
ASSEMBLY BILL NO. 48—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED DECEMBER 20, 2014

Referred to Committee on Judiciary

SUMMARY—Makes various changes relating to fraudulent acts committed against the State or a political subdivision. (BDR 14-154)

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; making the instrumentalities used to commit certain offenses relating to Medicaid fraud subject to forfeiture; extending the period during which criminal records may not be sealed if the crime is related to certain crimes involving Medicaid; revising provisions relating to incentives for bringing certain actions for false or fraudulent Medicaid claims; revising provisions governing the distribution of amounts collected to private plaintiffs in actions for false claims; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law provides that all personal property which is used as an
2 instrumentality in the commission of certain specified crimes is subject to
3 forfeiture. (NRS 179.121) **Section 1** of this bill expands the list of such crimes to
4 include fraud and certain other offenses committed in connection with the State
5 Plan for Medicaid.
6 Existing law provides that a person convicted of a crime may, after the passage
7 of specified periods, petition the court in which he or she was convicted for the
8 sealing of all records of the conviction. Upon receiving such a petition, the court is
9 required to notify the law enforcement agency that arrested the petitioner and the
10 prosecuting attorney for the city or county who prosecuted the petitioner that the
11 petitioner is seeking to have the records of the conviction sealed. The prosecuting
12 attorney is authorized to testify and present evidence at any hearing concerning the
13 petition. (NRS 179.245) **Section 2** of this bill provides that a person who is
14 convicted of a misdemeanor or gross misdemeanor for fraud or certain other



15 offenses committed in connection with the State Plan for Medicaid is not entitled to
16 file a petition for the sealing of records relating to his or her conviction until at least
17 7 years after the date of the person's release from actual custody or from the date
18 when the person is no longer under a suspended sentence, whichever occurs later.
19 **Section 2** also requires the court to provide notice of such a petition to the Attorney
20 General if he or she was the prosecuting attorney who prosecuted the person for the
21 crime.

22 The federal Deficit Reduction Act of 2005, Public Law 109-171, enacted
23 certain provisions concerning state plans for Medicaid. Section 6031 of the Act
24 provides financial incentives for states that enact laws establishing liability for false
25 or fraudulent claims made to the State Plan for Medicaid. (42 U.S.C. § 1396h) To
26 be eligible for these financial incentives, the laws of a state must contain provisions
27 that are at least as effective at rewarding and facilitating certain qui tam actions for
28 false or fraudulent claims as those described in the federal False Claims Act. (31
29 U.S.C. §§ 3730-3732) **Sections 3-8 and 10** of this bill amend existing law
30 concerning the filing of false or fraudulent claims so that the laws of this State are
31 at least as effective at rewarding and facilitating such actions as the provisions
32 described in federal law.

33 Under existing law, a private plaintiff who initiates a civil action against a
34 person for filing a false claim or otherwise defrauding the State or one of its
35 political subdivisions, commonly called a qui tam action, is entitled to receive a
36 percentage of the amount of any penalty recovered from the defendant according to
37 the extent of the private plaintiff's contribution to the conduct of the action or an
38 amount the court trying the action otherwise determines to be reasonable. (NRS
39 357.210) **Section 9** of this bill reduces from 33 percent to 25 percent the maximum
40 share of any recovery to which a private plaintiff is entitled in certain qui tam
41 actions if the Attorney General or the Attorney General's designee intervenes in the
42 action at its outset. **Section 9** also reduces from 50 percent to 33 percent the
43 maximum share of any recovery to which a private plaintiff is entitled in certain qui
44 tam actions if the Attorney General or the Attorney General's designee does not
45 intervene in the action at its outset.

