

STUDY OF CRIMES AND PUNISHMENTS



Bulletin No. 79-18

LEGISLATIVE COMMISSION
OF THE
LEGISLATIVE COUNSEL BUREAU
STATE OF NEVADA

October 1978

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ASSEMBLY CONCURRENT RESOLUTION—Directing the legislative
commission to study crimes and punishments.

WHEREAS, There should be uniformity in the relation between crimes and punishment in this state; and

WHEREAS, The punishments provided in the statutes for commission of various defined crimes should be proportionate to the seriousness of those crimes, and the punishments for particular crimes should be established in proper relation to the punishments for other crimes of equivalent seriousness; now, therefore, be it

Resolved by the Assembly of the State of Nevada, the Senate concurring, That the legislative commission is hereby directed to supervise a legislative counsel bureau study of crimes and punishment in this state to:

1. Determine whether or not the punishments are appropriately proportionate; and

2. Harmonize the relation between criminal offenses and their penalties;

and be it further

Resolved, That the staff of the legislative counsel bureau report the results of the study to the legislative commission by January 1, 1978, and the commission shall take such further action on the matter as it considers necessary.

REPORT OF THE LEGISLATIVE COMMISSION

Pursuant to ACR 38, the legislative counsel prepared and submitted to the legislative commission a compilation of those penalties for criminal offenses which were sufficiently serious to be classed as felonies or differed from the basic plan of three classes of punishment provided for lesser offenses by the 1967 revision of the criminal statutes. The compilation was in two parts: (1) crimes of all natures classified according to the severity of the penalty provided, to permit ready comparison of the different crimes for which the penalty is the same, and (2) crimes classified by the purpose of their prohibition (for example, protection of persons against bodily harm, protection of private property) and arranged according to severity of penalty, to permit ready comparison of penalties provided for degrees of the same offense or for related offenses against the same protected interest.

Upon receiving this compilation, the legislative commission appointed a subcommittee to study it and to recommend any statutory changes which it might consider appropriate to improve the relationship between offenses and punishments. The report of that subcommittee, with its recommended legislation, is attached.

Respectfully submitted,

Legislative Commission
of the State of Nevada

Carson City, Nevada
October, 1978

* * * * *

LEGISLATIVE COMMISSION

Assemblyman Donald R. Mello, Chairman
Assemblyman Paul W. May, Vice Chairman

Senator Keith Ashworth
Senator Richard H. Bryan
Senator Margie Foote
Senator James I. Gibson
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Assemblyman Joseph E. Dini, Jr.
Assemblyman Lawrence E. Jacobsen
Assemblyman Robert E. Robinson

REPORT OF THE LEGISLATIVE COMMISSION'S SUBCOMMITTEE
FOR STUDY OF CRIMES AND PUNISHMENTS

The subcommittee studied the compilation of penalties, for felonies and for lesser offenses where the penalty is unusual, which the legislative counsel submitted to the legislative commission. The subcommittee concluded that for the most part the penalties provided by the legislature in 1967 in its last major revision of the criminal statutes remain appropriate. The subcommittee did, however, recommend changes in certain provisions, principally:

1. Fines related to felonies. Each felony which carries a prison term of 1 to 6 years is to carry a fine of not more than \$5,000 and each felony which carries a prison term of 1 to 10 years is to carry a fine of not more than \$10,000. The existing distinction, in both categories, between felonies for which the fine may be imposed in lieu of imprisonment and those where imprisonment is required and the fine may only be imposed in addition is preserved. The most serious felonies, which carry a possible prison term of 15 years or more, are not changed.

2. Fines related to lesser offenses. After consideration of the need for each category, certain minimum fines imposed since 1967 are removed, but others are retained. Maximum fines, not associated with a jail term, are arranged in two categories: not more than \$250 and not more than \$500.

3. Other revisions of penalties. Maximum terms of imprisonment, except where the statute imposes for an attempt or the like one-half of a longer prescribed term, are conformed to categories of 6, 10, 15 or 20 years. Minimum terms, except where the statute doubles on account of a repeated or aggravated offense a shorter prescribed term, are set at 1 year. Again, the exceptionally serious offenses are not changed.

4. Consolidated offenses. Many sections of NRS which prescribe the same or slightly variant penalties for the intentional destruction of specific kinds of property of another are repealed, leaving a single section, NRS 206.310, covering all kinds uniformly. Similarly, several separate statutes prohibiting false statements in various kinds of administrative proceedings are repealed in recognition of the fact that in 1977 the legislature extended the perjury statute, NRS 199.120, to matters other than judicial. Appropriate cross-references will be provided. Finally, several statutes prohibiting alteration or destruction of public records by specific officers are repealed because NRS 239.300 prohibits this offense by any person.

5. Prostitution and related offenses. All sections which still preserved a distinction according to sex are amended to remove this distinction.

6. Commissioned abstracters. All statutes pertaining to this office are repealed because the development of title insurance has made it obsolete. Repeal does not prevent any person who so desires from having an abstract of title to real property prepared.

Changes numbered 1-5 and the revisions of individual statutes for reasons peculiar to each statute are made in BDR 16-90 attached. The repeal of statutes relating to commissioned abstracters, because it includes matter other than criminal statutes, is done by separate bill, BDR 19-91.

Respectfully submitted,

Senator Mel D. Close, Chairman
Senator Carl F. Dodge
Senator Margie Foote
Assemblyman Lawrence E. Jacobsen
Assemblyman Robert E. Robinson

SUMMARY--Revises criminal penalties. (BDR 16-90)

Fiscal Note: Effect on Local Government: No.
Effect on the State or on Industrial
Insurance: Yes.

AN ACT relating to crimes and punishments; providing or increasing supplemental fines for certain felonies; simplifying the categories of fines for misdemeanors and gross misdemeanors; consolidating the respective statutes on perjury, public records and malicious mischief; revising certain other penalties; and providing other matters properly relating thereto.

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

Section 1. NRS 196.030 is hereby amended to read as follows:

196.030 Every person having knowledge of the commission of treason, who conceals [the same,] such crime, and does not, as soon as may be, disclose such treason to the governor or a justice of the supreme court or a judge of the district court, [shall be] is guilty of misprision of treason and shall be punished by imprisonment in the state prison for not less than 1 year nor more than 3 years [.] , and may be further punished by a fine of not more than \$5,000.

Sec. 2. NRS 197.010 is hereby amended to read as follows:

197.010 Every person who [shall give, offer or promise,] gives, offers or promises, directly or indirectly, any compensation, gratuity or reward to any executive or administrative officer of the state, with intent to influence him with respect to any act, decision, vote, opinion or other proceeding, as such officer, shall be punished by imprisonment in the state

prison for not less than 1 year nor more than 10 years, and may be further punished by a fine of not more than [\$5,000.] \$10,000.

Sec. 3. NRS 197.020 is hereby amended to read as follows:

197.020 Every person who [shall give, offer or promise,] gives, offers or promises, directly or indirectly, any compensation, gratuity or reward to a person executing any of the functions of a public officer other than as specified in NRS 197.010, 199.010 and 218.590, with intent to influence him with respect to any act, decision, vote or other proceeding in the exercise of his powers or functions, shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years, and may be further punished by a fine of not more than [\$5,000.] \$10,000.

Sec. 4. NRS 197.030 is hereby amended to read as follows:

197.030 Every executive or administrative officer or person elected or appointed to an executive or administrative office who [shall ask or receive,] asks or receives, directly or indirectly, any compensation, gratuity or reward, or any promise thereof, upon an agreement or understanding that his vote, opinion or action upon any matter then pending, or which may by law be brought before him in his official capacity, shall be influenced thereby, shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years, and may be further punished by a fine of not more than [\$5,000.] \$10,000.

