

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.



19 **Section 30** of this bill provides that the amendatory provisions of this bill apply
20 to a person who is sentenced on or after October 1, 2013, for a crime committed
21 before, on or after October 1, 2013.

22 **Section 31** of this bill authorizes a person who was convicted of a gross
23 misdemeanor before October 1, 2013, and sentenced to a term of imprisonment in
24 the county jail for 1 year to file a petition with the court of original jurisdiction
25 requesting that the court, for good cause shown, order that his or her original
26 sentence be modified to a sentence imposing a term of imprisonment for 364 days.

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.



1 (3) Attempt to commit a category B felony for which the
2 maximum term of imprisonment authorized by statute is 10 years or
3 less, for a category C felony as provided in NRS 193.130.

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

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

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

19 (b) If the person is convicted of attempt to commit a
20 misdemeanor, a gross misdemeanor or a felony for which a category
21 is not designated by statute, by imprisonment for not more than one-
22 half the longest term authorized by statute, or by a fine of not more
23 than one-half the largest sum, prescribed upon conviction for the
24 commission of the offense attempted, or by both fine and
25 imprisonment.

26 2. Nothing in this section protects a person who, in an
27 unsuccessful attempt to commit one crime, does commit another and
28 different one, from the punishment prescribed for the crime actually
29 committed. A person may be convicted of an attempt to commit a
30 crime, although it appears on the trial that the crime was
31 consummated, unless the court in its discretion discharges the jury
32 and directs the defendant to be tried for the crime itself.

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

34 200.5099 1. Except as otherwise provided in subsection 6,
35 any person who abuses an older person or a vulnerable person is
36 guilty:

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

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



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

4 (a) Neglects the older person or vulnerable person, causing the
5 older person or vulnerable person to suffer physical pain or mental
6 suffering;

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

9 (c) Permits or allows the older person or vulnerable person to be
10 placed in a situation where the older person or vulnerable person
11 may suffer physical pain or mental suffering as the result of abuse or
12 neglect,

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

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

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

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

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

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

37 4. If a person exploits an older person or a vulnerable person
38 and the monetary value of any money, assets and property obtained
39 cannot be determined, the person shall be punished for a gross
40 misdemeanor by imprisonment in the county jail for not more than
41 ~~1 year,~~ **364 days**, or by a fine of not more than \$2,000, or by both
42 fine and imprisonment.

43 5. Any person who isolates an older person or a vulnerable
44 person is guilty:

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



1 (b) For any subsequent offense, of a category B felony and shall
2 be punished by imprisonment in the state prison for a minimum
3 term of not less than 2 years and a maximum term of not more than
4 10 years, and may be further punished by a fine of not more than
5 \$5,000.

6 6. A person who violates any provision of subsection 1, if
7 substantial bodily or mental harm or death results to the older person
8 or vulnerable person, is guilty of a category B felony and shall be
9 punished by imprisonment in the state prison for a minimum term of
10 not less than 2 years and a maximum term of not more than 20
11 years, unless a more severe penalty is prescribed by law for the act
12 or omission which brings about the abuse.

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

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

23 9. As used in this section:

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

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

31 (c) "Substantial mental harm" means an injury to the intellectual
32 or psychological capacity or the emotional condition of an older
33 person or a vulnerable person as evidenced by an observable and
34 substantial impairment of the ability of the older person or
35 vulnerable person to function within his or her normal range of
36 performance or behavior.

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

38 179.245 1. Except as otherwise provided in subsection 5 and
39 NRS 176A.265, 176A.295, 179.259, 453.3365 and 458.330, a
40 person may petition the court in which the person was convicted for
41 the sealing of all records relating to a conviction of:

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



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

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

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

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

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

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

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

21 (1) The Central Repository for Nevada Records of Criminal
22 History; and

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

25 (b) Include a list of any other public or private agency,
26 company, official or other custodian of records that is reasonably
27 known to the petitioner to have possession of records of the
28 conviction and to whom the order to seal records, if issued, will be
29 directed; and

30 (c) Include information that, to the best knowledge and belief of
31 the petitioner, accurately and completely identifies the records to be
32 sealed.

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

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

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

40 ↪ The prosecuting attorney and any person having relevant
41 evidence may testify and present evidence at the hearing on the
42 petition.