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

1 **Section 1.** NRS 179.121 is hereby amended to read as follows:
2 179.121 1. All personal property, including, without
3 limitation, any tool, substance, weapon, machine, computer, money
4 or security, which is used as an instrumentality in any of the
5 following crimes is subject to forfeiture:
6 (a) The commission of or attempted commission of the crime of
7 murder, robbery, kidnapping, burglary, invasion of the home, grand
8 larceny or theft if it is punishable as a felony;
9 (b) The commission of or attempted commission of any felony
10 with the intent to commit, cause, aid, further or conceal an act of
11 terrorism;
12 (c) A violation of NRS 202.445 or 202.446;
13 (d) The commission of any crime by a criminal gang, as defined
14 in NRS 213.1263; or



1 (e) A violation of NRS 200.463 to 200.468, inclusive, 201.300,
2 201.320, 202.265, 202.287, 205.473 to 205.513, inclusive, 205.610
3 to 205.810, inclusive, 370.380, 370.382, 370.395, 370.405, **422.540**
4 **to 422.570, inclusive,** 465.070 to 465.085, inclusive, 630.400,
5 630A.600, 631.400, 632.285, 632.291, 632.315, 633.741, 634.227,
6 634A.230, 635.167, 636.145, 637.090, 637A.352, 637B.290,
7 639.100, 639.2813, 640.169, 640A.230, 644.190 or 654.200.

8 2. Except as otherwise provided for conveyances forfeitable
9 pursuant to NRS 453.301 or 501.3857, all conveyances, including
10 aircraft, vehicles or vessels, which are used or intended for use
11 during the commission of a felony or a violation of NRS 202.287,
12 202.300 or 465.070 to 465.085, inclusive, are subject to forfeiture
13 except that:

14 (a) A conveyance used by any person as a common carrier in the
15 transaction of business as a common carrier is not subject to
16 forfeiture under this section unless it appears that the owner or other
17 person in charge of the conveyance is a consenting party or privy to
18 the felony or violation;

19 (b) A conveyance is not subject to forfeiture under this section
20 by reason of any act or omission established by the owner thereof to
21 have been committed or omitted without the owner's knowledge,
22 consent or willful blindness;

23 (c) A conveyance is not subject to forfeiture for a violation of
24 NRS 202.300 if the firearm used in the violation of that section was
25 not loaded at the time of the violation; and

26 (d) A forfeiture of a conveyance encumbered by a bona fide
27 security interest is subject to the interest of the secured party if the
28 secured party neither had knowledge of nor consented to the felony.
29 If a conveyance is forfeited, the appropriate law enforcement agency
30 may pay the existing balance and retain the conveyance for official
31 use.

32 3. For the purposes of this section, a firearm is loaded if:

33 (a) There is a cartridge in the chamber of the firearm;

34 (b) There is a cartridge in the cylinder of the firearm, if the
35 firearm is a revolver; or

36 (c) There is a cartridge in the magazine and the magazine is in
37 the firearm or there is a cartridge in the chamber, if the firearm is a
38 semiautomatic firearm.

39 4. As used in this section, "act of terrorism" has the meaning
40 ascribed to it in NRS 202.4415.

41 **Sec. 2.** NRS 179.245 is hereby amended to read as follows:

42 179.245 1. Except as otherwise provided in subsection 5 and
43 NRS 176A.265, 176A.295, 179.259, 453.3365 and 458.330, a
44 person may petition the court in which the person was convicted for
45 the sealing of all records relating to a conviction of:



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

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

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

10 (d) ~~[Any]~~ *Except as otherwise provided in paragraph (e), any*
11 gross misdemeanor after 5 years from the date of release from actual
12 custody or discharge from probation, whichever occurs later;

13 (e) A violation of *NRS 422.540 to 422.570, inclusive, other*
14 *than a felony, a violation of* NRS 484C.110 or 484C.120 other than
15 a felony, or a battery which constitutes domestic violence pursuant
16 to NRS 33.018 other than a felony, after 7 years from the date of
17 release from actual custody or from the date when the person is no
18 longer under a suspended sentence, whichever occurs later; or

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

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

23 (a) Be accompanied by the petitioner's current, verified records
24 received from:

25 (1) The Central Repository for Nevada Records of Criminal
26 History; and

27 (2) All agencies of criminal justice which maintain such
28 records within the city or county in which the conviction was
29 entered;

30 (b) If the petition references NRS 453.3365 or 458.330, include
31 a certificate of acknowledgment or the disposition of the
32 proceedings for the records to be sealed from all agencies of
33 criminal justice which maintain such records;

34 (c) Include a list of any other public or private agency, company,
35 official or other custodian of records that is reasonably known to the
36 petitioner to have possession of records of the conviction and to
37 whom the order to seal records, if issued, will be directed; and

38 (d) Include information that, to the best knowledge and belief of
39 the petitioner, accurately and completely identifies the records to be
40 sealed, including, without limitation, the:

41 (1) Date of birth of the petitioner;

42 (2) Specific conviction to which the records to be sealed
43 pertain; and

44 (3) Date of arrest relating to the specific conviction to which
45 the records to be sealed pertain.