Sec. 5. NRS 197.040 is hereby amended to read as follows:

197.040 Every person who executes any of the functions of a public office not specified in NRS 197.030, 199.020 or 218.600, and every person employed by or acting for the state or for any public officer in the business of the state, who [shall ask or receive,] asks or receives, directly or indirectly, any compensation, gratuity or reward, or any promise thereof, upon an agreement or understanding that his vote, opinion, judgment, action, decision or other official proceeding shall be influenced thereby, or that he will do or omit any act or proceeding or in any way neglect or violate any official duty, shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years, and may be further punished by a fine of not more than [\$5,000.] \$10,000.

Sec. 6. NRS 197.150 is hereby amended to read as follows:

197.150 Every public officer, or person holding or discharging the duties of any public office or place of trust under the state or in any county, town or city, a part of whose duty it is to audit, allow or pay, or take part in auditing, allowing or paying, claims or demands upon the state or such county, town or city, who [shall] knowingly [audit, allow or pay,] audits, allows or pays, or, directly or indirectly, [consent] consents to or in any way [connive] connives at the auditing, allowance or payment of any claim or demand against the state or such county, town or city, which is false or fraudulent or contains any charge, item or claim which is false or fraudulent, shall be punished:

1. Where the amount of such false or fraudulent charge, claim, item or demand is \$100 or more, by imprisonment in the state prison for not less than 1 year nor more than 10 years, or by a fine of not more than [\$5,000,] \$10,000, or by both fine and imprisonment.

2. Where the amount of such fraudulent charge, claim, item or demand is less than \$100, for a misdemeanor.

Sec. 7. NRS 197.170 is hereby amended to read as follows:

197.170 Every public officer who [shall ask or receive, or agree] asks, receives or agrees to receive a fee or other compensation for his official service, either:

1. In excess of the fee or compensation allowed to him by statute therefor; or

2. Where no fee or compensation is allowed to him by statute therefor,

flush commits extortion and shall be punished by imprisonment in the state prison for not less than 1 year or more than 10 years, or by a fine of not more than [\$5,000,] \$10,000, or by both fine and imprisonment.

Sec. 8. NRS 197.210 is hereby amended to read as follows:

197.210 Every officer who [shall] fraudulently [appropriate] appropriates to his own use or to the use of another person, or [secrete] secretes with intent to appropriate to such use, any money, evidence of debt or other property entrusted to him by virtue of his office, shall be punished:

1. Where the amount of such money or the actual value of such property fraudulently appropriated or secreted with intent to appropriate is \$100 or more, by imprisonment in the state prison for not less than 1 year nor more than 10 years, or by a fine of not more than [\$5,000,] \$10,000, or by both fine and imprisonment.

2. Where the amount of such money or the actual value of such property fraudulently appropriated or secreted with intent to appropriate is less than \$100, for a misdemeanor.

Sec. 9. NRS 199.010 is hereby amended to read as follows:

199.010 Every person who [shall give, offer or promise,] gives, offers or promises, directly or indirectly, any compensation, gratuity or reward to a judicial officer, juror, referee, arbitrator, appraiser, assessor or other person authorized by law to hear or determine any question, matter, cause, proceeding or controversy, with intent to influence his action, vote, opinion or decision thereupon, shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years, and may be further punished by a fine of not more than [\$5,000.] \$10,000.

Sec. 10. NRS 199.020 is hereby amended to read as follows:

199.020 Every judicial officer who [shall ask or receive,] asks or receives, directly or indirectly, any compensation, gratuity or reward, or any promise thereof, upon an agreement or understanding that his vote, opinion, judgment, action, decision or other official proceeding shall be influenced

thereby, or that he will do or omit any act or proceeding or in any way neglect or violate any official duty, shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years, and may be further punished by a fine of not more than [\$5,000.] \$10,000.

Sec. 11. NRS 199.030 is hereby amended to read as follows:

199.030 Every juror, referee, arbitrator, appraiser, assessor or other person authorized by law to hear or determine any question, matter, cause, controversy or proceeding, who [shall ask or receive,] asks or receives, directly or indirectly, any compensation, gratuity or reward, or any promise thereof, upon an agreement or understanding that his vote, opinion, action, judgment or decision shall be influenced thereby, shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years, and may be further punished by a fine of not more than [\$5,000.] \$10,000.

Sec. 12. NRS 199.100 is hereby amended to read as follows:

199.100 1. Every person who , [shall,] by force or fraud, [rescue] rescues from lawful custody, or from an officer or person having him in lawful custody, a prisoner held upon a charge, arrest, commitment, conviction or sentence for felony shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years [.] , and may be further punished by a fine of not more than \$10,000.

2. Every person who [shall rescue] rescues a prisoner held upon a charge, arrest, commitment, conviction or sentence for a gross misdemeanor or misdemeanor shall be punished:

(a) Where a dangerous weapon is used in the course of the rescue, by imprisonment in the state prison for not less than 1 year nor more than 6 years [.] , and may be further punished by a fine of not more than \$5,000.

(b) Where no dangerous weapon is so used, for a misdemeanor.

Sec. 13. NRS 199.120 is hereby amended to read as follows:

199.120 Every person having taken a lawful oath or made affirmation in a judicial proceeding or in any other matter where, by law, an oath or affirmation is required and no other penalty is prescribed, or who willfully and corruptly makes an unqualified statement of that which he does not know to be true, or who swears or affirms willfully, corruptly and falsely in a matter material to the issue or point in question, or who suborns any other person to make such unqualified statement or to swear or affirm in such manner is guilty of perjury or subornation of perjury, as the case may be, and [, upon conviction thereof,] shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years [.] , and may be further punished by a fine of not more than \$10,000.

Sec. 14. NRS 199.130 is hereby amended to read as follows:

199.130 1. Every person who [shall make, execute or sign, or shall cause] makes, executes or signs, or causes to be made, executed or signed, any false or fictitious affidavit, complaint, deposition, or other instrument in writing before any officer or person authorized to administer oaths, for the

purpose or with the intent of securing a warrant for the arrest of any other person or persons, or for the purpose of securing a warrant for the searching of the premises, goods, chattels or effects, or of seizing the goods, chattels or effects, or of seizing anything in the possession of any other persons, [shall be] is guilty of perjury.

2. Any person [convicted of a violation of] who commits any of the acts or offenses defined or set out in subsection 1 shall [, upon conviction thereof,] be punished by imprisonment in the state prison for a term of not less than 1 year nor more than 10 years [.] , and may be further punished by a fine of not more than \$10,000.

Sec. 15. NRS 199.140 is hereby amended to read as follows:

199.140 1. Any person who [shall make, execute or sign, or shall cause] makes, executes or signs, or causes to be made, executed or signed, any affidavit, complaint or other instrument, in writing, before any United States officer or person, or before any state officer or person, authorized to administer oaths, for the purpose or with the intent of securing a warrant for the arrest of any other person or persons, for the purpose of securing a warrant for the searching of the premises, goods, chattels or effects, or of seizing the goods, chattels or effects, or of seizing anything in the possession of any other person, and shall sign the same by any other name than his or her true name, [shall be] is guilty of perjury.

2. Any person [convicted of a violation of] who commits any of the acts or offenses defined or set out in subsection 1 shall [, upon conviction thereof,] be punished by imprisonment in the state prison for a term of not less than 1 year nor more than 10 years [.] , and may be further punished by a fine of not more than \$10,000.

Sec. 16. NRS 199.210 is hereby amended to read as follows:

199.210 Every person who, upon any trial, hearing, inquiry, investigation or other proceeding authorized by law, [shall offer or procure] offers or procures to be offered in evidence, as genuine, any book, paper, document, record or other instrument in writing, knowing the same to have been forged or fraudulently altered, shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years [.] , and may be further punished by a fine of not more than \$10,000.

