intellectual  
24 or psychological capacity or the emotional condition of an older  
25 person or a vulnerable person as evidenced by an observable and  
26 substantial impairment of the ability of the older person or  
27 vulnerable person to function within his or her normal range of  
28 performance or behavior.

29 **Sec. 5.** NRS 179.245 is hereby amended to read as follows:

30 179.245 1. Except as otherwise provided in subsection 5 and  
31 NRS 176A.265, 176A.295, 179.259, 453.3365 and 458.330, a  
32 person may petition the court in which the person was convicted for  
33 the sealing of all records relating to a conviction of:

34 (a) A category A or B felony after 15 years from the date of  
35 release from actual custody or discharge from parole or probation,  
36 whichever occurs later;

37 (b) A category C or D felony after 12 years from the date of  
38 release from actual custody or discharge from parole or probation,  
39 whichever occurs later;

40 (c) A category E felony after 7 years from the date of release  
41 from actual custody or discharge from parole or probation,  
42 whichever occurs later;

43 (d) Any gross misdemeanor after ~~7~~ 5 years from the date of  
44 release from actual custody or discharge from probation, whichever  
45 occurs later;



1 (e) A violation of NRS 484C.110 or 484C.120 other than a  
2 felony, or a battery which constitutes domestic violence pursuant to  
3 NRS 33.018 other than a felony, after 7 years from the date of  
4 release from actual custody or from the date when the person is no  
5 longer under a suspended sentence, whichever occurs later; or

6 (f) Any other misdemeanor after 2 years from the date of release  
7 from actual custody or from the date when the person is no longer  
8 under a suspended sentence, whichever occurs later.

9 2. A petition filed pursuant to subsection 1 must:

10 (a) Be accompanied by current, verified records of the  
11 petitioner's criminal history received from:

12 (1) The Central Repository for Nevada Records of Criminal  
13 History; and

14 (2) The local law enforcement agency of the city or county in  
15 which the conviction was entered;

16 (b) Include a list of any other public or private agency,  
17 company, official or other custodian of records that is reasonably  
18 known to the petitioner to have possession of records of the  
19 conviction and to whom the order to seal records, if issued, will be  
20 directed; and

21 (c) Include information that, to the best knowledge and belief of  
22 the petitioner, accurately and completely identifies the records to be  
23 sealed.

24 3. Upon receiving a petition pursuant to this section, the court  
25 shall notify the law enforcement agency that arrested the petitioner  
26 for the crime and:

27 (a) If the person was convicted in a district court or justice court,  
28 the prosecuting attorney for the county; or

29 (b) If the person was convicted in a municipal court, the  
30 prosecuting attorney for the city.

31 ↪ The prosecuting attorney and any person having relevant  
32 evidence may testify and present evidence at the hearing on the  
33 petition.

34 4. If, after the hearing, the court finds that, in the period  
35 prescribed in subsection 1, the petitioner has not been charged with  
36 any offense for which the charges are pending or convicted of any  
37 offense, except for minor moving or standing traffic violations, the  
38 court may order sealed all records of the conviction which are in the  
39 custody of the court, of another court in the State of Nevada or of a  
40 public or private agency, company or official in the State of Nevada,  
41 and may also order all such criminal identification records of the  
42 petitioner returned to the file of the court where the proceeding was  
43 commenced from, including, but not limited to, the Federal Bureau  
44 of Investigation, the California Bureau of Criminal Identification  
45 and Information, sheriffs' offices and all other law enforcement



1 agencies reasonably known by either the petitioner or the court to  
2 have possession of such records.

3 5. A person may not petition the court to seal records relating  
4 to a conviction of a crime against a child or a sexual offense.

5 6. If the court grants a petition for the sealing of records  
6 pursuant to this section, upon the request of the person whose  
7 records are sealed, the court may order sealed all records of the civil  
8 proceeding in which the records were sealed.

9 7. As used in this section:

10 (a) "Crime against a child" has the meaning ascribed to it in  
11 NRS 179D.0357.

12 (b) "Sexual offense" means:

13 (1) Murder of the first degree committed in the perpetration  
14 or attempted perpetration of sexual assault or of sexual abuse or  
15 sexual molestation of a child less than 14 years of age pursuant to  
16 paragraph (b) of subsection 1 of NRS 200.030.

17 (2) Sexual assault pursuant to NRS 200.366.

18 (3) Statutory sexual seduction pursuant to NRS 200.368, if  
19 punishable as a felony.

20 (4) Battery with intent to commit sexual assault pursuant to  
21 NRS 200.400.

22 (5) An offense involving the administration of a drug to  
23 another person with the intent to enable or assist the commission of  
24 a felony pursuant to NRS 200.405, if the felony is an offense listed  
25 in this paragraph.

26 (6) An offense involving the administration of a controlled  
27 substance to another person with the intent to enable or assist the  
28 commission of a crime of violence pursuant to NRS 200.408, if the  
29 crime of violence is an offense listed in this paragraph.

