
SENATE BILL NO. 155—SENATORS CANNIZZARO, SPEARMAN,
CANCELA, WOODHOUSE, DENIS; ATKINSON, BROOKS,
DONDERO LOOP, HARRIS, PARKS, RATTI AND SCHEIBLE

FEBRUARY 14, 2019

Referred to Committee on Judiciary

SUMMARY—Establishes provisions regarding the possession and use of fictitious personal identifying information. (BDR 15-917)

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.

AN ACT relating to crimes; establishing provisions regarding the possession and use of fictitious personal identifying information; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law establishes various unlawful acts relating to the possession and use
2 of the personal identifying information of a person. (NRS 205.461-205.4657) This
3 bill establishes various unlawful acts relating to the possession and use of the
4 fictitious personal identifying information of a fictitious person. **Section 1** of this
5 bill provides that a person who knowingly possesses any fictitious personal
6 identifying information of a fictitious person and, with the intent to commit an
7 unlawful act, uses such information for an unlawful purpose is guilty of a category
8 B felony and shall be punished by imprisonment in the state prison for a minimum
9 term of not less than 1 year and a maximum term of not more than 20 years, and
10 may be further punished by a fine of not more than \$100,000. **Section 1** also
11 provides that a person who knowingly possesses any fictitious personal identifying
12 information of a fictitious person and uses such information to avoid or delay being
13 prosecuted for an unlawful act is guilty of a category C felony. **Section 1** further
14 provides that a person who violates either such provision by possessing and using
15 the fictitious personal identifying information of five or more fictitious persons is
16 guilty of a category B felony and shall be punished by imprisonment in the state
17 prison for a minimum term of not less than 3 years and a maximum term of not
18 more than 20 years, and may be further punished by a fine of not more than
19 \$100,000.

20 **Section 2** of this bill prohibits a person from possessing, selling or transferring
21 any fictitious personal identifying information for certain purposes. Any person
22 who violates such a provision by: (1) possessing fictitious personal identifying



23 information for the sole purpose of establishing false proof of age is guilty of a
24 misdemeanor; (2) possessing fictitious personal identifying information is guilty of
25 a category E felony; (3) selling or transferring fictitious personal identifying
26 information or possessing such information for the purpose of committing certain
27 crimes is guilty of a category C felony; or (4) selling or transferring the fictitious
28 personal identifying information of five or more fictitious persons is guilty of a
29 category B felony.

30 **Section 5** of this bill provides that the unlawful acts relating to the possession
31 and use of fictitious personal identifying information do not apply to any person
32 who, without the intent to defraud or commit an unlawful act, possesses or uses any
33 fictitious personal identifying information of a fictitious person: (1) in the ordinary
34 course of his or her business or employment; or (2) for any other purpose
35 authorized by law.

36 **Sections 3, 4, 6 and 7** of this bill make conforming changes.

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

1 **Section 1.** NRS 205.463 is hereby amended to read as follows:
2 205.463 1. Except as otherwise provided in subsections 2 and

3 3, a person who : ~~knowingly:~~

4 (a) **Knowingly:**

5 (1) Obtains any personal identifying information of another
6 person; and

7 ~~[(b)]~~ (2) With the intent to commit an unlawful act, uses the
8 personal identifying information:

9 ~~[(1)]~~ (I) To harm that other person;

10 ~~[(2)]~~ (II) To represent or impersonate that other person to
11 obtain access to any personal identifying information of that other
12 person without the prior express consent of that other person;

13 ~~[(3)]~~ (III) To obtain access to any nonpublic record of the
14 actions taken, communications made or received by, or other
15 activities or transactions of that other person without the prior
16 express consent of that other person; or

17 ~~[(4)]~~ (IV) For any other unlawful purpose, including,
18 without limitation, to obtain credit, a good, a service or anything of
19 value in the name of that other person ~~[(1)]~~ ; **or**

20 (b) **Knowingly:**

21 (1) **Possesses any fictitious personal identifying**
22 **information of a fictitious person; and**

23 (2) **With the intent to commit an unlawful act, uses the**
24 **fictitious personal identifying information:**

25 (I) **To represent or impersonate the fictitious person for**
26 **any unlawful purpose; or**

27 (II) **For any other unlawful purpose,**

28 **↵ is guilty of a category B felony and shall be punished by**
29 **imprisonment in the state prison for a minimum term of not less**



1 than 1 year and a maximum term of not more than 20 years, and
2 may be further punished by a fine of not more than \$100,000.