Sec. 17. NRS 199.230 is hereby amended to read as follows:

199.230 Every person who [shall willfully prevent or attempt] willfully prevents or attempts to prevent, by persuasion, threats or otherwise, any person from appearing before any court, or officer authorized to subpoena witnesses, as a witness in any action, proceeding or investigation, with intent thereby to obstruct the course of justice, shall be punished:

1. Where physical force or the immediate threat of such force is used, by imprisonment in the state prison for not less than 1 year nor more than 6 years [.] , and may be further punished by a fine of not more than \$5,000.

2. Where no physical force or immediate threat of such force is used, for a gross misdemeanor.

Sec. 18. NRS 199.240 is hereby amended to read as follows:

199.240 Every person who [shall give, offer or promise,] gives, offers or promises directly or indirectly any compensation, gratuity or reward to any witness or person who may be called as a witness, upon an agreement or understanding that the testimony of such witness shall be thereby influenced, or who [shall] willfully [attempt] attempts by any other means to induce any witness or person who may be called as a witness to give false testimony, or to withhold true testimony, shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years, and may be further punished by a fine of not more than [\$5,000.] \$10,000.

Sec. 19. NRS 199.250 is hereby amended to read as follows:

199.250 Every person who is or may be a witness upon a trial, hearing, investigation or other proceeding before any court, tribunal or officer authorized to hear evidence or take testimony, who [shall ask or receive,] asks or receives, directly or indirectly, any compensation, gratuity or reward, or any promise thereof, upon an agreement or understanding that his testimony shall be influenced thereby, or that he will absent himself from the trial, hearing or other proceeding, shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years, and may be further punished by a fine of not more than [\$5,000.] \$10,000.

Sec. 20. NRS 199.280 is hereby amended to read as follows:

199.280 Every person who, in any case or under any circumstances not otherwise specially provided for, [shall willfully resist, delay or obstruct] willfully resists, delays or obstructs a public officer in discharging or attempting to discharge any legal duty of his office shall be punished:

1. Where a dangerous weapon is used in the course of such resistance, obstruction or delay, by imprisonment in the state prison for not less than 1 year nor more than 6 years [.] , and may be further punished by a fine of not more than \$5,000.

2. Where no dangerous weapon is used in the course of such resistance, obstruction or delay, for a misdemeanor.

Sec. 21. NRS 199.290 is hereby amended to read as follows:

199.290 1. Every person who [shall ask or receive,] asks or receives, directly or indirectly, any compensation, gratuity or reward, or any promise thereof, upon an agreement or understanding that he will compound or conceal a crime or violation of a statute, or abstain from testifying thereto, delay a prosecution therefor or withhold any evidence thereof, except in a case where a compromise is allowed by law, shall be punished:

(a) By imprisonment in the state prison for not less than 1 year nor more than 6 years, and may be further punished by a fine of not more than \$5,000, where the agreement or understanding relates to a felony.

(b) For a gross misdemeanor, where the agreement or understanding relates to a gross misdemeanor or misdemeanor, or to a violation of statute for which a pecuniary penalty or forfeiture is prescribed.

2. In any proceeding against a person for compounding a crime, it [shall] is not [be] necessary to prove that any person has been convicted of the crime or violation of statute in relation to which an agreement or understanding herein prohibited was made.

Sec. 22. NRS 199.300 is hereby amended to read as follows:

199.300 Every person who , [shall,] directly or indirectly, [address] addresses any threat or intimidation to a public officer or to a juror, referee, arbitrator, appraiser or assessor, or to any other person authorized by law to hear or determine any controversy or matter, with intent to induce him, contrary to his duty to do or make or to omit or delay any act, decision or determination, shall be punished:

1. Where physical force or the immediate threat of such force is used in the course of such intimidation or in the making of such threat, by imprisonment in the state prison for not less than 1 year nor more than 6 years [.] and may be further punished by a fine of not more than \$5,000.

2. Where no physical force or immediate threat of such force is used in the course of such intimidation or in the making of such threat, for a gross misdemeanor.

Sec. 23. NRS 199.310 is hereby amended to read as follows:

199.310 Every person who , [shall,] maliciously and without probable cause therefor, [cause or attempt] causes or attempts to cause another to be arrested or proceeded against for any crime of which he is innocent:

1. If such crime be a felony, shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years [; and] , and may be further punished by a fine of not more than \$5,000; and

2. If such crime be a gross misdemeanor or misdemeanor, shall be guilty of a misdemeanor.

Sec. 24. NRS 199.335 is hereby amended to read as follows:

199.335 Every person who has been admitted to bail, whether provided by deposit, surety or upon his own recognizance, and has not been recommitted to custody who fails to appear at the time and place required by the order admitting him to bail or any modification thereof, unless he surrenders himself within 30 days or is excused by the court, [is guilty of:

1. A felony,] shall be punished:

1. By imprisonment in the state prison for not less than 1 year nor more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment, if admitted incident to prosecution for a felony.

2. [A] For a misdemeanor, if admitted incident to prosecution for a misdemeanor or gross misdemeanor.

Sec. 25. NRS 199.360 is hereby amended to read as follows:

199.360 Every person who [shall] fraudulently or falsely [pretend] pretends that any infant child was born of a parent whose child is or would be entitled to inherit real property or to receive any personal property, or who [shall] falsely [represent] represents himself or another to be a person entitled to an interest or share in the estate of a deceased person as executor, administrator, husband, wife, heir, legatee, devisee, next of kin or relative of [such] the deceased person, shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years [.] , and may be further punished by a fine of not more than \$10,000.

Sec. 26. NRS 199.370 is hereby amended to read as follows:

199.370 Every person to whom a child has been confided for nursing, education or any other purpose, who, with intent to deceive a person, guardian or relative of such child, [shall substitute or produce to such] substitutes or produces to the parent, guardian or relative another child or person in the place of the child so confided, shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years [.] , and may be further punished by a fine of not more than \$10,000.

Sec. 27. NRS 199.460 is hereby amended to read as follows:

199.460 1. [No] An officer or person having the custody and control of the body or liberty of any person under arrest shall not refuse permission to [such] the arrested person to

communicate at reasonable times and intervals with his friends or with an attorney, [nor] or subject any person under arrest to any form of personal violence, intimidation, indignity or threats for the purpose of extorting from [such] that person incriminating statements or a confession.

2. Any person violating the provisions of this section shall be punished:

(a) Where physical force or the immediate threat of such force is used in the course of extorting such statements or confession, or where substantial bodily harm to the arrested person results from such violence, intimidation or indignity, by imprisonment in the state prison for not less than 1 year nor more than 6 years [.] , and may be further punished by a fine of not more than \$5,000.

(b) Where no physical force or immediate threat of such force is used in the course of extorting such statements or confession, or where no substantial bodily harm results to the arrested person from such violence, intimidation or indignity, for a gross misdemeanor.

(c) Where the only offense is to refuse permission to such arrested person to communicate with his friends or with an attorney, for a misdemeanor.

Sec. 28. NRS 199.480 is hereby amended to read as follows:

199.480 1. Whenever two or more persons conspire to commit murder, robbery, sexual assault, kidnaping in the first or second degree, or arson in the first or second degree, each

person shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years [.] , and may be further punished by a fine of not more than \$5,000.

2. Whenever two or more persons conspire:

(a) To commit any crime other than those set forth in subsection 1, and no punishment is otherwise prescribed by law;

(b) Falsely and maliciously to procure another to be arrested or proceeded against for a crime;

(c) Falsely to institute or maintain any action or proceeding;

(d) To cheat or defraud another out of any property by unlawful or fraudulent means;

(e) To prevent another from exercising any lawful trade or calling, or from doing any other lawful act, by force, threats or intimidation, or by interfering or threatening to interfere with any tools, implements or property belonging to or used by another, or with the use or employment thereof;

(f) To commit any act injurious to the public health, public morals, trade or commerce, or for the perversion or corruption of public justice or the due administration of the law; or

(g) To accomplish any criminal or unlawful purpose, or to accomplish a purpose, not in itself criminal or unlawful, by criminal or unlawful means,

flush each person is guilty of a gross misdemeanor.