43 4. If, after the hearing, the court finds that, in the period
44 prescribed in subsection 1, the petitioner has not been charged with
45 any offense for which the charges are pending or convicted of any



1 offense, except for minor moving or standing traffic violations, the
2 court may order sealed all records of the conviction which are in the
3 custody of the court, of another court in the State of Nevada or of a
4 public or private agency, company or official in the State of Nevada,
5 and may also order all such criminal identification records of the
6 petitioner returned to the file of the court where the proceeding was
7 commenced from, including, but not limited to, the Federal Bureau
8 of Investigation, the California Bureau of Criminal Identification
9 and Information, sheriffs' offices and all other law enforcement
10 agencies reasonably known by either the petitioner or the court to
11 have possession of such records.

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

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

18 7. As used in this section:

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

21 (b) "Sexual offense" means:

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

26 (2) Sexual assault pursuant to NRS 200.366.

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

29 (4) Battery with intent to commit sexual assault pursuant to
30 NRS 200.400.

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

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

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

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

43 (9) Incest pursuant to NRS 201.180.

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



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

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

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

6 (14) Sexual penetration of a dead human body pursuant to
7 NRS 201.450.

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

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

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

13 332.810 1. Before a contract is awarded, a person who has
14 bid on the contract or an officer, employee, representative, agent or
15 consultant of such a person shall not:

16 (a) Make an offer or promise of future employment or business
17 opportunity to, or engage in a discussion of future employment or
18 business opportunity with, an evaluator or member of the governing
19 body offering the contract;

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

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

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

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

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

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

35 333.800 1. Before a contract is awarded, a person who has
36 provided a bid or proposal on the contract or an officer, employee,
37 representative, agent or consultant of such a person shall not:

38 (a) Make an offer or promise of future employment or business
39 opportunity to, or engage in a discussion of future employment or
40 business opportunity with, the Administrator, a purchasing officer or
41 an employee of the using agency for which the contract is being
42 offered;

43 (b) Offer, give or promise to offer or give money, a gratuity or
44 any other thing of value to the Administrator, a purchasing officer or



1 an employee of the using agency for which the contract is being
2 offered; or

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

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

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

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

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

16 372.760 Any person required to make, render, sign or verify
17 any report who makes any false or fraudulent return, with intent to
18 defeat or evade the determination of an amount due required by law
19 to be made, **is guilty of a gross misdemeanor and** shall for each
20 offense be fined not less than \$300 nor more than \$5,000, or be
21 imprisoned for not more than ~~1 year~~ **364 days** in the county jail, or
22 be punished by both fine and imprisonment.

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

24 374.765 Any person required to make, render, sign or verify
25 any report who makes any false or fraudulent return, with intent to
26 defeat or evade the determination of an amount due required by law
27 to be made, **is guilty of a gross misdemeanor and** shall for each
28 offense be fined not less than \$300 nor more than \$5,000, or be
29 imprisoned for not ~~exceeding 1 year~~ **more than 364 days** in the
30 county jail, or be subject to both fine and imprisonment.

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

32 383.180 1. Except as otherwise provided in NRS 383.170, a
33 person who willfully removes, mutilates, defaces, injures or destroys
34 the cairn or grave of a native Indian **is guilty of a gross**
35 **misdemeanor and** shall be punished by a fine of \$500 for the first
36 offense, or by a fine of not more than \$3,000 for a second or
37 subsequent offense, and may be further punished by imprisonment
38 in the county jail for not more than ~~1 year~~ **364 days**.

39 2. A person who fails to notify the Office of the discovery and
40 location of an Indian burial site in violation of NRS 383.170 **is**
41 **guilty of a gross misdemeanor and** shall be punished by a fine of
42 \$500 for the first offense, or by a fine of not more than \$1,500 for a
43 second or subsequent offense, and may be further punished by
44 imprisonment in the county jail for not more than ~~1 year~~ **364 days**.

45 3. A person who:



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

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

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

8 ➤ is guilty of a category D felony and shall be punished as provided
9 in NRS 193.130.