1 3. Upon receiving a petition pursuant to this section, the court
2 shall notify the law enforcement agency that arrested the petitioner
3 for the crime and ~~f:~~

4 ~~—(a) If the person was convicted in a district court or justice court,~~
5 ~~the prosecuting attorney for the county; or~~

6 ~~—(b) If the person was convicted in a municipal court,]~~ the
7 prosecuting attorney ~~[for the city.~~

8 ~~→]~~, *including, without limitation, the Attorney General, who*
9 *prosecuted the petitioner for the crime.* The prosecuting attorney
10 and any person having relevant evidence may testify and present
11 evidence at the hearing on the petition.

12 4. If, after the hearing, the court finds that, in the period
13 prescribed in subsection 1, the petitioner has not been charged with
14 any offense for which the charges are pending or convicted of any
15 offense, except for minor moving or standing traffic violations, the
16 court may order sealed all records of the conviction which are in the
17 custody of any agency of criminal justice or any public or private
18 agency, company, official or other custodian of records in the State
19 of Nevada, and may also order all such records of the petitioner
20 returned to the file of the court where the proceeding was
21 commenced from, including, without limitation, the Federal Bureau
22 of Investigation, the California Bureau of Criminal Identification
23 and Information and all other agencies of criminal justice which
24 maintain such records and which are reasonably known by either the
25 petitioner or the court to have possession of such records.

26 5. A person may not petition the court to seal records relating
27 to a conviction of:

28 (a) A crime against a child;

29 (b) A sexual offense;

30 (c) A violation of NRS 484C.110 or 484C.120 that is
31 punishable as a felony pursuant to paragraph (c) of subsection 1 of
32 NRS 484C.400;

33 (d) A violation of NRS 484C.430;

34 (e) A homicide resulting from driving or being in actual physical
35 control of a vehicle while under the influence of intoxicating liquor
36 or a controlled substance or resulting from any other conduct
37 prohibited by NRS 484C.110, 484C.130 or 484C.430;

38 (f) A violation of NRS 488.410 that is punishable as a felony
39 pursuant to NRS 488.427; or

40 (g) A violation of NRS 488.420 or 488.425.

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



- 1 7. As used in this section:
2 (a) "Crime against a child" has the meaning ascribed to it in
3 NRS 179D.0357.
4 (b) "Sexual offense" means:
5 (1) Murder of the first degree committed in the perpetration
6 or attempted perpetration of sexual assault or of sexual abuse or
7 sexual molestation of a child less than 14 years of age pursuant to
8 paragraph (b) of subsection 1 of NRS 200.030.
9 (2) Sexual assault pursuant to NRS 200.366.
10 (3) Statutory sexual seduction pursuant to NRS 200.368, if
11 punishable as a felony.
12 (4) Battery with intent to commit sexual assault pursuant to
13 NRS 200.400.
14 (5) An offense involving the administration of a drug to
15 another person with the intent to enable or assist the commission of
16 a felony pursuant to NRS 200.405, if the felony is an offense listed
17 in this paragraph.
18 (6) An offense involving the administration of a controlled
19 substance to another person with the intent to enable or assist the
20 commission of a crime of violence pursuant to NRS 200.408, if the
21 crime of violence is an offense listed in this paragraph.
22 (7) Abuse of a child pursuant to NRS 200.508, if the abuse
23 involved sexual abuse or sexual exploitation.
24 (8) An offense involving pornography and a minor pursuant
25 to NRS 200.710 to 200.730, inclusive.
26 (9) Incest pursuant to NRS 201.180.
27 (10) Open or gross lewdness pursuant to NRS 201.210, if
28 punishable as a felony.
29 (11) Indecent or obscene exposure pursuant to NRS 201.220,
30 if punishable as a felony.
31 (12) Lewdness with a child pursuant to NRS 201.230.
32 (13) Sexual penetration of a dead human body pursuant to
33 NRS 201.450.
34 (14) Luring a child or a person with mental illness pursuant
35 to NRS 201.560, if punishable as a felony.
36 (15) An attempt to commit an offense listed in this
37 paragraph.