3 2. Except as otherwise provided in subsection 3, a person who
4 knowingly:

5 (a) Obtains any personal identifying information of another
6 person ~~;~~ *or possesses any fictitious personal identifying*
7 *information of a fictitious person;* and

8 (b) Uses the personal identifying information *or fictitious*
9 *personal identifying information* to avoid or delay being prosecuted
10 for an unlawful act,

11 ➔ is guilty of a category C felony and shall be punished as provided
12 in NRS 193.130.

13 3. A person who violates:

14 (a) ~~Subsection~~ *Paragraph (a) of subsection 1 or subsection 2*
15 by obtaining and using the personal identifying information of an
16 older person or a vulnerable person;

17 (b) ~~Subsection~~ *Paragraph (a) of subsection 1 or subsection 2*
18 by obtaining and using the personal identifying information of five
19 or more persons;

20 (c) ~~Subsection~~ *Paragraph (a) of subsection 1 or subsection 2*
21 by causing another person to suffer a financial loss or injury of
22 \$3,000 or more as a result of the violation; ~~or~~

23 (d) *Paragraph (b) of subsection 1 or subsection 2 by possessing*
24 *and using the fictitious personal identifying information of five or*
25 *more fictitious persons; or*

26 (e) Subsection 2 to avoid or delay being prosecuted for an
27 unlawful act that is punishable as a category A felony or category B
28 felony,

29 ➔ is guilty of a category B felony and shall be punished by
30 imprisonment in the state prison for a minimum term of not less
31 than 3 years and a maximum term of not more than 20 years, and
32 may be further punished by a fine of not more than \$100,000.

33 4. In addition to any other penalty, the court shall order a
34 person convicted of violating *paragraph (a) of subsection 1* to pay
35 restitution, including, without limitation, any attorney's fees and
36 costs incurred to:

37 (a) Repair the credit history or rating of the person whose
38 personal identifying information the convicted person obtained and
39 used in violation of *paragraph (a) of subsection 1*; and

40 (b) Satisfy a debt, lien or other obligation incurred by the person
41 whose personal identifying information the convicted person
42 obtained and used in violation of *paragraph (a) of subsection 1*.

43 5. Proof of possession of the personal identifying information
44 of five or more persons *or the fictitious personal identifying*
45 *information of five or more fictitious persons, as applicable,* in a



1 manner not set forth in NRS 205.4655 permits a rebuttable inference
2 that the possessor intended to use such information in violation of
3 this section.

4 **Sec. 2.** NRS 205.465 is hereby amended to read as follows:

5 205.465 1. It is unlawful for a person to possess, sell or
6 transfer any document , ~~or~~ personal identifying information *or*
7 *fictitious personal identifying information* for the purpose of
8 establishing a false status, occupation, membership, license or
9 identity for himself or herself or any other person.

10 2. Except as otherwise provided in subsection 3, a person who:

11 (a) Sells or transfers any such document , ~~or~~ personal
12 identifying information *or fictitious personal identifying*
13 *information* in violation of subsection 1; or

14 (b) Possesses any such document , ~~or~~ personal identifying
15 information *or fictitious personal identifying information* in
16 violation of subsection 1 to commit any of the crimes set forth in
17 NRS 205.085 to 205.217, inclusive, 205.473 to 205.513, inclusive,
18 or 205.610 to 205.810, inclusive,

19 ➔ is guilty of a category C felony and shall be punished as provided
20 in NRS 193.130.