Sec. 29. NRS 200.080 is hereby amended to read as follows:

200.080 Every person convicted of the crime of voluntary manslaughter shall be punished by imprisonment in the state

prison for a term [not exceeding] of not less than 1 year nor more than 10 years [.] , and may be further punished by a fine of not more than \$10,000.

Sec. 30. NRS 200.210 is hereby amended to read as follows:

200.210 Any person who willfully kills an unborn quick child, by any injury committed upon the mother of such child, commits manslaughter and shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years [.] , and may be further punished by a fine of not more than \$10,000.

Sec. 31. NRS 200.220 is hereby amended to read as follows:

200.220 Every woman who [shall take or use, or submit] takes or uses, or submits to the use of, any drug, medicine or substance, or any instrument or other means, with intent to terminate her pregnancy after the 24th week of pregnancy, unless the same is performed upon herself upon the advice of a physician acting pursuant to the provisions of NRS 442.250, and thereby causes the death of the child of such pregnancy, commits manslaughter and shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years [.] , and may be further punished by a fine of not more than \$20,000.

Sec. 32. NRS 200.230 is hereby amended to read as follows:

200.230 Every person navigating a vessel for gain who [shall] willfully or negligently [receive] receives so many passengers or such a quantity of other lading on board that by means thereof [such vessel shall sink, be] the vessel sinks, is

overset or injured, and thereby a human being [shall be] is drowned or otherwise killed, commits manslaughter and shall be punished :

1. If the overloading is negligent, by imprisonment in the state prison for not less than 1 year nor more than 6 years, and may be further punished by a fine of not more than \$5,000.

2. If the overloading is willful, by imprisonment in the state prison for not less than 1 year nor more than 10 years [.] , and may be further punished by a fine of not more than \$10,000.

Sec. 33. NRS 200.280 is hereby amended to read as follows:

200.280 [1.] Mayhem consists of unlawfully depriving a human being of a member of his body, or disfiguring or rendering it useless. If any person [shall cut out or disable] cuts out or disables the tongue, [put] puts out an eye, [slit] slits the nose, ear or lip, or [disable] disables any limb or member of another, or [shall] voluntarily, or of purpose, [put] puts out an eye or eyes, [every such person shall be] that person is guilty of mayhem [.

2. The crime of mayhem shall be punishable] , and shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years [.] , and may be further punished by a fine of not more than \$10,000.

Sec. 34. NRS 200.368 is hereby amended to read as follows:

200.368 A person who commits statutory sexual seduction shall be punished:

1. If he is 21 years of age or older, by imprisonment in the state prison for not less than 1 year nor more than 10 years [.] , and may be further punished by a fine of not more than \$10,000.

2. If he is under the age of 21 years, for a gross misdemeanor.

Sec. 35. NRS 200.400 is hereby amended to read as follows:

200.400 1. As used in this section, except in the term "sexual assault":

(a) "Assault" means an unlawful attempt, coupled with a present ability, to commit a violent injury on the person of another.

(b) "Battery" means any willful and unlawful use of force or violence upon the person of another.

2. Any person convicted of assault for an offer or threat to kill, commit sexual assault, mayhem, robbery or grand larceny shall be punished for a gross misdemeanor.

3. Any person convicted of battery with intent to kill, commit sexual assault, mayhem, robbery or grand larceny shall be punished by imprisonment in the state prison for not less than 2 years nor more than 10 years, and may be further punished by a fine of not more than \$10,000, except that if a battery with intent to commit a sexual assault is committed, and if the crime results in substantial bodily harm to the victim, the person convicted shall be punished by imprisonment in the state prison for life, with or without the possibility of parole, as determined by the verdict of the jury, or the judgment of the court if there is no jury.

4. If the penalty is fixed at life imprisonment with the possibility of parole, eligibility for parole begins when a minimum of 10 years has been served.

Sec. 36. NRS 200.430 is hereby amended to read as follows:

200.430 Any [and every] person who [shall be] is present at the time of fighting any duel with deadly weapons, [either] as second, aid, surgeon or spectator, or who [shall advise or give] advises or gives assistance to such a duel, [shall be] is a competent witness against any person offending against any of the provisions of NRS 200.410 [or 200.420,] and may be compelled to appear and give evidence before any justice of the peace, grand jury or court, in the same manner as other witnesses; but the testimony so given [shall] may not be used in any prosecution or proceeding, civil or criminal, against the person so testifying.

Sec. 37. NRS 200.450 is hereby amended to read as follows:

200.450 1. If any person or persons, upon previous concert and agreement, fight one with the other or give or send, or authorize any other person to give or send, a challenge verbally or in writing, to fight any other person, the person or persons giving, sending or accepting a challenge to fight any other person [, upon conviction thereof] shall be punished:

(a) If the fight does not involve the use of a deadly weapon, for a gross misdemeanor; or

(b) If the fight involves the use of a deadly weapon, by imprisonment in the state prison not less than 1 year nor more

than 6 years [.] , and may be further punished by a fine of not more than \$5,000.

2. Every person who acts for another in giving, sending, or accepting, either verbally or in writing, a challenge to fight any other person [, upon conviction thereof, they, or either or any of them,] shall be punished:

(a) If the fight does not involve the use of a deadly weapon, for a gross misdemeanor; or

(b) If the fight involves the use of a deadly weapon, by imprisonment in the state prison not less than 1 year nor more than 6 years [.] , and may be further punished by a fine of not more than \$5,000.

3. Should death ensue to any person in such fight, or should any person die from any injuries received in such fight within a year and a day, the person or persons causing or having any agency in causing such death, either by fighting or by giving or sending for himself or for any other person, or in receiving for himself or for any other person, such challenge to fight, shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years [.] , and may be further punished by a fine of not more than \$10,000.

Sec. 38. NRS 200.481 is hereby amended to read as follows:

200.481 1. As used in this section:

(a) "Battery" means any willful and unlawful use of force or violence upon the person of another.

(b) "Child" means a person less than 18 years of age.

(c) "Officer" means:

- (1) A peace officer as defined in NRS 169.125;
- (2) A person employed in a full-time salaried occupation of firefighting for the benefit or safety of the public; or
- (3) A member of a volunteer fire department.

2. Any person convicted of a battery, other than a battery committed by an adult upon a child, shall be punished:

(a) If the battery is not committed with a deadly weapon, and no physical injury to the victim results, for a misdemeanor.

(b) If the battery is not committed with a deadly weapon, and substantial bodily harm to the victim [does result,] results, for a gross misdemeanor.

(c) If the battery is committed upon an officer and:

(1) The officer was performing his duty;

(2) The officer suffers substantial bodily harm; and

(3) The person charged knew or should have known that the victim was an officer, [for a felony.] by imprisonment in the state prison for not less than 1 year nor more than 6 years, or by a fine of not more than \$10,000, or by both fine and imprisonment.

(d) If the battery is committed with the use of a deadly weapon, by imprisonment in the state prison for not less than 2 years nor more than 10 years [.] , and may be further punished by a fine of not more than \$10,000.

Sec. 39. NRS 201.020 is hereby amended to read as follows:

201.020 Any husband who, without just cause, deserts, willfully neglects or refuses to provide for the support and

maintenance of his wife in destitute or necessitous circumstances; or any parent who without lawful excuse deserts or willfully neglects or refuses to provide for the support and maintenance of his or her legitimate or illegitimate minor child or children or any parent who without lawful excuse deserts or willfully neglects or refuses to provide for the support and maintenance of his or her legitimate or illegitimate minor child or children who upon arriving at the age of majority are unable to provide themselves with support and maintenance due to infirmity, incompetency or other legal disability contracted prior to their reaching the age of majority, shall be punished:

1. If the conduct for which the defendant was convicted persisted for less than 6 months, for a misdemeanor or, if such conduct persisted for more than 6 months, for a gross misdemeanor or, if for more than 1 year as provided in subsection 2.