38 **Sec. 3.** NRS 357.026 is hereby amended to read as follows:

39 357.026 "Original source" means a person:

- 40 1. Who voluntarily discloses to the State or a political
41 subdivision the information on which the allegations *or transactions*
42 in an action for a false claim are based before the public disclosure
43 of the information; or
44 2. Who has knowledge of information that is independent of
45 and materially adds to the publicly disclosed allegations or



1 transactions and who voluntarily provides such information to the
2 State or political subdivision before bringing an action for a false
3 claim based on the information.

4 **Sec. 4.** NRS 357.040 is hereby amended to read as follows:

5 357.040 1. Except as otherwise provided in NRS 357.050, a
6 person who, with or without specific intent to defraud, does any of
7 the following listed acts is liable to the State or a political
8 subdivision, whichever is affected, for the amounts set forth in
9 subsection 2:

10 (a) Knowingly presents or causes to be presented a false or
11 fraudulent claim for payment or approval.

12 (b) Knowingly makes or uses, or causes to be made or used, a
13 false record or statement that is material to a false or fraudulent
14 claim.

15 (c) Has possession, custody or control of public property or
16 money used or to be used by the State or a political subdivision and
17 knowingly delivers or causes to be delivered to the State or a
18 political subdivision less money or property than the amount of
19 which the person has possession, custody or control.

20 (d) Is authorized to prepare or deliver a document that certifies
21 receipt of money or property used or to be used by the State or a
22 political subdivision and knowingly prepares or delivers such a
23 document without knowing that the information on the document is
24 true.

25 (e) Knowingly buys, or receives as a pledge or security for an
26 obligation or debt, public property from a person who is not
27 authorized to sell or pledge the property.

28 (f) Knowingly makes or uses, or causes to be made or used, a
29 false record or statement that is material to an obligation to pay or
30 transmit money or property to the State or a political subdivision.

31 (g) Knowingly conceals or knowingly and improperly avoids or
32 decreases an obligation to pay or transmit money or property to the
33 State or a political subdivision.

34 (h) Is a beneficiary of an inadvertent submission of a false claim
35 and, after discovering the falsity of the claim, fails to disclose the
36 falsity to the State or political subdivision within a reasonable time.

37 (i) Conspires to commit any of the acts set forth in this
38 subsection.

39 2. For each act described in subsection 1 that is committed by a
40 person, the person is liable for:

41 (a) Three times the amount of damages sustained by the State or
42 political subdivision, whichever is affected, because of the act of the
43 person;



1 (b) The costs of a civil action brought to recover the damages
2 described in paragraph (a); and

3 (c) ~~[(A)]~~ *Except as otherwise provided in this paragraph, a* civil
4 penalty of not less than \$5,500 or more than \$11,000. *A civil*
5 *penalty imposed pursuant to this paragraph must correspond to*
6 *any adjustments in the monetary amount of a civil penalty for a*
7 *violation of the federal False Claims Act, 31 U.S.C. § 3729(a),*
8 *made by the Attorney General of the United States in accordance*
9 *with the Federal Civil Penalties Inflation Adjustment Act of 1990,*
10 *Pub. L. 101-410, as amended.*

11 3. As used in this section, a person acts “knowingly” with
12 respect to information if he or she:

13 (a) Has knowledge of the information;

14 (b) Acts in deliberate ignorance of whether the information is
15 true or false; or

16 (c) Acts in reckless disregard of the truth or falsity of the
17 information.

18 **Sec. 5.** NRS 357.080 is hereby amended to read as follows:

19 357.080 1. Except as otherwise provided in this section and
20 NRS 357.100, a private plaintiff may bring an action pursuant to
21 this chapter for a violation of NRS 357.040 on his or her own
22 account and that of the State or a political subdivision, or both the
23 State and a political subdivision. The action must be brought in the
24 name of the State or the political subdivision, or both. After such an
25 action is commenced, it may be dismissed only with written consent
26 of the court and the Attorney General. The court and the Attorney
27 General shall take into account the public purposes of this chapter
28 and the best interests of the parties in dismissing the action or
29 consenting to the dismissal, as applicable, and provide the reasons
30 for dismissing the action or consenting to the dismissal, as
31 applicable.