30 (7) Abuse of a child pursuant to NRS 200.508, if the abuse  
31 involved sexual abuse or sexual exploitation.

32 (8) An offense involving pornography and a minor pursuant  
33 to NRS 200.710 to 200.730, inclusive.

34 (9) Incest pursuant to NRS 201.180.

35 (10) Solicitation of a minor to engage in acts constituting the  
36 infamous crime against nature pursuant to NRS 201.195.

37 (11) Open or gross lewdness pursuant to NRS 201.210, if  
38 punishable as a felony.

39 (12) Indecent or obscene exposure pursuant to NRS 201.220,  
40 if punishable as a felony.

41 (13) Lewdness with a child pursuant to NRS 201.230.

42 (14) Sexual penetration of a dead human body pursuant to  
43 NRS 201.450.

44 (15) Luring a child or a person with mental illness pursuant  
45 to NRS 201.560, if punishable as a felony.



1 (16) An attempt to commit an offense listed in subparagraphs  
2 (1) to (15), inclusive.

3 **Sec. 6.** NRS 332.810 is hereby amended to read as follows:

4 332.810 1. Before a contract is awarded, a person who has  
5 bid on the contract or an officer, employee, representative, agent or  
6 consultant of such a person shall not:

7 (a) Make an offer or promise of future employment or business  
8 opportunity to, or engage in a discussion of future employment or  
9 business opportunity with, an evaluator or member of the governing  
10 body offering the contract;

11 (b) Offer, give or promise to offer or give money, a gratuity or  
12 any other thing of value to an evaluator or member of the governing  
13 body offering the contract; or

14 (c) Solicit or obtain from an officer, employee or member of the  
15 governing body offering the contract:

16 (1) Any proprietary information regarding the contract; or

17 (2) Any information regarding a bid on the contract  
18 submitted by another person, unless such information is available to  
19 the general public.

20 2. A person who violates any of the provisions of subsection 1  
21 is guilty of a gross misdemeanor and shall be punished by  
22 imprisonment in the county jail for not more than ~~1 year~~ **364 days**,  
23 or by a fine of not less than \$2,000 nor more than \$50,000, or by  
24 both fine and imprisonment.

25 **Sec. 7.** NRS 333.800 is hereby amended to read as follows:

26 333.800 1. Before a contract is awarded, a person who has  
27 provided a bid or proposal on the contract or an officer, employee,  
28 representative, agent or consultant of such a person shall not:

29 (a) Make an offer or promise of future employment or business  
30 opportunity to, or engage in a discussion of future employment or  
31 business opportunity with, the Administrator, a purchasing officer or  
32 an employee of the using agency for which the contract is being  
33 offered;

34 (b) Offer, give or promise to offer or give money, a gratuity or  
35 any other thing of value to the Administrator, a purchasing officer or  
36 an employee of the using agency for which the contract is being  
37 offered; or

38 (c) Solicit or obtain from the Administrator, a purchasing officer  
39 or an employee of the using agency for which the contract is being  
40 offered:

41 (1) Any proprietary information regarding the contract; or

42 (2) Any information regarding a bid or proposal on the  
43 contract submitted by another person, unless such information is  
44 available to the general public.





1 2. A person who violates any of the provisions of subsection 1  
2 is guilty of a gross misdemeanor and shall be punished by  
3 imprisonment in the county jail for not more than ~~1 year~~ **364 days**,  
4 or by a fine of not less than \$2,000 nor more than \$50,000, or by  
5 both fine and imprisonment.

6 **Sec. 8.** NRS 372.760 is hereby amended to read as follows:

7 372.760 Any person required to make, render, sign or verify  
8 any report who makes any false or fraudulent return, with intent to  
9 defeat or evade the determination of an amount due required by law  
10 to be made, **is guilty of a gross misdemeanor and** shall for each  
11 offense be fined not less than \$300 nor more than \$5,000, or be  
12 imprisoned for not more than ~~1 year~~ **364 days** in the county jail, or  
13 be punished by both fine and imprisonment.

14 **Sec. 9.** NRS 374.765 is hereby amended to read as follows:

15 374.765 Any person required to make, render, sign or verify  
16 any report who makes any false or fraudulent return, with intent to  
17 defeat or evade the determination of an amount due required by law  
18 to be made, **is guilty of a gross misdemeanor and** shall for each  
19 offense be fined not less than \$300 nor more than \$5,000, or be  
20 imprisoned for not ~~exceeding 1 year~~ **more than 364 days** in the  
21 county jail, or be subject to both fine and imprisonment.

22 **Sec. 10.** NRS 383.180 is hereby amended to read as follows:

23 383.180 1. Except as otherwise provided in NRS 383.170, a  
24 person who willfully removes, mutilates, defaces, injures or destroys  
25 the cairn or grave of a native Indian **is guilty of a gross**  
26 **misdemeanor and** shall be punished by a fine of \$500 for the first  
27 offense, or by a fine of not more than \$3,000 for a second or  
28 subsequent offense, and may be further punished by imprisonment  
29 in the county jail for not more than ~~1 year~~ **364 days**.