21 3. A person who violates subsection 2 by:

22 (a) Selling or transferring the personal identifying information
23 of an older person or a vulnerable person;

24 (b) Selling or transferring ~~the~~ :

25 (1) *The* personal identifying information of five or more
26 persons; or

27 (2) *The fictitious personal identifying information of five or*
28 *more fictitious persons; or*

29 (c) Causing another person to suffer a financial loss or injury of
30 \$3,000 or more as a result of the violation,

31 ➔ is guilty of a category B felony and shall be punished by
32 imprisonment in the state prison for a minimum term of not less
33 than 1 year and a maximum term of not more than 20 years, and
34 may be further punished by a fine of not more than \$100,000.

35 4. Except as otherwise provided in this subsection and
36 subsections 2 and 3, a person who possesses any such document ,
37 ~~or~~ personal identifying information *or fictitious personal*
38 *identifying information* in violation of subsection 1 is guilty of a
39 category E felony and shall be punished as provided in NRS
40 193.130. If a person possesses any such document , ~~or~~ personal
41 identifying information *or fictitious personal identifying*
42 *information* in violation of subsection 1 for the sole purpose of
43 establishing false proof of age, including, without limitation,
44 establishing false proof of age to game, purchase alcoholic



1 beverages or purchase cigarettes or other tobacco products, the
2 person is guilty of a misdemeanor.

3 5. Subsection 1 does not:

4 (a) Preclude the adoption by a city or county of an ordinance
5 prohibiting the possession of any such document, ~~{or}~~ personal
6 identifying information ~~{;}~~ *or fictitious personal identifying*
7 *information*; or

8 (b) Prohibit the possession or use of any such document, ~~{or}~~
9 personal identifying information *or fictitious personal identifying*
10 *information* by officers of local police, sheriff and metropolitan
11 police departments and by agents of the Investigation Division of
12 the Department of Public Safety while engaged in undercover
13 investigations related to the lawful discharge of their duties.

14 6. Proof of possession of the personal identifying information
15 of five or more persons *or the fictitious personal identifying*
16 *information of five or more fictitious persons, as applicable*, in a
17 manner not set forth in NRS 205.4655 permits a rebuttable inference
18 that the possessor intended to use such information in violation of
19 this section.

20 **Sec. 3.** NRS 205.46517 is hereby amended to read as follows:

21 205.46517 In any case in which a person is convicted of
22 violating any provision of NRS 205.461 to 205.4657, inclusive,
23 *concerning the personal identifying information of another*
24 *person*, the court records must clearly reflect that the violation was
25 committed by the person convicted of the violation and not by the
26 person whose personal identifying information forms a part of the
27 violation.

28 **Sec. 4.** NRS 205.4653 is hereby amended to read as follows:

29 205.4653 A person who violates any provision of NRS
30 205.461 to 205.4657, inclusive, *concerning the personal*
31 *identifying information of another person* may be prosecuted for
32 the violation whether or not the person whose personal identifying
33 information forms a part of the violation:

34 1. Is living or deceased during the course of the violation or the
35 prosecution.

36 2. Is an artificial person.

37 3. Suffers financial loss or injury as the result of the violation.

38 **Sec. 5.** NRS 205.4655 is hereby amended to read as follows:

39 205.4655 The provisions of NRS 205.461 to 205.4657,
40 inclusive, do not apply to any person who, without the intent to
41 defraud or commit an unlawful act, possesses or uses ~~{any}~~:

42 **1. Any** personal identifying information of another person:

43 ~~{;}~~ (a) In the ordinary course of his or her business or
44 employment; or



1 ~~12.~~ (b) Pursuant to a financial transaction entered into with an
2 authorized user of a payment card.

