

SENATE BILL NO. 25—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED DECEMBER 20, 2012

Referred to Committee on Government Affairs

SUMMARY—Makes various changes relating to technological crimes. (BDR 18-220)

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

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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AN ACT relating to technological crimes; authorizing the Attorney General to take certain actions to prevent technological crimes; revising the provisions governing actions which constitute theft to include the theft of audio or visual services; revising the provisions governing the appointment of an Executive Director of Technological Crime within the Office of the Attorney General; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 **Section 1** of this bill authorizes the Attorney General to investigate and  
2 prosecute any alleged technological crime, pursue the forfeiture of property relating  
3 to a technological crime and bring an action to enjoin or obtain any equitable relief  
4 to prevent the occurrence or continuation of any technological crime.  
5 Existing law describes certain actions which constitute theft. (NRS 205.0832)  
6 **Section 2** of this bill revises those provisions to include the theft of audio or visual  
7 services.  
8 Existing law creates the Technological Crime Advisory Board. (NRS  
9 205A.040) Existing law also requires the appointment of an Executive Director of  
10 Technological Crime within the Office of the Attorney General upon approval by  
11 two-thirds of the members of the Board. (NRS 205A.070) **Section 3** of this bill  
12 requires the appointment to be made upon approval by a majority of the members  
13 of the board.



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

1       **Section 1.** Chapter 228 of NRS is hereby amended by adding  
2 thereto a new section to read as follows:

3       ***1. The Attorney General may:***

4       ***(a) Investigate and prosecute any alleged technological crime.***

5       ***(b) Pursue the forfeiture of property relating to a technological***  
6 ***crime in accordance with the provisions of NRS 179.1156 to***  
7 ***179.121, inclusive.***

8       ***(c) Bring an action to enjoin or obtain any other equitable***  
9 ***relief to prevent the occurrence or continuation of a technological***  
10 ***crime.***

11       ***2. As used in this section, "technological crime" has the***  
12 ***meaning ascribed to it in NRS 205A.030.***

13       **Sec. 2.** NRS 205.0832 is hereby amended to read as follows:

14       205.0832 1. Except as otherwise provided in subsection 2, a  
15 person commits theft if, without lawful authority, the person  
16 knowingly:

17       (a) Controls any property of another person with the intent to  
18 deprive that person of the property.

19       (b) Converts, makes an unauthorized transfer of an interest in, or  
20 without authorization controls any property of another person, or  
21 uses the services or property of another person entrusted to him  
22 or her or placed in his or her possession for a limited, authorized  
23 period of determined or prescribed duration or for a limited use.

24       (c) Obtains real, personal or intangible property or the services  
25 of another person by a material misrepresentation with intent to  
26 deprive that person of the property or services. As used in this  
27 paragraph, "material misrepresentation" means the use of any  
28 pretense, or the making of any promise, representation or statement  
29 of present, past or future fact which is fraudulent and which, when  
30 used or made, is instrumental in causing the wrongful control or  
31 transfer of property or services. The pretense may be verbal or it  
32 may be a physical act.

33       (d) Comes into control of lost, mislaid or misdelivered property  
34 of another person under circumstances providing means of inquiry  
35 as to the true owner and appropriates that property to his or her own  
36 use or that of another person without reasonable efforts to notify the  
37 true owner.

38       (e) Controls property of another person knowing or having  
39 reason to know that the property was stolen.

40       (f) Obtains services , ***including, without limitation, audio or***  
41 ***visual services,*** or parts, products or other items related to such  
42 services which the person knows ***or, in the case of audio or visual***



1 *services, should have known* are available only for compensation  
2 without paying or agreeing to pay compensation or diverts the  
3 services of another person to his or her own benefit or that of  
4 another person without lawful authority to do so.

5 (g) Takes, destroys, conceals or disposes of property in which  
6 another person has a security interest, with intent to defraud that  
7 person.

8 (h) Commits any act that is declared to be theft by a specific  
9 statute.

10 (i) Draws or passes a check, and in exchange obtains property or  
11 services, if the person knows that the check will not be paid when  
12 presented.

13 (j) Obtains gasoline or other fuel or automotive products which  
14 are available only for compensation without paying or agreeing to  
15 pay compensation.

16 2. A person who commits an act that is prohibited by  
17 subsection 1 which involves the repair of a vehicle has not  
18 committed theft unless, before the repair was made, the person  
19 received a written estimate of the cost of the repair.

20 **Sec. 3.** NRS 205A.070 is hereby amended to read as follows:

21 205A.070 1. Upon approval by ~~two-thirds~~ *a majority* of the  
22 members of the Board, the Board shall appoint an Executive  
23 Director of Technological Crime within the Office of the Attorney  
24 General.

25 2. The Executive Director is in the unclassified service of the  
26 State and serves at the pleasure of the Board.

27 3. The Board shall establish the qualifications, powers and  
28 duties of the Executive Director.

29 **Sec. 4.** This act becomes effective on July 1, 2013.