30 2. A person who fails to notify the Office of the discovery and  
31 location of an Indian burial site in violation of NRS 383.170 **is**  
32 **guilty of a gross misdemeanor and** shall be punished by a fine of  
33 \$500 for the first offense, or by a fine of not more than \$1,500 for a  
34 second or subsequent offense, and may be further punished by  
35 imprisonment in the county jail for not more than ~~1 year~~ **364 days**.

36 3. A person who:

37 (a) Possesses any artifact or human remains taken from the cairn  
38 or grave of a native Indian on or after October 1, 1989, in a manner  
39 other than that authorized by NRS 383.170;

40 (b) Publicly displays or exhibits any of the human remains of a  
41 native Indian, except during a funeral ceremony; or

42 (c) Sells any artifact or human remains taken from the cairn or  
43 grave of a native Indian,

44 **is** guilty of a category D felony and shall be punished as provided  
45 in NRS 193.130.



1 4. This section does not apply to:

2 (a) The possession or sale of an artifact:

3 (1) Discovered in or taken from a location other than the  
4 cairn or grave of a native Indian; or

5 (2) Removed from the cairn or grave of a native Indian by  
6 other than human action; or

7 (b) Action taken by a peace officer in the performance of his or  
8 her duties.

9 **Sec. 11.** NRS 383.435 is hereby amended to read as follows:

10 383.435 1. Except as otherwise provided in this section, a  
11 person who knowingly and willfully removes, mutilates, defaces,  
12 excavates, injures or destroys a historic or prehistoric site or  
13 resource on state land or who receives, traffics in or sells cultural  
14 property appropriated from state land without a valid permit, unless  
15 a greater penalty is provided by a specific statute:

16 (a) For a first offense, is guilty of a misdemeanor and shall be  
17 punished by a fine of \$500.

18 (b) For a second or subsequent offense, is guilty of a gross  
19 misdemeanor and shall be punished by imprisonment in the county  
20 jail for not more than ~~1-year~~ **364 days** or by a fine of not more than  
21 \$3,000, or by both fine and imprisonment.

22 2. This section does not apply to any action taken:

23 (a) In accordance with an agreement with the Office entered into  
24 pursuant to NRS 383.430; or

25 (b) In accordance with the provisions of NRS 381.195 to  
26 381.227, inclusive, by the holder of a permit issued pursuant to  
27 those sections.

28 3. In addition to any other penalty, a person who violates a  
29 provision of this section is liable for civil damages to the state  
30 agency or political subdivision which has jurisdiction over the state  
31 land in an amount equal to the cost or, in the discretion of the court,  
32 an amount equal to twice the cost of the restoration, stabilization  
33 and interpretation of the site plus any court costs and fees.

34 **Sec. 12.** NRS 398.496 is hereby amended to read as follows:

35 398.496 1. An athlete's agent shall not, with the intent to  
36 induce a student athlete to enter into any contract:

37 (a) Give any materially false or misleading information or make  
38 a materially false promise or representation;

39 (b) Furnish anything of value to the student athlete before the  
40 student athlete enters into the contract; or

41 (c) Furnish anything of value to a natural person other than the  
42 student athlete or another registered athlete's agent.

43 2. An athlete's agent shall not intentionally:

44 (a) Initiate communication, direct or indirect, with a student  
45 athlete to recruit or solicit the student athlete to enter into a contract



1 of agency, unless the agent is registered pursuant to NRS 398.400 to  
2 398.620, inclusive;

3 (b) Refuse or fail to retain or permit inspection of records  
4 required to be retained pursuant to NRS 398.480;

5 (c) Fail to register when required pursuant to NRS 398.448;

6 (d) Include materially false or misleading information in an  
7 application for registration or renewal of registration;

8 (e) Predate or postdate a contract of agency; or

9 (f) Fail to notify a student athlete, before the student athlete  
10 signs or otherwise authenticates a contract of agency for a particular  
11 sport, that the signing or authentication will make the student athlete  
12 ineligible to participate as a student athlete in that sport.

13 3. A person who willfully violates:

14 (a) A provision of NRS 398.400 to 398.620, inclusive;

15 (b) A regulation adopted by the Secretary of State pursuant to  
16 NRS 398.400 to 398.620, inclusive; or

17 (c) An order denying, suspending or revoking the effectiveness  
18 of a registration, or an order to cease and desist, issued by the  
19 Secretary of State pursuant to NRS 398.400 to 398.620, inclusive,

20 ➤ is guilty of a gross misdemeanor and shall be punished by  
21 imprisonment in the county jail for not more than ~~1 year~~ 364 days,  
22 or by a fine of not more than \$25,000, or by both fine and  
23 imprisonment. In addition to any other penalty, the court shall order  
24 the person to pay restitution.