2. For any subsequent offense by imprisonment in the state prison for not less than 1 year nor more than 6 years, or by a fine of not more than [\$1,000,] \$5,000, or by both fine and imprisonment.

Sec. 40. NRS 201.120 is hereby amended to read as follows:

201.120 Every person who : [shall:

1. Prescribe, supply or administer] 1. Prescribes, supplies or administers to a woman, whether pregnant or not, or [advise or cause] advises or causes her to take any medicine, drug or substance; or

2. [Use, or cause] Uses or causes to be used, any instrument or other means ,

shall to terminate a pregnancy, unless done pursuant to the provisions of NRS 442.250, or by a woman upon herself upon the advice of a physician acting pursuant to the provisions of NRS 442.250, [shall be] is guilty of abortion, and shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years [.] , and may be further punished by a fine of not more than \$10,000.

Sec. 41. NRS 201.160 is hereby amended to read as follows:

201.160 1. Bigamy consists in the having of two wives or two husbands at one and the same time, knowing that the former husband or wife is still alive.

2. If any married person [or persons within this state being married, or who shall hereafter marry, do at any time marry] marries any other person [or persons,] while the former husband or wife [being] is alive, the person so offending shall [, on conviction thereof,] be punished by a fine [not exceeding \$1,000,] of not more than \$5,000, or by imprisonment in the state prison for not less than 1 year nor more than 6 years, or by both fine and imprisonment.

3. It [shall] is not [be] necessary to prove either of the marriages by the register and certificate thereof, or other record evidence, but [the same] those marriages may be proved by such evidence as is admissible to prove a marriage in other cases; and when [such] the second marriage [shall have] has taken place without this state, cohabitation in this state after such second marriage [shall be deemed] constitutes the commission of the crime of bigamy.

4. [Nothing herein contained shall] This section does not
extend:

(a) To any person [or persons] whose husband or wife [shall have] has been continually absent from [such person or persons] that person for the space of 5 years together prior to the second marriage, [and] if he or she [not knowing] did not know such husband or wife to be living within that time.

(b) To any person [that is or shall be,] who is, at the time of such second marriage, divorced by lawful authority from the bonds of such former marriage, or to any person where the former marriage has been by lawful authority declared void.

Sec. 42. NRS 201.170 is hereby amended to read as follows:

201.170 If any [man or woman,] person, being unmarried, [shall knowingly marry] knowingly marries the husband or wife of another, [such man or woman] that person shall [, on conviction,] be punished by a fine of not more than [\$1,000] \$5,000, or by imprisonment in the state prison for not less than 1 year nor more than 6 years, or by both fine and imprisonment.

Sec. 43. NRS 201.180 is hereby amended to read as follows:

201.180 Persons being within the degree of consanguinity within which marriages are declared by law to be incestuous and void, who [shall] intermarry with each other, or who [shall] commit fornication or adultery with each other, shall [, upon conviction,] be punished by imprisonment in the state prison not less than 1 [nor exceeding] year nor more than 10 years [.]
, and may be further punished by a fine of not more than \$10,000.

Sec. 44. NRS 201.190 is hereby amended to read as follows:

201.190 1. Except as provided in NRS 200.366 and 201.230, every person of full age who commits the infamous crime against nature shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years [.] , and may be further punished by a fine of not more than \$5,000.

2. The "infamous crime against nature" means anal intercourse, cunnilingus or fellatio between consenting adults of the same sex.

Sec. 45. NRS 201.210 is hereby amended to read as follows:

201.210 1. Every person who commits any act of open or gross lewdness is guilty:

(a) For the first offense, of a gross misdemeanor.

(b) For any subsequent offense, of a felony, and [upon conviction] shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years [.] , and may be further punished by a fine of not more than \$5,000.

2. No person convicted of violating the provisions of subsection 1 of this section may be:

(a) Paroled unless a board consisting of the administrator of the mental hygiene and mental retardation division of the department of human resources or his designee, the director of the department of prisons and a physician authorized to practice medicine in Nevada who is also a qualified psychiatrist certifies that such person was under observation while confined in an

institution of the department of prisons and is not a menace to the health, safety or morals of others.

(b) Released on probation unless a psychiatrist licensed to practice medicine in the State of Nevada certifies that such person is not a menace to the health, safety or morals of others.

Sec. 46. NRS 201.220 is hereby amended to read as follows:

201.220 1. Every person who makes any open and indecent or obscene exposure of his person, or of the person of another, is guilty:

(a) For the first offense, of a gross misdemeanor.

(b) For any subsequent offense, of a felony, and upon conviction shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years [.] , and may be further punished by a fine of not more than \$5,000.

2. No person convicted of violating any of the provisions of subsection 1 of this section may be:

(a) Paroled unless a board consisting of the administrator of the mental hygiene and mental retardation division of the department of human resources or his designee, the director of the department of prisons and a physician authorized to practice medicine in Nevada who is also a qualified psychiatrist certifies that such person was under observation while confined in an institution of the department of prisons and is not a menace to the health, safety or morals of others.

(b) Released on probation unless a psychiatrist licensed to practice medicine in the State of Nevada certifies that such person is not a menace to the health, safety or morals of others.

Sec. 47. NRS 201.230 is hereby amended to read as follows:

201.230 1. Any person who willfully and lewdly commits any lewd or lascivious act, other than acts constituting the crime of sexual assault, upon or with the body, or any part or member thereof, of a child under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of [such] that person or of [such] that child, shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years [.] , and may be further punished by a fine of not more than \$10,000.

2. No person convicted of violating any of the provisions of subsection 1 of this section may be:

(a) Paroled unless a board consisting of the administrator of the mental hygiene and mental retardation division of the department of human resources or his designee, the director of the department of prisons and a physician authorized to practice medicine in Nevada who is also a qualified psychiatrist certifies that such person was under observation while confined in an institution of the department of prisons and is not a menace to the health, safety or morals of others.

(b) Released on probation unless a psychiatrist licensed to practice medicine in the State of Nevada certifies that such

person is not a menace to the health, safety or morals of others.

Sec. 48. NRS 201.300 is hereby amended to read as follows:

201.300 1. Any person who:

(a) Induces, persuades, encourages, inveigles, entices or compels a person to become a prostitute or to continue to engage in prostitution;

(b) By threats, violence or by any device or scheme, causes, induces, persuades, encourages, takes, places, harbors, inveigles or entices a person to become an inmate of a house of prostitution or assignation place, or any place where prostitution is practiced, encouraged or allowed;

(c) By threats, violence, or by any device or scheme, by fraud or artifice, or by duress of person or goods, or by abuse of any position of confidence or authority, or having legal charge, takes, places, harbors, inveigles, entices, persuades, encourages or procures a person to enter any place within this state in which prostitution is practiced, encouraged or allowed, for the purpose of prostitution;

(d) By promises, threats, violence, or by any device or scheme, by fraud or artifice, by duress of person or goods, or abuse of any position of confidence or authority or having legal charge, takes, places, harbors, inveigles, entices, persuades, encourages or procures a person of previous chaste character to enter any place within this state in which prostitution is practiced, encouraged or allowed for the purpose of sexual intercourse;

(e) Takes or detains a person with the intent to compel such person by force, threats, menace or duress to marry him or any other person; or

(f) Receives, gives or agrees to receive or give any money or thing of value for procuring or attempting to procure any person to become a prostitute or to come into this state or leave this state for the purpose of prostitution,

flush is guilty of pandering.

2. Any person who is guilty of pandering shall be punished:

(a) Where physical force or the immediate threat of such force is used upon the person, by imprisonment in the state prison for not less than 1 year nor more than 10 years [.]
, and may be further punished by a fine of not more than \$10,000.