10 4. This section does not apply to:

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

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

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

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

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

19 383.435 1. Except as otherwise provided in this section, a
20 person who knowingly and willfully removes, mutilates, defaces,
21 excavates, injures or destroys a historic or prehistoric site or
22 resource on state land or who receives, traffics in or sells cultural
23 property appropriated from state land without a valid permit, unless
24 a greater penalty is provided by a specific statute:

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

27 (b) For a second or subsequent offense, is guilty of a gross
28 misdemeanor and shall be punished by imprisonment in the county
29 jail for not more than ~~1 year~~ **364 days** or by a fine of not more than
30 \$3,000, or by both fine and imprisonment.

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

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

34 (b) In accordance with the provisions of NRS 381.195 to
35 381.227, inclusive, by the holder of a permit issued pursuant to
36 those sections.

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

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

44 398.496 1. An athlete's agent shall not, with the intent to
45 induce a student athlete to enter into any contract:



- 1 (a) Give any materially false or misleading information or make
2 a materially false promise or representation;
- 3 (b) Furnish anything of value to the student athlete before the
4 student athlete enters into the contract; or
- 5 (c) Furnish anything of value to a natural person other than the
6 student athlete or another registered athlete's agent.
- 7 2. An athlete's agent shall not intentionally:
- 8 (a) Initiate communication, direct or indirect, with a student
9 athlete to recruit or solicit the student athlete to enter into a contract
10 of agency, unless the agent is registered pursuant to NRS 398.400 to
11 398.620, inclusive;
- 12 (b) Refuse or fail to retain or permit inspection of records
13 required to be retained pursuant to NRS 398.480;
- 14 (c) Fail to register when required pursuant to NRS 398.448;
- 15 (d) Include materially false or misleading information in an
16 application for registration or renewal of registration;
- 17 (e) Predate or postdate a contract of agency; or
- 18 (f) Fail to notify a student athlete, before the student athlete
19 signs or otherwise authenticates a contract of agency for a particular
20 sport, that the signing or authentication will make the student athlete
21 ineligible to participate as a student athlete in that sport.
- 22 3. A person who willfully violates:
- 23 (a) A provision of NRS 398.400 to 398.620, inclusive;
- 24 (b) A regulation adopted by the Secretary of State pursuant to
25 NRS 398.400 to 398.620, inclusive; or
- 26 (c) An order denying, suspending or revoking the effectiveness
27 of a registration, or an order to cease and desist, issued by the
28 Secretary of State pursuant to NRS 398.400 to 398.620, inclusive,
29 ➤ is guilty of a gross misdemeanor and shall be punished by
30 imprisonment in the county jail for not more than ~~1 year~~ 364 days,
31 or by a fine of not more than \$25,000, or by both fine and
32 imprisonment. In addition to any other penalty, the court shall order
33 the person to pay restitution.
- 34 4. A person who violates:
- 35 (a) A regulation adopted by the Secretary of State pursuant to
36 NRS 398.400 to 398.620, inclusive; or
- 37 (b) An order denying, suspending or revoking the effectiveness
38 of a registration, or an order to cease and desist, issued by the
39 Secretary of State pursuant to NRS 398.400 to 398.620, inclusive,
40 ➤ without knowledge of the regulation or order, is guilty of a
41 misdemeanor and shall be punished by a fine of not more than
42 \$25,000.
- 43 5. The provisions of NRS 398.400 to 398.620, inclusive, do not
44 limit the power of the State of Nevada to punish a person for
45 conduct which constitutes a crime pursuant to any other law.



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

2 444.630 1. A person who places, deposits or dumps, or who
3 causes to be placed, deposited or dumped, or who causes or allows
4 to overflow, any sewage, sludge, cesspool or septic tank effluent, or
5 accumulation of human excreta, or any solid waste, in or upon any
6 street, alley, public highway or road in common use, or upon any
7 public park or other public property other than property designated
8 or set aside for such a purpose by the governing body having charge
9 thereof, or upon any private property, is guilty of:

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

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

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

19 2. In addition to any criminal penalty imposed pursuant to
20 subsection 1, any civil penalty imposed pursuant to NRS 444.635
21 and any administrative penalty imposed pursuant to NRS 444.629, a
22 court shall sentence a person convicted of violating subsection 1:

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

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

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

29 (I) Clean up the dump site; and

30 (II) Perform 40 hours of community service cleaning up
31 other dump sites identified by the solid waste management
32 authority.

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

35 (I) Clean up the dump site; and

36 (II) Perform 200 hours of community service cleaning up
37 other dump sites identified by the solid waste management
38 authority.