25 4. A person who violates:

26 (a) A regulation adopted by the Secretary of State pursuant to  
27 NRS 398.400 to 398.620, inclusive; or

28 (b) An order denying, suspending or revoking the effectiveness  
29 of a registration, or an order to cease and desist, issued by the  
30 Secretary of State pursuant to NRS 398.400 to 398.620, inclusive,

31 ➤ without knowledge of the regulation or order, is guilty of a  
32 misdemeanor and shall be punished by a fine of not more than  
33 \$25,000.

34 5. The provisions of NRS 398.400 to 398.620, inclusive, do not  
35 limit the power of the State of Nevada to punish a person for  
36 conduct which constitutes a crime pursuant to any other law.

37 **Sec. 13.** NRS 444.630 is hereby amended to read as follows:

38 444.630 1. A person who places, deposits or dumps, or who  
39 causes to be placed, deposited or dumped, or who causes or allows  
40 to overflow, any sewage, sludge, cesspool or septic tank effluent, or  
41 accumulation of human excreta, or any solid waste, in or upon any  
42 street, alley, public highway or road in common use, or upon any  
43 public park or other public property other than property designated  
44 or set aside for such a purpose by the governing body having charge  
45 thereof, or upon any private property, is guilty of:



1 (a) For a first offense within the immediately preceding 2 years,  
2 a misdemeanor.

3 (b) For a second offense within the immediately preceding 2  
4 years, a gross misdemeanor and shall be punished by imprisonment  
5 in the county jail for not less than 14 days but not more than ~~1~~  
6 ~~year.~~ *364 days.*

7 (c) For a third or subsequent offense within the immediately  
8 preceding 2 years, a gross misdemeanor and shall be punished by  
9 imprisonment in the county jail for ~~1~~ *364 days.*

10 2. In addition to any criminal penalty imposed pursuant to  
11 subsection 1, any civil penalty imposed pursuant to NRS 444.635  
12 and any administrative penalty imposed pursuant to NRS 444.629, a  
13 court shall sentence a person convicted of violating subsection 1:

14 (a) If the person is a natural person, to clean up the dump site  
15 and perform 10 hours of community service under the conditions  
16 prescribed in NRS 176.087.

17 (b) If the person is a business entity:

18 (1) For a first or second offense within the immediately  
19 preceding 2 years, to:

20 (I) Clean up the dump site; and

21 (II) Perform 40 hours of community service cleaning up  
22 other dump sites identified by the solid waste management  
23 authority.

24 (2) For a third or subsequent offense within the immediately  
25 preceding 2 years, to:

26 (I) Clean up the dump site; and

27 (II) Perform 200 hours of community service cleaning up  
28 other dump sites identified by the solid waste management  
29 authority.

30 3. If a person is sentenced to clean up a dump site pursuant to  
31 subsection 2, the person shall:

32 (a) Within 3 calendar days after sentencing, commence cleaning  
33 up the dump site; and

34 (b) Within 5 business days after cleaning up the dump site,  
35 provide to the solid waste management authority proof of the lawful  
36 disposal of the sewage, solid waste or other matter that the person  
37 was convicted of disposing of unlawfully.

38 ➤ The solid waste management authority shall prescribe the forms  
39 of proof which may be provided to satisfy the provisions of  
40 paragraph (b).

41 4. In addition to any other penalty prescribed by law, if a  
42 business entity is convicted of violating subsection 1:

43 (a) Such violation constitutes reasonable grounds for the  
44 revocation of any license to engage in business that has been issued  
45 to the business entity by any governmental entity of this State; and



1 (b) The solid waste management authority may seek the  
2 revocation of such a license by way of any applicable procedures  
3 established by the governmental entity that issued the license.

4 5. Except as otherwise provided in NRS 444.585, ownership of  
5 solid waste does not transfer from the person who originally  
6 possessed it until it is received for transport by a person authorized  
7 to dispose of solid waste pursuant to this chapter or until it is  
8 disposed of at a municipal disposal site. Identification of the owner  
9 of any solid waste which is disposed of in violation of subsection 1  
10 creates a reasonable inference that the owner is the person who  
11 disposed of the solid waste. The fact that the disposal of the solid  
12 waste was not witnessed does not, in and of itself, preclude the  
13 identification of its owner.

14 6. All:

15 (a) Health officers and their deputies;

16 (b) Game wardens;

17 (c) Police officers of cities and towns;

18 (d) Sheriffs and their deputies;

19 (e) Other peace officers of the State of Nevada; and

20 (f) Other persons who are specifically designated by the local  
21 government to do so,

22 ↪ shall, within their respective jurisdictions, enforce the provisions  
23 of this section.

24 7. A district health officer or a deputy of the district health  
25 officer or other person specifically designated by the local  
26 government to do so may issue a citation for any violation of this  
27 section which occurs within the jurisdiction of the district health  
28 officer.

