

ASSEMBLY BILL NO. 155—COMMITTEE ON JUDICIARY

MARCH 1, 2005

Referred to Committee on Judiciary

SUMMARY—Revises criminal penalties for misdemeanors and gross misdemeanors. (BDR 15-2)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
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 the criminal penalties for misdemeanors and gross misdemeanors; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law classifies crimes as felonies, gross misdemeanors and
2 misdemeanors based upon the possible punishment for committing the crime. (NRS
3 193.120) A crime that is punishable by a fine of not more than \$1,000, or by
4 imprisonment in a county jail for not more than 6 months, or by both fine and
5 imprisonment, is a misdemeanor. (NRS 193.120, 193.150) A crime that is
6 punishable by a fine of not more than \$2,000, or by imprisonment in a county jail
7 for not more than 1 year, or by both fine and imprisonment, is a gross
8 misdemeanor. (NRS 193.120, 193.140) Because there is no minimum term of
9 imprisonment and no minimum fine for a gross misdemeanor, existing law allows
10 for the possibility of a person convicted of a gross misdemeanor receiving a
11 punishment which would otherwise be classified as a misdemeanor.

12 This bill revises the possible terms of imprisonment for misdemeanors and
13 gross misdemeanors to prevent overlap in the penalties imposed for those crimes.
14 Thus, this bill provides that, unless a specific statute provides otherwise, a gross
15 misdemeanor is punishable by imprisonment in a county jail for more than 6
16 months, but not more than 1 year. In addition, this bill provides that, unless a
17 specific statute provides otherwise, a fine imposed for a gross misdemeanor must
18 be more than \$1,000, but not more than \$2,000.



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

1 **Section 1.** NRS 193.120 is hereby amended to read as follows:
2 193.120 1. A crime is an act or omission forbidden by law
3 and punishable upon conviction by death, imprisonment, fine or
4 other penal discipline.

5 2. Every crime which may be punished by death or by
6 imprisonment in the state prison is a felony.

7 3. ~~Every~~ *Except as otherwise provided by specific statute,*
8 *every* crime punishable by a fine of not more than \$1,000, or by
9 imprisonment in a county jail for not more than 6 months, is a
10 misdemeanor.

11 4. Every other crime is a gross misdemeanor.

12 **Sec. 2.** NRS 193.140 is hereby amended to read as follows:

13 193.140 ~~Every~~ *Except as otherwise provided by specific*
14 *statute, a* person convicted of a gross misdemeanor shall be
15 punished by ~~imprisonment~~ :

16 1. *Imprisonment* in the county jail for ~~not~~ more than *6*
17 *months, but not more than* 1 year ~~[-, or by a]~~ ;

18 2. A fine of *more than \$1,000, but* not more than \$2,000 ~~[-, or~~
19 ~~by both]~~ ; *or*

20 3. *Both* fine and imprisonment ~~[-, unless the statute in force at~~
21 ~~the time of commission of such gross misdemeanor prescribed a~~
22 ~~different penalty.] as prescribed in subsections 1 and 2.~~

23 **Sec. 3.** NRS 193.150 is hereby amended to read as follows:

24 193.150 1. ~~Every~~ *Except as otherwise provided in this*
25 *section or by specific statute, a* person convicted of a misdemeanor
26 shall be punished by ~~imprisonment~~ :

27 (a) *Imprisonment* in the county jail for not more than 6 months
28 ~~[-, or by a]~~ ;

29 (b) A fine of not more than \$1,000 ~~[-, or by both]~~ ; *or*

30 (c) *Both* fine and imprisonment ~~[-, unless the statute in force at~~
31 ~~the time of commission of such misdemeanor prescribed a different~~
32 ~~penalty.] as prescribed in subsections 1 and 2.~~

33 2. In lieu of all or a part of the punishment which may be
34 imposed pursuant to subsection 1, the convicted person may be
35 sentenced to perform a fixed period of community service pursuant
36 to the conditions prescribed in NRS 176.087.

