

SENATE BILL NO. 202—SENATOR ELLISON

FEBRUARY 12, 2025

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to housebreaking and unlawful occupancy. (BDR 15-729)

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 it unlawful to procure or offer a false or forged written rental agreement for purposes of committing the crime of housebreaking or unlawful occupancy; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, a person commits the crime of housebreaking if the person
2 forcibly enters an uninhabited or vacant dwelling with the intent to take up
3 residence or provide residency to another and knows or has reason to believe that
4 such residency is without the permission of the owner of the dwelling or an
5 authorized representative of the owner. (NRS 205.0813) Under existing law, a
6 person commits the crime of unlawful occupancy if the person takes up residence in
7 an uninhabited or vacant dwelling and knows or has reason to believe that such
8 residency is without permission of the owner of the dwelling or an authorized
9 representative of the owner. (NRS 205.0817) This bill makes it unlawful to
10 intentionally procure or offer a false or forged written rental agreement for
11 purposes of committing the crime of housebreaking or unlawful occupancy.

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

1 **Section 1.** NRS 205.0813 is hereby amended to read as
2 follows:

3 205.0813 1. A person who forcibly enters an uninhabited or
4 vacant dwelling, *who* knows or has reason to believe that such entry
5 is without permission of the owner of the dwelling or an authorized
6 representative of the owner *or who intentionally procures or offers*



1 *a false or forged rental agreement*, and *who* has the intent to take
2 up residence or provide a residency to another therein is guilty of
3 housebreaking.

4 2. A person is presumed to know that an entry described in
5 subsection 1 is without the permission of the owner of the dwelling
6 or an authorized representative of the owner unless the person
7 provides a written rental agreement that:

8 (a) Is notarized or is signed by an authorized agent of the owner
9 who at the time of signing holds a permit to engage in property
10 management pursuant to chapter 645 of NRS; and

11 (b) Includes the current address and telephone number of the
12 owner or his or her authorized representative.

13 3. A person convicted of housebreaking is guilty of:

14 (a) For a first offense, a gross misdemeanor; and

15 (b) For a second and any subsequent offense, a category D
16 felony and shall be punished as provided in NRS 193.130.

17 4. A person convicted of housebreaking and who has
18 previously been convicted three or more times of housebreaking
19 must not be released on probation or granted a suspension of
20 sentence.

21 5. As used in this section, "forcibly enters" means an entry
22 involving:

23 (a) Any act of physical force resulting in damage to the
24 structure; or

25 (b) The changing or manipulation of a lock to gain access.

26 **Sec. 2.** NRS 205.0817 is hereby amended to read as follows:

27 205.0817 1. A person who takes up residence in an
28 uninhabited or vacant dwelling and *who* knows or has reason to
29 believe that such residency is without permission of the owner of the
30 dwelling or an authorized representative of the owner *or who*
31 *intentionally procures or offers a false or forged written rental*
32 *agreement* is guilty of unlawful occupancy.

33 2. A person is presumed to know that the residency described
34 in subsection 1 is without the permission of the owner of the
35 dwelling or an authorized representative of the owner unless the
36 person provides a written rental agreement that:

37 (a) Is notarized or is signed by an authorized agent of the owner
38 who at the time of signing holds a permit to engage in property
39 management pursuant to chapter 645 of NRS; and

40 (b) Includes the current address and telephone number of the
41 owner or his or her authorized representative.

42 3. A person convicted of unlawful occupancy is guilty of a
43 gross misdemeanor. A person convicted of unlawful occupancy and
44 who has been convicted three or more times of unlawful occupancy



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

3 4. A person who is accused of unlawful occupancy pursuant to
4 subsection 1 and has previously been convicted two times of
5 housebreaking, unlawful occupancy or any lesser included or related
6 offense, or any combination thereof, arising from the same set of
7 facts is presumed to have obtained residency of the dwelling with
8 the knowledge that:

9 (a) Any asserted lease is invalid; and

10 (b) Neither the owner nor an authorized representative of the
11 owner permitted the residency.

12 **Sec. 3.** This act becomes effective upon passage and approval.