29 8. To effectuate the purposes of this section, the persons  
30 charged with enforcing this section may request information from  
31 any:

32 (a) Agency of the State or its political subdivisions.

33 (b) Employer, public or private.

34 (c) Employee organization or trust of any kind.

35 (d) Financial institution or other entity which is in the business  
36 of providing credit reports.

37 (e) Public utility.

38 ↪ Each of these persons and entities, their officers and employees,  
39 shall cooperate by providing any information in their possession  
40 which may aid in the location and identification of a person believed  
41 to be in violation of subsection 1. A disclosure made in good faith  
42 pursuant to this subsection does not give rise to any action for  
43 damages for the disclosure.



1       **Sec. 14.** NRS 445A.705 is hereby amended to read as follows:  
2       445A.705 1. Except as otherwise provided in NRS 445A.710  
3 or unless a greater penalty is prescribed by NRS 459.600, a person  
4 who intentionally or with criminal negligence violates NRS  
5 445A.465 or 445A.575, any limitation established pursuant to NRS  
6 445A.525 and 445A.530, the terms or conditions of a permit issued  
7 pursuant to NRS 445A.495 to 445A.515, inclusive, or any final  
8 order issued under NRS 445A.690, except a final order concerning a  
9 diffuse source, is guilty of a gross misdemeanor and shall be  
10 punished by a fine of not more than \$25,000 for each day of the  
11 violation or by imprisonment in the county jail for not more than ~~1~~  
12 ~~year,~~ **364 days**, or by both fine and imprisonment.

13       2. If the conviction is for a second violation of the provisions  
14 indicated in subsection 1, the person is guilty of a category D felony  
15 and shall be punished as provided in NRS 193.130.

16       3. The penalties imposed by subsections 1 and 2 are in addition  
17 to any other penalties, civil or criminal, provided pursuant to NRS  
18 445A.300 to 445A.730, inclusive.

19       **Sec. 15.** NRS 445A.710 is hereby amended to read as follows:

20       445A.710 1. Any person who knowingly makes any false  
21 statement, representation, or certification in any application, record,  
22 report, plan or other document filed or required to be maintained by  
23 the provisions of NRS 445A.300 to 445A.730, inclusive, or by any  
24 permit, rule, regulation or order issued pursuant thereto, or who  
25 falsifies, tampers with or knowingly renders inaccurate any  
26 monitoring device or method required to be maintained under the  
27 provisions of NRS 445A.300 to 445A.730, inclusive, or by any  
28 permit, rule, regulation or order issued pursuant thereto, is guilty of  
29 a gross misdemeanor and shall be punished by a fine of not more  
30 than \$10,000 or by imprisonment in the county jail for not more  
31 than ~~1~~ ~~year,~~ **364 days**, or by both fine and imprisonment.

32       2. The penalty imposed by subsection 1 is in addition to any  
33 other penalties, civil or criminal, provided pursuant to NRS  
34 445A.300 to 445A.730, inclusive.

35       **Sec. 16.** NRS 453.411 is hereby amended to read as follows:

36       453.411 1. It is unlawful for a person knowingly to use or be  
37 under the influence of a controlled substance except in accordance  
38 with a lawfully issued prescription.

39       2. It is unlawful for a person knowingly to use or be under the  
40 influence of a controlled substance except when administered to the  
41 person at a rehabilitation clinic established or licensed by the Health  
42 Division of the Department, or a hospital certified by the  
43 Department.

44       3. Unless a greater penalty is provided in NRS 212.160, a  
45 person who violates this section shall be punished:



1 (a) If the controlled substance is listed in schedule I, II, III or IV,  
2 for a category E felony as provided in NRS 193.130.

3 (b) If the controlled substance is listed in schedule V, *for a*  
4 *gross misdemeanor* by imprisonment in the county jail for not more  
5 than ~~1 year,~~ *364 days*, and may be further punished by a fine of not  
6 more than \$1,000.

7 **Sec. 17.** NRS 459.280 is hereby amended to read as follows:

8 459.280 1. A person who is employed at an area used for the  
9 disposal of radioactive waste and removes from the disposal area  
10 any of that waste, or without prior written authorization from the  
11 State Health Officer removes from the disposal area for his or her  
12 own personal use any machinery or equipment belonging to the  
13 operator of the area and used within the area where the waste is  
14 buried, *is guilty of a gross misdemeanor and* shall be punished by  
15 imprisonment in the county jail for not more than ~~1 year,~~ *364 days*,  
16 or by a fine of not more than \$10,000, or by both fine and  
17 imprisonment.

18 2. If a person who violates this section is employed by the  
19 operator of the disposal area, the operator may be assessed an  
20 administrative penalty of not more than \$10,000, in addition to any  
21 other penalty provided by law.