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

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

43 (b) Within 5 business days after cleaning up the dump site,
44 provide to the solid waste management authority proof of the lawful



1 disposal of the sewage, solid waste or other matter that the person
2 was convicted of disposing of unlawfully.

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

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

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

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

14 5. Except as otherwise provided in NRS 444.585, ownership of
15 solid waste does not transfer from the person who originally
16 possessed it until it is received for transport by a person authorized
17 to dispose of solid waste pursuant to this chapter or until it is
18 disposed of at a municipal disposal site. Identification of the owner
19 of any solid waste which is disposed of in violation of subsection 1
20 creates a reasonable inference that the owner is the person who
21 disposed of the solid waste. The fact that the disposal of the solid
22 waste was not witnessed does not, in and of itself, preclude the
23 identification of its owner.

24 6. All:

25 (a) Health officers and their deputies;

26 (b) Game wardens;

27 (c) Police officers of cities and towns;

28 (d) Sheriffs and their deputies;

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

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

32 ➤ shall, within their respective jurisdictions, enforce the provisions
33 of this section.

34 7. A district health officer or a deputy of the district health
35 officer or other person specifically designated by the local
36 government to do so may issue a citation for any violation of this
37 section which occurs within the jurisdiction of the district health
38 officer.

39 8. To effectuate the purposes of this section, the persons
40 charged with enforcing this section may request information from
41 any:

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

43 (b) Employer, public or private.

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



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

3 (e) Public utility.

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

10 **Sec. 14.** NRS 445A.705 is hereby amended to read as follows:

11 445A.705 1. Except as otherwise provided in NRS 445A.710
12 or unless a greater penalty is prescribed by NRS 459.600, a person
13 who intentionally or with criminal negligence violates NRS
14 445A.465 or 445A.575, any limitation established pursuant to NRS
15 445A.525 and 445A.530, the terms or conditions of a permit issued
16 pursuant to NRS 445A.495 to 445A.515, inclusive, or any final
17 order issued under NRS 445A.690, except a final order concerning a
18 diffuse source, is guilty of a gross misdemeanor and shall be
19 punished by a fine of not more than \$25,000 for each day of the
20 violation or by imprisonment in the county jail for not more than
21 ~~1 year.~~ *364 days*, or by both fine and imprisonment.

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

25 3. The penalties imposed by subsections 1 and 2 are in addition
26 to any other penalties, civil or criminal, provided pursuant to NRS
27 445A.300 to 445A.730, inclusive.

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

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

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



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

2 453.411 1. It is unlawful for a person knowingly to use or be
3 under the influence of a controlled substance except in accordance
4 with a lawfully issued prescription.

5 2. It is unlawful for a person knowingly to use or be under the
6 influence of a controlled substance except when administered to the
7 person at a rehabilitation clinic established or licensed by the Health
8 Division of the Department, or a hospital certified by the
9 Department.

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

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

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

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

19 459.280 1. A person who is employed at an area used for the
20 disposal of radioactive waste and removes from the disposal area
21 any of that waste, or without prior written authorization from the
22 State Health Officer removes from the disposal area for his or her
23 own personal use any machinery or equipment belonging to the
24 operator of the area and used within the area where the waste is
25 buried, *is guilty of a gross misdemeanor and* shall be punished by
26 imprisonment in the county jail for not more than ~~1 year~~ *364 days*,
27 or by a fine of not more than \$10,000, or by both fine and
28 imprisonment.

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

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

34 459.595 Any person who:

35 1. Knowingly makes any false statement, representation or
36 certification on any application, record, report, manifest, plan or
37 other document filed or required to be maintained by any provision
38 of NRS 459.400 to 459.560, inclusive, NRS 459.590 or by any
39 regulation adopted or permit or order issued pursuant to those
40 sections; or

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



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

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

9 482.551 1. Except as otherwise provided in subsection 3, a
10 person who knowingly:

- 11 (a) Buys with the intent to resell;
- 12 (b) Disposes of;
- 13 (c) Sells; or
- 14 (d) Transfers,

15 ↳ a motor vehicle or part from a motor vehicle that has an
16 identification number or mark that has been falsely attached,
17 removed, defaced, altered or obliterated to misrepresent the identity
18 or to prevent the identification of the motor vehicle or part from a
19 motor vehicle is guilty of a category B felony and shall be punished
20 by imprisonment in the state prison for a minimum term of not less
21 than 1 year and a maximum term of not more than 10 years, and
22 may be further punished by a fine of not more than \$60,000, or by
23 both fine and imprisonment.