32 2. If a private plaintiff brings an action pursuant to this chapter,
33 no person other than the Attorney General or the Attorney General’s
34 designee may intervene or bring a related action pursuant to this
35 chapter based on the facts underlying the first action.

36 3. An action may not be maintained by a private plaintiff
37 pursuant to this chapter:

38 (a) Against a member of the Legislature or the Judiciary, an
39 elected officer of the Executive Department of the State
40 Government, or a member of the governing body of a political
41 subdivision, if the action is based upon evidence or information
42 known to the State or political subdivision at the time the action was
43 brought.

44 (b) If the action is based upon allegations or transactions that are
45 the subject of a civil action or an administrative proceeding for a



1 monetary penalty to which the State or political subdivision is
2 already a party.

3 4. A complaint filed pursuant to this section must be placed
4 under seal and so remain for at least 60 days or until the Attorney
5 General or a designee of the Attorney General pursuant to NRS
6 357.070 has elected whether to intervene. No service may be made
7 upon the defendant until so ordered by the court.

8 5. On the date the private plaintiff files a complaint, he or she
9 shall send a copy of the complaint to the Attorney General by mail
10 with return receipt requested. The private plaintiff shall send with
11 each copy of the complaint a written disclosure of substantially all
12 *material* evidence and information he or she possesses. If a district
13 attorney or city attorney has accepted a designation from the
14 Attorney General pursuant to NRS 357.070, the Attorney General
15 shall forward a copy of the complaint to the district attorney or city
16 attorney, as applicable.

17 6. An action pursuant to this chapter may be brought in any
18 judicial district in this State in which the defendant can be found,
19 resides, transacts business or in which any of the alleged fraudulent
20 activities occurred.

21 **Sec. 6.** NRS 357.100 is hereby amended to read as follows:

22 357.100 Unless the Attorney General objects, a court shall
23 dismiss an action or a claim made pursuant to this chapter that is
24 substantially based on *the same* allegations or transactions that have
25 been disclosed publicly:

26 1. In a criminal, civil or administrative hearing to which the
27 State, a political subdivision, or an agent of the State or a political
28 subdivision is a party;

29 2. In an investigation, report, hearing or audit conducted by or
30 at the request of a house of the Legislature, an auditor or the
31 governing body of a political subdivision; or

32 3. By the news media,

33 ↪ unless the action or claim is brought by the Attorney General, a
34 designee of the Attorney General pursuant to NRS 357.070 or an
35 original source of the information.

36 **Sec. 7.** NRS 357.120 is hereby amended to read as follows:

37 357.120 1. If the Attorney General or a designee of the
38 Attorney General pursuant to NRS 357.070 intervenes, the private
39 plaintiff remains a party to an action pursuant to NRS 357.080.

40 2. The Attorney General or the Attorney General's designee
41 may move to dismiss the action for good cause. The private plaintiff
42 must be notified of the filing of the motion and is entitled to oppose
43 it and present evidence at the hearing.

44 3. Except as otherwise provided in this subsection, the
45 Attorney General or the Attorney General's designee may settle the



1 action. If the Attorney General or the Attorney General's designee
2 intends to settle the action, the Attorney General or the Attorney
3 General's designee shall notify the private plaintiff of that fact.
4 Upon the request of the private plaintiff, the court shall determine ,
5 *after a hearing*, whether the proposed settlement is fair, adequate
6 and reasonable under all the circumstances. Upon a showing of
7 good cause, the court may ~~[hear the proposed settlement]~~ *conduct*
8 *such hearing* in camera.