22 **Sec. 18.** NRS 459.595 is hereby amended to read as follows:

23 459.595 Any person who:

24 1. Knowingly makes any false statement, representation or  
25 certification on any application, record, report, manifest, plan or  
26 other document filed or required to be maintained by any provision  
27 of NRS 459.400 to 459.560, inclusive, NRS 459.590 or by any  
28 regulation adopted or permit or order issued pursuant to those  
29 sections; or

30 2. Falsifies, tampers with or knowingly renders inaccurate any  
31 device or method for continuing observation required by a provision  
32 of NRS 459.400 to 459.560, inclusive, or by any regulation adopted  
33 or permit or order issued pursuant to those sections,

34 *is guilty of a gross misdemeanor and* shall be punished by  
35 imprisonment in the county jail for not more than ~~1 year,~~ *364 days*,  
36 or by a fine of not more than \$25,000, or by both fine and  
37 imprisonment. Each day the false document remains uncorrected or  
38 a device or method described in subsection 2 remains inaccurate  
39 constitutes a separate violation of this section for purposes of  
40 determining the maximum fine.

41 **Sec. 19.** NRS 482.551 is hereby amended to read as follows:

42 482.551 1. Except as otherwise provided in subsection 3, a  
43 person who knowingly:

44 (a) Buys with the intent to resell;

45 (b) Disposes of;



1 (c) Sells; or  
2 (d) Transfers,  
3 ↪ a motor vehicle or part from a motor vehicle that has an  
4 identification number or mark that has been falsely attached,  
5 removed, defaced, altered or obliterated to misrepresent the identity  
6 or to prevent the identification of the motor vehicle or part from a  
7 motor vehicle is guilty of a category B felony and shall be punished  
8 by imprisonment in the state prison for a minimum term of not less  
9 than 1 year and a maximum term of not more than 10 years, and  
10 may be further punished by a fine of not more than \$60,000, or by  
11 both fine and imprisonment.

12 2. Except as otherwise provided in subsection 3 and NRS  
13 482.5505, or if a greater penalty is otherwise provided by law, a  
14 person who takes possession of a motor vehicle or part from a motor  
15 vehicle knowing that an identification number or mark has been  
16 falsely attached, removed, defaced, altered or obliterated is guilty of  
17 a gross misdemeanor and shall be punished by imprisonment in the  
18 county jail for not more than ~~1 year,~~ 364 days, or by a fine of not  
19 more than \$10,000, or by both fine and imprisonment.

20 3. The provisions of this section do not apply to an owner of or  
21 person authorized to possess a motor vehicle or part of a motor  
22 vehicle:

23 (a) If the motor vehicle or part of the motor vehicle was  
24 recovered by a law enforcement agency after having been stolen;

25 (b) If the condition of the identification number or mark of the  
26 motor vehicle or part of the motor vehicle is known to, or has been  
27 reported to, a law enforcement agency; or

28 (c) If the motor vehicle or part from the motor vehicle has an  
29 identification number attached to it which has been assigned or  
30 approved by the Department in lieu of the original identification  
31 number or mark.

32 **Sec. 20.** NRS 554.090 is hereby amended to read as follows:

33 554.090 Any corporation, common carrier, agent or employee  
34 of any corporation, or any other person violating or assisting in  
35 violating any of the provisions of NRS 554.020 to 554.090,  
36 inclusive, is guilty of a gross misdemeanor and shall be punished by  
37 imprisonment in the county jail for not more than ~~1 year,~~ 364 days,  
38 or by a fine of not more than \$5,000, or by both fine and  
39 imprisonment. The prosecuting attorney and the State Department of  
40 Agriculture may recover the costs of the proceeding, including  
41 investigative costs, against a person convicted of a gross  
42 misdemeanor pursuant to this section.





1       **Sec. 21.** NRS 581.445 is hereby amended to read as follows:  
2       581.445 1. Except as otherwise provided in subsection 2, a  
3 person who violates any provision of NRS 581.415 is guilty of a  
4 gross misdemeanor and shall be punished:

5       (a) For the first offense, by imprisonment in the county jail for  
6 not more than 6 months, or by a fine of not less than \$500 or more  
7 than \$2,000, or by both fine and imprisonment.

8       (b) For a second or subsequent offense, by imprisonment in the  
9 county jail for not more than ~~1 year,~~ **364 days**, or by a fine of not  
10 less than \$2,000 or more than \$5,000, or by both fine and  
11 imprisonment.

12       2. A person who:

13       (a) Intentionally violates any provision of this chapter or any  
14 regulation adopted pursuant thereto;

15       (b) Is convicted pursuant to subsection 1 more than three times  
16 in a 2-year period; or

17       (c) Uses or has in his or her possession any device which has  
18 been altered to facilitate fraud,  
19 ➤ is guilty of a category E felony and shall be punished as provided  
20 in NRS 193.130.

21       **Sec. 22.** NRS 582.320 is hereby amended to read as follows:

22       582.320 1. Except as otherwise provided in subsection 2, a  
23 person who by himself or herself, by a servant or agent, or as the  
24 servant or agent of another person, violates any provision of this  
25 chapter is guilty of a gross misdemeanor and shall be punished by  
26 imprisonment in the county jail for not less than 6 months or more  
27 than ~~1 year,~~ **364 days**, or by a fine of not less than \$1,000 or more  
28 than \$5,000, or by both fine and imprisonment.