3 **2. Any fictitious personal identifying information of a**
4 **fictitious person:**

5 (a) *In the ordinary course of his or her business or*
6 *employment; or*

7 (b) *For any other purpose authorized by law.*

8 **Sec. 6.** NRS 205.4657 is hereby amended to read as follows:

9 205.4657 1. In any prosecution for a violation of any
10 provision of NRS 205.461 to 205.4657, inclusive, the State is not
11 required to establish and it is no defense that:

12 (a) An accessory has not been convicted, apprehended or
13 identified; or

14 (b) Some of the acts constituting elements of the crime did not
15 occur in this State or that where such acts did occur they were not a
16 crime or elements of a crime.

17 2. In any prosecution for a violation of any provision of NRS
18 205.461 to 205.4657, inclusive, the violation shall be deemed to
19 have been committed and may be prosecuted in any jurisdiction in
20 this State in which:

21 (a) ~~the person whose~~ *If the* personal identifying information
22 *of another person* forms a part of the violation , *the person*
23 currently resides or is found; or

24 (b) Any act constituting an element of the crime occurred,
25 regardless of whether the defendant was ever physically present in
26 that jurisdiction.

27 **Sec. 7.** NRS 207.360 is hereby amended to read as follows:

28 207.360 “Crime related to racketeering” means the commission
29 of, attempt to commit or conspiracy to commit any of the following
30 crimes:

31 1. Murder;

32 2. Manslaughter, except vehicular manslaughter as described in
33 NRS 484B.657;

34 3. Mayhem;

35 4. Battery which is punished as a felony;

36 5. Kidnapping;

37 6. Sexual assault;

38 7. Arson;

39 8. Robbery;

40 9. Taking property from another under circumstances not
41 amounting to robbery;

42 10. Extortion;

43 11. Statutory sexual seduction;

44 12. Extortinate collection of debt in violation of
45 NRS 205.322;



- 1 13. Forgery, including, without limitation, forgery of a credit
2 card or debit card in violation of NRS 205.740;
- 3 14. ~~[Obtaining and using personal identifying information of~~
4 ~~another person in]~~ Any violation of NRS 205.463;
- 5 15. Establishing or possessing a financial forgery laboratory in
6 violation of NRS 205.46513;
- 7 16. Any violation of NRS 199.280 which is punished as a
8 felony;
- 9 17. Burglary;
- 10 18. Grand larceny;
- 11 19. Bribery or asking for or receiving a bribe in violation of
12 chapter 197 or 199 of NRS which is punished as a felony;
- 13 20. Battery with intent to commit a crime in violation of
14 NRS 200.400;
- 15 21. Assault with a deadly weapon;
- 16 22. Any violation of NRS 453.232, 453.316 to 453.3395,
17 inclusive, except a violation of NRS 453.3393, or NRS 453.375 to
18 453.401, inclusive;
- 19 23. Receiving or transferring a stolen vehicle;
- 20 24. Any violation of NRS 202.260, 202.275 or 202.350 which
21 is punished as a felony;
- 22 25. Any violation of subsection 2 or 3 of NRS 463.360 or
23 chapter 465 of NRS;
- 24 26. Receiving, possessing or withholding stolen goods valued
25 at \$650 or more;
- 26 27. Embezzlement of money or property valued at \$650 or
27 more;
- 28 28. Obtaining possession of money or property valued at \$650
29 or more, or obtaining a signature by means of false pretenses;
- 30 29. Perjury or subornation of perjury;
- 31 30. Offering false evidence;
- 32 31. Any violation of NRS 201.300, 201.320 or 201.360;
- 33 32. Any violation of NRS 90.570, 91.230 or 686A.290, or
34 insurance fraud pursuant to NRS 686A.291;
- 35 33. Any violation of NRS 205.506, 205.920 or 205.930;
- 36 34. Any violation of NRS 202.445 or 202.446;
- 37 35. Any violation of NRS 205.377;
- 38 36. Involuntary servitude in violation of any provision of NRS
39 200.463 or 200.464 or a violation of any provision of NRS 200.465;
40 or
- 41 37. Trafficking in persons in violation of any provision of NRS
42 200.467 or 200.468.