(b) Where no physical force or immediate threat of such force is used, by imprisonment in the state prison for not less than 1 year nor more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

3. This section does not apply to the [patron] customer of a prostitute.

Sec. 49. NRS 201.310 is hereby amended to read as follows:

201.310 1. Any person who by force, fraud, intimidation or threats, places, or procures any other person or persons to place, his [wife] spouse in a house of prostitution or compels his spouse to lead a life of prostitution [shall be] is guilty of pandering and [upon conviction thereof] shall be punished:

(a) Where physical force or the immediate threat of such force is used upon the [wife,] spouse, by imprisonment in the state prison for not less than 1 year nor more than 10 years [.] , and may be further punished by a fine of not more than \$10,000.

(b) Where no physical force or immediate threat of such force is used, by imprisonment in the state prison for not less than 1 year nor more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

2. Upon the trial of any offense mentioned in this section, [a wife shall be] either spouse is a competent witness for or against [her husband,] the other, with or without his consent, and may be compelled so to testify.

Sec. 50. NRS 201.320 is hereby amended to read as follows:

201.320 1. Any person who [shall knowingly accept, receive, levy or appropriate] knowingly accepts, receives, levies or appropriates any money or other valuable thing, without consideration, from the proceeds of any [women] persons engaged in prostitution, shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

2. Any such acceptance, receipt, levy or appropriation of such money or valuable thing , [shall,] upon any proceedings or trial for violation of this section, [be] is presumptive evidence of lack of consideration.

Sec. 51. NRS 201.330 is hereby amended to read as follows:

201.330 Any person or persons who attempt to detain any [female] person in a disorderly house or house of prostitution because of any debt or debts [she] he has contracted, or is said to have contracted, while living in the house, [shall be] is guilty of pandering and [upon conviction thereof] shall be punished:

1. Where physical force or the immediate threat of such force is used upon the [female person,] person to be detained, by imprisonment in the state prison for not less than 1 year nor more than 10 years [.] , and may be further punished by a fine of not more than \$10,000.

2. Where no physical force or immediate threat of such force is used, by imprisonment in the state prison for not less than 1 year nor more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

Sec. 52. NRS 201.340 is hereby amended to read as follows:

201.340 1. Any person who knowingly transports or causes to be transported, by any means of conveyance, into, through or across this state, or who aids or assists in obtaining such transportation for any person with the intent [and purpose] to induce, persuade, encourage, inveigle, entice or compel [such] that person to become a prostitute or to continue to engage in prostitution is guilty of pandering, and [upon conviction thereof] shall be punished:

(a) Where physical force or the immediate threat of such force is used upon the person, by imprisonment in the state prison for not less than 1 year nor more than 10 years [.]
, and may be further punished by a fine of not more than \$10,000.

(b) Where no physical force or immediate threat of such force is used, by imprisonment in the state prison for not less than 1 year nor more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

2. Any person who commits the crime mentioned in this section may be prosecuted, indicted, tried and convicted in any county or city in or through which he transports or attempts to transport the person.

Sec. 53. NRS 201.360 is hereby amended to read as follows:

201.360 1. Every person who:

(a) [Shall place a female] Places any person in the charge or custody of another person for immoral purposes, or in a house of prostitution, with intent that [she] he shall live a life of prostitution, or who [shall compel any female] compels any person to reside with him or with any other person for immoral purposes, or for the purposes of prostitution, or [shall compel any such female] compels any person to reside in a house of prostitution or to live a life of prostitution; [or

(b) Shall ask or receive] (b) Asks or receives any compensation, gratuity or reward, or promise thereof, for or on account of placing in a house of prostitution or elsewhere any [female] person for the purpose of causing [her] him to cohabit with any [male] other person or persons not [her husband; or

(c) Shall give, offer, or promise] his spouse;

(c) Gives, offers or promises any compensation, gratuity or reward, to procure any [female] person for the purpose of placing [her] him for immoral purposes in any house of prostitution, or elsewhere, against [her] his will; [or]

(d) Being the [husband of any woman,] spouse of any person, or the parent, guardian or other person having legal charge of [the] a person [of a female] under the age of 18 years, [shall connive at, consent to, or permit her] connives at, consents to or permits his being or remaining in any house of prostitution or leading a life of prostitution; [or]

(e) Shall live with or accept] (e) Lives with or accepts any earnings of a common prostitute, or [entice or solicit] entices or solicits any person to go to a house of prostitution for any immoral purposes, or to have sexual intercourse with a common prostitute; [or]

(f) Shall decoy, entice, procure] (f) Decoys, entices or procures or in any manner or way [induce any female] induces any person to become a prostitute or to become an inmate of a house of ill fame or prostitution, for purposes of prostitution, or for purposes of employment, or for any purpose whatever, when [she] that person does not know that the house is one of prostitution; or

(g) [Shall decoy, entice, procure] Decoys, entices or procures or in any manner or way [induce] induces any person, under the age of 21 years, to go into or visit, upon any pretext

or for any purpose whatever, any house of ill fame or prostitution, or any room or place inhabited or frequented by any prostitute, or used for purposes of prostitution,
flush is guilty of a felony.

2. Any person who violates the provisions of subsection 1 shall be punished:

(a) Where physical force or the immediate threat of such force is used upon the [female person,] person affected, by imprisonment in the state prison for not less than 1 year nor more than 10 years [.] , and may be further punished by a fine of not more than \$10,000.

(b) Where no physical force or immediate threat of such force is used, by imprisonment in the state prison for not less than 1 year nor more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

Sec. 54. NRS 201.370 is hereby amended to read as follows:

201.370 Every [male] person who [shall habitually resort in any house of prostitution shall be] habitually resorts to a house of prostitution as a customer is guilty of a misdemeanor.

Sec. 55. NRS 202.170 is hereby amended to read as follows:

202.170 Every person who [shall] willfully [mingle] mingles poison or any other harmful substance, including, but not limited to, glass or a razor blade, in any food, drink or medicine intended or prepared for the use of a human being, and every person who [shall] willfully [poison] poisons any spring, well or reservoir of water, shall be punished by imprisonment

in the state prison for not less than 1 year nor more than 10 years, or by a fine of not more than [\$5,000,] \$10,000, or by both fine and imprisonment.

Sec. 56. NRS 202.248 is hereby amended to read as follows:

202.248 1. It is unlawful for any person to:

(a) Inject any liquid silicone substance into the human body; or

(b) Sell or offer for sale in this state any liquid silicone substance for the purpose of injection into the human body.

2. Every person who violates the provisions of subsection 1 [is guilty of a felony.] shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

Sec. 57. NRS 202.255 is hereby amended to read as follows:

202.255 1. Every person who [shall set] sets a so-called trap, spring pistol, rifle, or other deadly weapon shall be punished:

(a) If no injury [result] results therefrom to any human being, for a gross misdemeanor.

(b) If injuries not fatal result therefrom to any human being, by imprisonment in the state prison for not less than 1 year nor more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

(c) If the death of a human being results therefrom, under circumstances not rendering the act murder, by imprisonment in

the state prison for not less than 1 year nor more than 10 years [;] , and may be further punished by a fine of not more than \$10,000; otherwise, the punishment shall be as for murder.

2. Subsection 1 does not prevent the use of any loaded spring gun, set gun or other device for the destruction of gophers, moles, coyotes or other burrowing rodents or predatory animals by agents or employees of governmental agencies engaged in cooperative predatory animal and rodent control work, but:

(a) [No such] A loaded spring gun, set gun or other device [shall] must not be set within 15 miles of the boundaries of any incorporated city or unincorporated town; and

(b) Before setting any such loaded spring gun, set gun or other device on any real property permission must first be obtained from the owner, lessee or administrator thereof.

Sec. 58. NRS 202.260 is hereby amended to read as follows:

202.260 1. Any person who unlawfully possesses, manufactures, or disposes of any explosive or incendiary device with intent to destroy life or property shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years [.] , and may be further punished by a fine of not more than \$5,000.