29       2. A person who by himself or herself, by a servant or agent, or  
30 as the servant or agent of another person:

31       (a) Intentionally violates any provision of this chapter or any  
32 regulation adopted pursuant thereto; or

33       (b) Is convicted pursuant to subsection 1 more than three times  
34 in a 2-year period,

35       ➤ is guilty of a category E felony and shall be punished as provided  
36 in NRS 193.130.

37       **Sec. 23.** NRS 618.685 is hereby amended to read as follows:

38       618.685 Any employer who willfully violates any requirement  
39 of this chapter, or any standard, rule, regulation or order  
40 promulgated or prescribed pursuant to this chapter, where the  
41 violation causes the death of any employee, shall be punished:

42       1. For a first offense, **for a misdemeanor** by a fine of not more  
43 than \$50,000 or by imprisonment in the county jail for not more  
44 than 6 months, or by both fine and imprisonment.



1 2. For a second or subsequent offense, *for a gross*  
2 *misdemeanor* by a fine of not more than \$100,000 or by  
3 imprisonment in the county jail for not more than ~~1-year.~~ *364 days*,  
4 or by both fine and imprisonment.

5 **Sec. 24.** NRS 623.360 is hereby amended to read as follows:

6 623.360 1. It is unlawful for any person to:

7 (a) Hold himself or herself out to the public or to solicit business  
8 as an architect, registered interior designer or residential designer in  
9 this State without having a certificate of registration or temporary  
10 certificate issued by the Board. This paragraph does not prohibit a  
11 person who is exempt, pursuant to NRS 623.330, from the  
12 provisions of this chapter from holding himself or herself out to the  
13 public or soliciting business as an interior designer.

14 (b) Advertise or put out any sign, card or other device which  
15 indicates to the public that he or she is an architect, registered  
16 interior designer or residential designer or that he or she is otherwise  
17 qualified to:

18 (1) Engage in the practice of architecture or residential  
19 design; or

20 (2) Practice as a registered interior designer,  
21 ↪ without having a certificate of registration issued by the Board.

22 (c) Engage in the practice of architecture or residential design or  
23 practice as a registered interior designer without a certificate of  
24 registration issued by the Board.

25 (d) Violate any other provision of this chapter.

26 2. Any person who violates any of the provisions of  
27 subsection 1:

28 (a) For the first violation, is guilty of a misdemeanor and shall  
29 be punished by a fine of not less than \$500 nor more than \$1,000,  
30 and may be further punished by imprisonment in the county jail for  
31 not more than 6 months.

32 (b) For the second or any subsequent violation, is guilty of a  
33 gross misdemeanor and shall be punished by a fine of not less than  
34 \$1,000 nor more than \$2,000, and may be further punished by  
35 imprisonment in the county jail for not more than ~~1-year.~~ *364 days*.

36 3. If any person has engaged or is about to engage in any acts  
37 or practices which constitute or will constitute an offense against  
38 this chapter, the district court of any county, on application of the  
39 Board, may issue an injunction or other appropriate order restraining  
40 such conduct. Proceedings pursuant to this subsection are governed  
41 by Rule 65 of the Nevada Rules of Civil Procedure, except that no  
42 bond or undertaking is required in any action commenced by the  
43 Board.



1       **Sec. 25.** NRS 624.750 is hereby amended to read as follows:

2       624.750 1. It is unlawful for a person to commit any act or  
3 omission described in subsection 1 of NRS 624.3012, subsection 2  
4 of NRS 624.3013, NRS 624.3014 or subsection 1, 3 or 7 of  
5 NRS 624.3016.

6       2. Unless a greater penalty is otherwise provided by a specific  
7 statute, any person who violates subsection 1, NRS 624.305,  
8 subsection 1 of NRS 624.700 or NRS 624.720 or 624.740:

9       (a) For a first offense, is guilty of a misdemeanor and shall be  
10 punished by a fine of not more than \$1,000, and may be further  
11 punished by imprisonment in the county jail for not more than  
12 6 months.

13       (b) For the second offense, is guilty of a gross misdemeanor and  
14 shall be punished by a fine of not less than \$2,000 nor more than  
15 \$4,000, and may be further punished by imprisonment in the county  
16 jail for not more than ~~1 year.~~ *364 days.*

17       (c) For the third or subsequent offense, is guilty of a category E  
18 felony and shall be punished by a fine of not less than \$5,000 nor  
19 more than \$10,000 and may be further punished by imprisonment in  
20 the state prison for not less than 1 year and not more than 4 years.