9 **Sec. 8.** NRS 357.170 is hereby amended to read as follows:

10 357.170 1. An action pursuant to this chapter may not be
11 commenced ~~[more]~~ :

12 (a) *More* than 3 years after the date on which the Attorney
13 General or a designee of the Attorney General pursuant to NRS
14 357.070 discovers, or reasonably should have discovered, the
15 fraudulent activity , ~~[or more than 6 years after the fraudulent~~
16 ~~activity occurred.]~~ but in no event more than 10 years after the
17 fraudulent activity occurred ~~[.]~~ ; or

18 (b) *More than 6 years after the fraudulent activity occurred,*
19 *↪ whichever occurs later.* Within those limits, an action may be
20 based upon fraudulent activity that occurred before ~~[July 1, 2007.]~~
21 *the effective date of this act.*

22 2. In an action pursuant to this chapter, the standard of proof is
23 a preponderance of the evidence. A finding of guilty or guilty but
24 mentally ill in a criminal proceeding charging false statement or
25 fraud, whether upon a verdict of guilty or guilty but mentally ill or a
26 plea of guilty, guilty but mentally ill or nolo contendere, estops the
27 person found guilty or guilty but mentally ill from denying an
28 essential element of that offense in an action pursuant to this chapter
29 based upon the same transaction as the criminal proceeding.

30 **Sec. 9.** NRS 357.210 is hereby amended to read as follows:

31 357.210 1. Except as otherwise provided in subsection 3, if
32 the Attorney General or a designee of the Attorney General pursuant
33 to NRS 357.070 intervenes at the outset in an action pursuant to
34 NRS 357.080, the private plaintiff is entitled to receive not less than
35 15 percent or more than ~~[33]~~ 25 percent of any recovery, according
36 to the extent of his or her contribution to the conduct of the action.

37 2. Except as otherwise provided in subsection 3, if the Attorney
38 General or the Attorney General's designee does not intervene in
39 the action at the outset, the private plaintiff is entitled to receive not less
40 than 25 percent or more than ~~[50]~~ 30 percent of any recovery, as the
41 court determines to be reasonable.

42 3. Regardless of whether the Attorney General or the Attorney
43 General's designee intervenes in the action, if the court finds that
44 the action was brought by a private plaintiff who planned or initiated
45 the violation of NRS 357.040 upon which the action is based, the



1 court may reduce the recovery to which the private plaintiff is
2 otherwise entitled pursuant to subsection 1 or 2. The court shall
3 consider the role of the private plaintiff in advancing the action and
4 any other relevant circumstances. If the private plaintiff is convicted
5 of criminal conduct arising from his or her role in the violation of
6 NRS 357.040, the private plaintiff must be dismissed from the civil
7 action and must not receive any share of the recovery pursuant to
8 subsection 1 or 2. Any such dismissal does not prejudice the right of
9 the Attorney General or the Attorney General's designee to continue
10 the action.

11 **Sec. 10.** NRS 357.250 is hereby amended to read as follows:
12 357.250 1. If an employee, contractor or agent is discharged,
13 demoted, suspended, threatened, harassed or discriminated against
14 in the terms and conditions of employment as a result of any lawful
15 act of the employee, contractor, ~~or~~ agent *or associated others* in
16 furtherance of an action brought pursuant to this chapter ~~or~~ *or any*
17 *other effort to stop a violation of this chapter*, the employee,
18 contractor or agent is entitled to all relief necessary to make the
19 employee, contractor or agent whole, including, without limitation,
20 reinstatement with the same seniority as if the discharge, demotion,
21 suspension, threat, harassment or discrimination had not occurred or
22 damages in lieu of reinstatement if appropriate, twice the amount of
23 lost compensation, interest on the lost compensation, any special
24 damage sustained as a result of the discharge, demotion, suspension,
25 threat, harassment or discrimination and punitive damages if
26 appropriate. The employee, contractor or agent may also receive
27 compensation for expenses recoverable pursuant to NRS 357.180,
28 costs and attorney's fees.

29 2. A civil action brought pursuant to this section may not be
30 brought more than 3 years after the date on which the discharge,
31 demotion, suspension, threat, harassment or discrimination
32 occurred.

33 **Sec. 11.** NRS 357.225 is hereby repealed.

34 **Sec. 12.** This act becomes effective upon passage and
35 approval.

TEXT OF REPEALED SECTION

357.225 Distribution to original source in action based upon certain public disclosures. In an action brought pursuant to NRS 357.100 by an original source, the court may award not more than 10 percent of the recovery to the original source. In



determining the amount to be awarded pursuant to this section, the court shall consider the role of the original source in advancing the claim to litigation.