24 2. Except as otherwise provided in subsection 3 and NRS
25 482.5505, or if a greater penalty is otherwise provided by law, a
26 person who takes possession of a motor vehicle or part from a motor
27 vehicle knowing that an identification number or mark has been
28 falsely attached, removed, defaced, altered or obliterated is guilty of
29 a gross misdemeanor and shall be punished by imprisonment in the
30 county jail for not more than ~~1 year,~~ *364 days,* or by a fine of not
31 more than \$10,000, or by both fine and imprisonment.

32 3. The provisions of this section do not apply to an owner of or
33 person authorized to possess a motor vehicle or part of a motor
34 vehicle:

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

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

40 (c) If the motor vehicle or part from the motor vehicle has an
41 identification number attached to it which has been assigned or
42 approved by the Department in lieu of the original identification
43 number or mark.



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

2 554.090 Any corporation, common carrier, agent or employee
3 of any corporation, or any other person violating or assisting in
4 violating any of the provisions of NRS 554.020 to 554.090,
5 inclusive, is guilty of a gross misdemeanor and shall be punished by
6 imprisonment in the county jail for not more than ~~1-year,~~ **364 days**,
7 or by a fine of not more than \$5,000, or by both fine and
8 imprisonment. The prosecuting attorney and the State Department of
9 Agriculture may recover the costs of the proceeding, including
10 investigative costs, against a person convicted of a gross
11 misdemeanor pursuant to this section.

12 **Sec. 21.** NRS 581.445 is hereby amended to read as follows:

13 581.445 1. Except as otherwise provided in subsection 2, a
14 person who violates any provision of NRS 581.415 is guilty of a
15 gross misdemeanor and shall be punished:

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

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

23 2. A person who:

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

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

28 (c) Uses or has in his or her possession any device which has
29 been altered to facilitate fraud,

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

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

33 582.320 1. Except as otherwise provided in subsection 2, a
34 person who by himself or herself, by a servant or agent, or as the
35 servant or agent of another person, violates any provision of this
36 chapter is guilty of a gross misdemeanor and shall be punished by
37 imprisonment in the county jail for not less than 6 months or more
38 than ~~1-year,~~ **364 days**, or by a fine of not less than \$1,000 or more
39 than \$5,000, or by both fine and imprisonment.

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

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

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



1 ↪ is guilty of a category E felony and shall be punished as provided
2 in NRS 193.130.

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

4 618.685 Any employer who willfully violates any requirement
5 of this chapter, or any standard, rule, regulation or order
6 promulgated or prescribed pursuant to this chapter, where the
7 violation causes the death of any employee, shall be punished:

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

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

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

16 623.360 1. It is unlawful for any person to:

17 (a) Hold himself or herself out to the public or to solicit business
18 as an architect, registered interior designer or residential designer in
19 this State without having a certificate of registration or temporary
20 certificate issued by the Board. This paragraph does not prohibit a
21 person who is exempt, pursuant to NRS 623.330, from the
22 provisions of this chapter from holding himself or herself out to the
23 public or soliciting business as an interior designer.

24 (b) Advertise or put out any sign, card or other device which
25 indicates to the public that he or she is an architect, registered
26 interior designer or residential designer or that he or she is otherwise
27 qualified to:

28 (1) Engage in the practice of architecture or residential
29 design; or

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

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

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

36 2. Any person who violates any of the provisions of
37 subsection 1:

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

42 (b) For the second or any subsequent violation, is guilty of a
43 gross misdemeanor and shall be punished by a fine of not less than
44 \$1,000 nor more than \$2,000, and may be further punished by
45 imprisonment in the county jail for not more than ~~1-year;~~ *364 days.*



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

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

10 624.750 1. It is unlawful for a person to commit any act or
11 omission described in subsection 1 of NRS 624.3012, subsection 2
12 of NRS 624.3013, NRS 624.3014 or subsection 1, 3 or 7 of
13 NRS 624.3016.