21       3. It is unlawful for a person to receive money for the purpose  
22 of obtaining or paying for services, labor, materials or equipment if  
23 the person:

24       (a) Willfully fails to use that money for that purpose by failing  
25 to complete the improvements for which the person received the  
26 money or by failing to pay for any services, labor, materials or  
27 equipment provided for that construction; and

28       (b) Wrongfully diverts that money to a use other than that for  
29 which it was received.

30       4. Unless a greater penalty is otherwise provided by a specific  
31 statute, any person who violates subsection 3:

32       (a) If the amount of money wrongfully diverted is \$1,000 or  
33 less, is guilty of a gross misdemeanor and shall be punished by a  
34 fine of not less than \$2,000 nor more than \$4,000, and may be  
35 further punished by imprisonment in the county jail for not more  
36 than ~~1 year.~~ *364 days.*

37       (b) If the amount of money wrongfully diverted is more than  
38 \$1,000, is guilty of a category E felony and shall be punished by a  
39 fine of not less than \$5,000 nor more than \$10,000, and may be  
40 further punished by imprisonment in the state prison for not less  
41 than 1 year and not more than 4 years.

42       5. Imposition of a penalty provided for in this section is not  
43 precluded by any disciplinary action taken by the Board against a  
44 contractor pursuant to the provisions of NRS 624.300 to 624.305,  
45 inclusive.



1       **Sec. 26.** NRS 624.965 is hereby amended to read as follows:

2       624.965 1. A violation of any provision of NRS 624.900 to  
3 624.965, inclusive, or any regulation adopted by the Board with  
4 respect to contracts for work concerning a residential pool or spa by  
5 a contractor constitutes cause for disciplinary action pursuant to  
6 NRS 624.300.

7       2. It is unlawful for a person to violate any provision of NRS  
8 624.900 to 624.965, inclusive.

9       3. Any person who violates any provision of NRS 624.900 to  
10 624.965, inclusive:

11       (a) For a first offense, is guilty of a misdemeanor and shall be  
12 punished by a fine of not more than \$1,000, and may be further  
13 punished by imprisonment in the county jail for not more than  
14 6 months.

15       (b) For the second offense, is guilty of a gross misdemeanor and  
16 shall be punished by a fine of not less than \$2,000 nor more than  
17 \$4,000, and may be further punished by imprisonment in the county  
18 jail for not more than ~~1 year.~~ *364 days.*

19       (c) For the third or subsequent offense, is guilty of a ~~class~~  
20 *category* E felony and shall be punished by a fine of not less than  
21 \$5,000 nor more than \$10,000 and may be further punished by  
22 imprisonment in the state prison for not less than 1 year and not  
23 more than 4 years.

24       4. The imposition of a penalty provided for in this section is  
25 not precluded by any disciplinary action taken by the Board against  
26 a contractor pursuant to the provisions of NRS 624.300 to 624.305,  
27 inclusive.

28       **Sec. 27.** NRS 638.170 is hereby amended to read as follows:

29       638.170 1. Except as otherwise provided in subsections 2 and  
30 3 of this section and NRS 638.1525, a person who violates any of  
31 the provisions of this chapter is guilty of a misdemeanor.

32       2. A person who practices veterinary medicine without a  
33 license issued pursuant to the provisions of this chapter is guilty of a  
34 category D felony and shall be punished as provided in  
35 NRS 193.130.

36       3. A person who practices as a veterinary technician without a  
37 license issued pursuant to the provisions of this chapter *is guilty of a*  
38 *gross misdemeanor and* shall be punished by imprisonment in the  
39 county jail for not more than ~~1 year.~~ *364 days*, or by a fine of not  
40 more than \$2,000, or by both fine and imprisonment.

41       **Sec. 28.** NRS 641A.440 is hereby amended to read as follows:

42       641A.440 Any person who violates any of the provisions of  
43 this chapter or, having had his or her license suspended or revoked,  
44 continues to represent himself or herself as a marriage and family  
45 therapist, marriage and family therapist intern, clinical professional



1 counselor or clinical professional counselor intern *is guilty of a*  
2 *gross misdemeanor and* shall be punished by imprisonment in the  
3 county jail for not more than ~~1 year~~ *364 days* or by a fine of not  
4 more than \$5,000, or by both fine and imprisonment. Each violation  
5 is a separate offense.

6 **Sec. 29.** NRS 645F.430 is hereby amended to read as follows:

7 645F.430 A foreclosure purchaser who engages in any conduct  
8 that operates as a fraud or deceit upon a homeowner in connection  
9 with a transaction that is subject to the provisions of NRS 645F.300  
10 to 645F.450, inclusive, including, without limitation, a foreclosure  
11 reconveyance, is guilty of a gross misdemeanor and shall be  
12 punished by imprisonment in the county jail for not more than  
13 ~~1 year~~ *364 days*, or by a fine of not more than \$50,000, or by both  
14 fine and imprisonment.

15 **Sec. 30.** The amendatory provisions of this act apply to a  
16 person who is sentenced on or after October 1, 2013, for a crime  
17 committed before, on or after October 1, 2013.