2. For the purposes of this section:

(a) "Dispose of" means give, give away, loan, offer, offer for sale, sell or transfer.

(b) "Explosive or incendiary device" means any explosive or incendiary material or substance that has been constructed,

altered, packaged or arranged in such a manner that its intended use would cause destruction or injury to life or property.

3. Subsection 1 does not prohibit the manufacture, use, possession or disposal of any material, substance or device by those persons engaged in mining or any other lawful activity or who are authorized by governmental agencies, which have lawful control over such matters, to use such items in the performance of their duties.

Sec. 59. NRS 202.275 is hereby amended to read as follows:

202.275 1. Any person who unlawfully possesses, manufactures or disposes of any short-barreled rifle or short-barreled shotgun shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years [.] , and may be further punished by a fine of not more than \$5,000.

2. For purposes of this section:

(a) "Short-barreled rifle" means:

(1) A rifle having one or more barrels less than 16 inches in length; or

(2) Any weapon made from a rifle, whether by alteration, modification or other means, with an overall length of less than 26 inches.

(b) "Short-barreled shotgun" means:

(1) A shotgun having one or more barrels less than 18 inches in length; or

(2) Any weapon made from a shotgun, whether by alteration, modification or other means, with an overall length of less than 26 inches.

3. This section does not prohibit:

(a) The possession or use of any short-barreled rifle or short-barreled shotgun by any peace officer when authorized to do so in the performance of official duties; or

(b) The possession of any short-barreled rifle or short-barreled shotgun by any person who is licensed as a firearms importer, manufacturer or dealer by the United States Department of the Treasury.

Sec. 60. NRS 202.350 is hereby amended to read as follows:

202.350 1. It is unlawful for any person within this state to:

(a) Manufacture or cause to be manufactured, or import into the state, or keep, offer or expose for sale, or give, lend or possess any instrument or weapon of the kind commonly known as a switchblade knife, blackjack, slung shot, billy, sand-club, sandbag or metal knuckles; or

(b) Carry concealed upon his person:

(1) Any explosive substance, other than fixed ammunition;

(2) Any dirk, dagger or dangerous knife; or

(3) Any pistol, revolver or other firearm, or other dangerous or deadly weapon.

2. Except as provided in NRS 202.275 and 212.185, any person who violates any of the provisions of subsection 1 is guilty:

(a) For the first offense, of a gross misdemeanor.

(b) For any subsequent offense, of a felony, and shall be punished by imprisonment in the state prison for not less than

1 year nor more than 6 years [.] , and may be further punished by a fine of not more than \$5,000.

3. The provisions of subsection 1 do not apply to:

(a) Sheriffs, constables, marshals, peace officers, special police officers, policemen, whether active or honorably retired, other duly appointed police officers or persons having permission from the sheriff of the county as provided in subsection 4.

(b) Any person summoned by any peace officer to assist in making arrests or preserving the peace while the person so summoned is actually engaged in assisting such officer.

(c) Members of the Armed Forces of the United States when on duty.

4. The sheriff of any county may, upon written application by a resident of that county showing the reason or the purpose for which the concealed weapon is to be carried, grant permission to the applicant, authorizing a person to carry, in this state, the concealed weapon described in the permit. No permit may be granted to any person to carry a switchblade knife.

5. For purposes of this section, "switchblade knife" means a spring-blade knife, snap-blade knife, or any other knife having the appearance of a pocket knife, any blade of which is 2 or more inches long and which can be released automatically by a flick of a button, pressure on the handle, or other mechanical device, or is released by any type of mechanism.

Sec. 61. NRS 202.360 is hereby amended to read as follows:

202.360 1. The terms "pistol," "revolver," and "firearm capable of being concealed upon the person," as used in this section, apply to and include all firearms having a barrel less than 12 inches in length.

2. After July 1, 1925, no unnaturalized foreign-born person, and no person who has been convicted of a felony in the State of Nevada, or in any one of the states of the United States of America, or in any political subdivision thereof, or of a felony in violation of the laws of the United States of America, shall own or have in his possession or under his custody or control any pistol, revolver or other firearm capable of being concealed upon the person.

3. Any person who violates the provisions of this section shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years [.] and may be further punished by a fine of not more than \$5,000.

4. Nothing in this section applies to or affects:

(a) Sheriffs, constables, marshals, policemen, whether active or honorably retired, or other duly appointed police officers.

(b) Any person summoned by any such officers to assist in making arrests or preserving the peace while the person so summoned is actually engaged in assisting such officer.

(c) Members of the Armed Forces of the United States when on duty.

Sec. 62. NRS 202.820 is hereby amended to read as follows:

202.820 1. Any person who:

[1.] (a) Uses an explosive to commit any felony; or

[2.] (b) Carries an explosive unlawfully during the commission of any felony,

flush [Shall be sentenced to a term of imprisonment for no less than 1 year, nor more than 10 years. In the case of his second or subsequent conviction under this section, such person shall be sentenced to a term of imprisonment for no less than 5 years, nor more than 25 years, and, notwithstanding any other provisions of law, the court shall not suspend the sentence of such person or give him a probationary sentence.]

flush is guilty of a separate felony unless the use of an explosive is a necessary element of the other crime.

2. A person who commits the offense described in subsection 1 shall be punished:

(a) For the first offense, by imprisonment in the state prison for not less than 1 year nor more than 10 years, and may be further punished by a fine of not more than \$10,000.

(b) For the second or any subsequent offense, by imprisonment in the state prison for not less than 2 years nor more than 20 years.

3. The court shall not suspend the sentence or grant probation.

Sec. 63. NRS 202.840 is hereby amended to read as follows:

202.840 Any person who through the use of the mail, written

note, telephone, telegraph, radio broadcast or other means of communication, willfully makes any threat, or maliciously conveys false information knowing it to be false, concerning an attempt or alleged attempt being made, or to be made, to kill, injure or intimidate any person or unlawfully to damage or destroy any building, vehicle, aircraft or other real or personal property by means of any explosive, bomb, spring trap or mechanism known or commonly thought to be dangerous to human life, limb or safety shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years [.] , and may be further punished by a fine of not more than \$5,000.

Sec. 64. NRS 203.115 is hereby amended to read as follows:

203.115 1. Criminal anarchy is the doctrine that organized government should be overthrown by force or violence, or by assassination of the executive head or of any of the executive officials of government, or by any unlawful means.

2. It is unlawful:

(a) For any person, by word of mouth or writing, to advocate, advise or teach the duty, necessity or propriety of overthrowing or overturning organized government by force or violence, or by assassination of the executive head or of any of the executive officials of government, or by any unlawful means;
[or]

(b) For any person to print, publish, edit, issue or knowingly to circulate, sell, distribute or publicly to display any book, paper, document, or written or printed matter in any form, containing or advocating, advising or teaching the doctrine that

organized government should be overthrown by force, violence or any unlawful means; [or]

(c) For any person openly, willfully and deliberately to justify by word of mouth or writing the assassination or unlawful killing or assaulting of any executive or other officer of the United States or of any state or of any civilized nation having an organized government because of his official character, or any other crime, with intent to teach, spread or advocate the propriety of the doctrines of criminal anarchy; [or]

(d) For any person to organize or help to organize or become a member of or voluntarily to assemble with any society, group or assembly of persons formed to teach or advocate such doctrine; [or]

(e) For two or more persons to assemble for the purpose of advocating or teaching the doctrines of criminal anarchy as defined in subsection 1; or

(f) For any owner, agent, superintendent, janitor, caretaker or occupant of any place, building or room willfully and knowingly to permit therein any assemblage of persons prohibited by paragraph (e), or, after notification that the premises are so used, to permit such use to be continued.

3. Any person who violates the provisions of subsection 2 shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years [.] , and may be further punished by a fine of not more than \$10,000.

