
SENATE BILL NO. 125—SENATORS PARKS, WIENER, SCHNEIDER;
BREEDEN, CARE, COFFIN, COPENING, HORSFORD, LEE,
MATHEWS AND WOODHOUSE

FEBRUARY 10, 2009

JOINT SPONSORS: ASSEMBLYMEN PIERCE, ANDERSON; GRADY,
HARDY, HOGAN, KOIVISTO, SEGERBLOM AND SPIEGEL

Referred to Committee on Judiciary

SUMMARY—Prohibits the unauthorized possession, reading or capturing of another person’s personal identifying information through radio frequency identification. (BDR 15-481)

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; prohibiting the possession, reading or capturing of another person’s personal identifying information through radio frequency identification; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 This bill prohibits a person from knowingly and intentionally possessing,
2 reading or capturing the personal identifying information of another person, without
3 the knowledge and consent of the other person, through the use of radio frequency
4 identification. This new crime is punishable as a category C felony.

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

1 **Section 1.** Chapter 205 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *1. Except as otherwise provided in this section, a person who*
4 *knowingly and intentionally possesses, reads or captures the*



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1 *personal identifying information of another person using radio*
2 *frequency identification, without that person's knowledge and*
3 *prior consent, is guilty of a category C felony and shall be*
4 *punished as provided in NRS 193.130.*

5 *2. The provisions of this section do not prohibit the*
6 *possession or use of any personal identifying information through*
7 *radio frequency identification by officers of local police, sheriff*
8 *and metropolitan police departments and by agents of the*
9 *Investigation Division of the Department of Public Safety while*
10 *engaged in undercover investigations related to the lawful*
11 *discharge of their duties.*

12 *3. As used in this section, "radio frequency identification"*
13 *means the use of electromagnetic radiating waves or reactive field*
14 *coupling in the radio frequency portion of the spectrum to read or*
15 *communicate to or from personal identifying information through*
16 *a variety of modulation and encoding schemes.*

17 **Sec. 2.** NRS 205.461 is hereby amended to read as follows:

18 205.461 As used in NRS 205.461 to 205.4657, inclusive, *and*
19 *section 1 of this act*, unless the context otherwise requires, the
20 words and terms defined in NRS 205.4611 to 205.4629, inclusive,
21 have the meanings ascribed to them in those sections.

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

23 205.46517 In any case in which a person is convicted of
24 violating any provision of NRS 205.461 to 205.4657, inclusive, *and*
25 *section 1 of this act*, the court records must clearly reflect that the
26 violation was committed by the person convicted of the violation
27 and not by the person whose personal identifying information forms
28 a part of the violation.

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

30 205.4653 A person who violates any provision of NRS
31 205.461 to 205.4657, inclusive, *and section 1 of this act* may be
32 prosecuted for the violation whether or not the person whose
33 personal identifying 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, *and section 1 of this act* do not apply to any person who,
41 without the intent to defraud or commit an unlawful act, possesses
42 or uses any personal identifying information of another person:

- 43 1. In the ordinary course of his business or employment; or



1 2. Pursuant to a financial transaction entered into with an
2 authorized user of a payment card who has given permission for the
3 financial transaction.

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

5 205.4657 1. In any prosecution for a violation of any
6 provision of NRS 205.461 to 205.4657, inclusive, *and section 1 of*
7 *this act*, the State is not required to establish and it is no defense
8 that:

9 (a) An accessory has not been convicted, apprehended or
10 identified; or

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

14 2. In any prosecution for a violation of any provision of NRS
15 205.461 to 205.4657, inclusive, *and section 1 of this act*, the
16 violation shall be deemed to have been committed and may be
17 prosecuted in any jurisdiction in this State in which:

18 (a) The person whose personal identifying information forms a
19 part of the violation currently resides or is found; or

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