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

17 (a) For a first offense, is guilty of a misdemeanor and shall be
18 punished by a fine of not more than \$1,000, and may be further
19 punished by imprisonment in the county jail for not more than
20 6 months.

21 (b) For the second offense, is guilty of a gross misdemeanor and
22 shall be punished by a fine of not less than \$2,000 nor more than
23 \$4,000, and may be further punished by imprisonment in the county
24 jail for not more than ~~1 year~~ *364 days*.

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

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

32 (a) Willfully fails to use that money for that purpose by failing
33 to complete the improvements for which the person received the
34 money or by failing to pay for any services, labor, materials or
35 equipment provided for that construction; and

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

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

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



1 (b) If the amount of money wrongfully diverted is more than
2 \$1,000, is guilty of a category E felony and shall be punished by a
3 fine of not less than \$5,000 nor more than \$10,000, and may be
4 further punished by imprisonment in the state prison for not less
5 than 1 year and not more than 4 years.

6 5. Imposition of a penalty provided for in this section is not
7 precluded by any disciplinary action taken by the Board against a
8 contractor pursuant to the provisions of NRS 624.300 to 624.305,
9 inclusive.

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

11 624.965 1. A violation of any provision of NRS 624.900 to
12 624.965, inclusive, or any regulation adopted by the Board with
13 respect to contracts for work concerning a residential pool or spa by
14 a contractor constitutes cause for disciplinary action pursuant to
15 NRS 624.300.

16 2. It is unlawful for a person to violate any provision of NRS
17 624.900 to 624.965, inclusive.

18 3. Any person who violates any provision of NRS 624.900 to
19 624.965, inclusive:

20 (a) For a first offense, is guilty of a misdemeanor and shall be
21 punished by a fine of not more than \$1,000, and may be further
22 punished by imprisonment in the county jail for not more than
23 6 months.

24 (b) For the second offense, is guilty of a gross misdemeanor and
25 shall be punished by a fine of not less than \$2,000 nor more than
26 \$4,000, and may be further punished by imprisonment in the county
27 jail for not more than ~~1 year~~ *364 days*.

28 (c) For the third or subsequent offense, is guilty of a ~~class~~
29 *category* E felony and shall be punished by a fine of not less than
30 \$5,000 nor more than \$10,000 and may be further punished by
31 imprisonment in the state prison for not less than 1 year and not
32 more than 4 years.

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

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

38 638.170 1. Except as otherwise provided in subsections 2 and
39 3 of this section and NRS 638.1525, a person who violates any of
40 the provisions of this chapter is guilty of a misdemeanor.

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



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

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

7 641A.440 Any person who violates any of the provisions of
8 this chapter or, having had his or her license suspended or revoked,
9 continues to represent himself or herself as a marriage and family
10 therapist, marriage and family therapist intern, clinical professional
11 counselor or clinical professional counselor intern *is guilty of a*
12 *gross misdemeanor and* shall be punished by imprisonment in the
13 county jail for not more than ~~1 year,~~ *364 days* or by a fine of not
14 more than \$5,000, or by both fine and imprisonment. Each violation
15 is a separate offense.

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

17 645F.430 A foreclosure purchaser who engages in any conduct
18 that operates as a fraud or deceit upon a homeowner in connection
19 with a transaction that is subject to the provisions of NRS 645F.300
20 to 645F.450, inclusive, including, without limitation, a foreclosure
21 reconveyance, is guilty of a gross misdemeanor and shall be
22 punished by imprisonment in the county jail for not more than
23 ~~1 year,~~ *364 days*, or by a fine of not more than \$50,000, or by both
24 fine and imprisonment.

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

28 **Sec. 31.** 1. A person who was convicted of a gross
29 misdemeanor and sentenced before October 1, 2013, to serve a term
30 of imprisonment in the county jail for 1 year may file a petition with
31 the court of original jurisdiction requesting that the court, for good
32 cause shown, order that his or her original sentence be modified to a
33 sentence imposing a term of imprisonment for 364 days.

34 2. No person has a right to modification of a sentence pursuant
35 to this section, and the granting or denial of a petition pursuant to
36 this section does not establish a basis for any cause of action against
37 this State, any political subdivision of this State or any agency,
38 board, commission, department, officer, employee or agent of this
39 State or a political subdivision of this State.