Sec. 65. NRS 203.117 is hereby amended to read as follows:

203.117 1. Criminal syndicalism is the doctrine which advocates or teaches crime, sabotage, violence or unlawful methods of terrorism as a means of accomplishing industrial or political reform.

2. It is unlawful:

(a) For any person, by word of mouth or writing, to advocate or teach the duty, necessity or propriety of crime, sabotage, violence or other unlawful methods of terrorism as a means of accomplishing industrial or political reform; [or]

(b) For any person to print, publish, edit, issue or knowingly to circulate, sell, distribute or publicly to display any book, paper, document or written matter in any form, containing or advocating, advising or teaching the doctrine that industrial or political reform should be brought about by crime, sabotage, violence or other unlawful methods of terrorism; [or]

(c) For any person openly, willfully and deliberately to justify, by word of mouth or writing, the commission or the attempt to commit crime, sabotage, violence or other unlawful methods of terrorism with intent to exemplify, spread or advocate the propriety of the doctrine of criminal syndicalism; [or]

(d) For any person to organize or help to organize or become a member of, or voluntarily to assemble with, any society, group or assemblage of persons formed to teach or advocate the doctrine of criminal syndicalism; [or]

(e) For two or more persons to assemble for the purpose of advocating or teaching the doctrines of criminal syndicalism as defined in subsection 1; or

(f) For any owner, agent, superintendent, janitor, caretaker or occupant of any place, building or room, willfully and knowingly to permit therein any assemblage of persons prohibited by the provisions of paragraph (e), or, after notification that the premises are so used, to permit such use to be continued.

3. Any person who violates the provisions of subsection 2 shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years [.] , and may be further punished by a fine of not more than \$5,000.

Sec. 66. NRS 204.020 is hereby amended to read as follows:

204.020. Every public officer or other person who [shall have] has in his possession, control or custody any public money belonging to this state, or to any county, town, city, district or municipal corporation within this state, or to whom any such public money [shall be] is entrusted for safekeeping or for transmission to any treasurer or other officer, or other person entitled to receive the same, who [shall use] uses any of such public money for his own private purposes, or for any purpose other than one duly authorized by law, [shall,] if the amount unlawfully used is \$100 or more, [be deemed guilty of a felony, and, on conviction thereof,] shall be punished by imprisonment in the state prison for a term not less than 1 year nor more than 10 years, or by a fine of not more than [\$5,000,] \$10,000, or by both fine and imprisonment.

Sec. 67. NRS 204.030 is hereby amended to read as follows:

204.030 1. It is unlawful for any public officer, and any other person receiving money on behalf of, or for or on account of, this state or of any department of the state government or of any bureau or fund created by law in which the state is directly or indirectly interested, or for or on account of any county, city, town, municipal corporation or any school or district:

(a) Knowingly to keep any false account, or make any false entry or erasure in any account, of or relating to any money so received by him; [or]

(b) Fraudulently to alter, falsify, conceal, destroy or obliterate any such account; or

(c) Willfully to omit or refuse to pay over to the state, its officer or agent authorized by law to receive the same, or to such county, city, town or such school, municipal corporation, or district or to the proper officer or authority empowered to demand and receive the same, any money received by him as such officer when it is a duty imposed upon him by law to pay over and account for the same.

2. Any person violating any of the provisions of subsection 1 shall be punished:

(a) Where the amount involved is \$100 or more, by imprisonment in the state prison for not less than 1 year nor more than 10 years, or by a fine of not more than [\$5,000,] \$10,000, or by both fine and imprisonment.

(b) Where the amount involved is less than \$100, for a misdemeanor.

Sec. 68. NRS 204.050 is hereby amended to read as follows:

204.050 Every state, county, city or town treasurer who [shall] willfully [misappropriate any moneys,] misappropriates any money, funds or securities received by or deposited with him as such treasurer, or who [shall be] is guilty of any other malfeasance or willful neglect of duty in his office, shall be punished:

1. Where the amount misappropriated is \$100 or more, by imprisonment in the state prison for not less than 1 year nor more than 10 years, or by a fine of not more than [\$5,000,] \$10,000, or by both fine and imprisonment.

2. Otherwise, for a misdemeanor.

Sec. 69. NRS 205.435 is hereby amended to read as follows:

205.435 Every officer, agent or other person in the service of a joint-stock company or corporation, domestic or foreign, who, willfully and knowingly with intent to defraud : [, shall:

1. Sell, pledge or issue or cause] 1. Sells, pledges or issues or causes to be sold, pledged or issued, or sign or execute or cause to be signed or executed, with intent to sell, pledge or issue, or cause to be sold, pledged or issued, any certificate or instrument purporting to be a certificate or evidence of ownership of any share or shares of such company or corporation, or any conveyance or encumbrance of real or personal property, contract, bond or evidence of debt, or writing purporting to be a conveyance or encumbrance of real or personal

property, contract, bond or evidence of debt of such company or corporation, without being first duly authorized by such company or corporation, or contrary to the charter or laws under which such company or corporation exists, or in excess of the power of such company or corporation, or of the limit imposed by law or otherwise upon its power to create or issue stock or evidence of debt; or

2. [Reissue, sell, pledge or dispose of, or cause] Reissues, sells, pledges or disposes of, or causes to be reissued, sold, pledged or disposed of, any surrendered or canceled certificate or other evidence of the transfer of ownership of any such share or shares,

shall shall be punished by imprisonment in the state prison for not more than 10 years, or by a fine of not more than [\$5,000,] \$10,000, or by both fine and imprisonment.

Sec. 70. NRS 205.025 is hereby amended to read as follows:

205.025 1. Any person who willfully and maliciously attempts to set fire to or attempts to burn or to aid, counsel or procure the burning of any of the buildings or property mentioned in NRS 205.010, 205.015 and 205.020, or who commits any act preliminary thereto or in furtherance thereof, shall be guilty of arson in the fourth degree and [, upon conviction thereof,] be sentenced to imprisonment for not less than 1 year nor more than one-half of the longest term prescribed upon a conviction for the commission of the offense attempted [.] , and may be further punished by a fine of not more than \$5,000.

2. In any prosecution under this section the placing or distributing of any inflammable, explosive or combustible material or substance, or any device in any building or property mentioned in NRS 205.010, 205.015 and 205.020, in an arrangement or preparation eventually to set fire to or burn [the same,] such building or property, or to procure the setting fire to or burning of [the same,] such building or property, shall be prima facie evidence of a willful attempt to burn or set on fire such property.

Sec. 71. NRS 205.060 is hereby amended to read as follows:

205.060 1. Every person who, either by day or night, enters any house, room, apartment, tenement, shop, warehouse, store, mill, barn, stable, outhouse or other building, tent, vessel, vehicle, vehicle trailer, semitrailer or housetrailer, or railroad car, with intent to commit grand or petit larceny, or any felony, is guilty of burglary.

2. Any person convicted of burglary shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years [.] , and may be further punished by a fine of not more than \$10,000.

3. Whenever burglary is committed upon a railroad train, vehicle, vehicle trailer, semitrailer or housetrailer, in motion or in rest, in this state, and it cannot with reasonable certainty be ascertained in what county the crime was committed, the offender may be arrested and tried in any county through

which the railroad train, vehicle, vehicle trailer, semitrailer or housetrailer may have run on the trip during which such burglary is committed.

Sec. 72. NRS 205.090 is hereby amended to read as follows:

205.090 Every person who falsely makes, alters, forges or counterfeits any record, or other authentic matter of a public nature, or any charter, letters patent, deed, lease, indenture, writing obligatory, will, testament, codicil, annuity, bond, covenant, bank bill or note, post note, check, draft, bill of exchange, contract, promissory note, travelers check, money order, due bill for the payment of money or property or for the payment of any labor claim or claims, receipt for money or property, power of attorney, any auditor's warrant for the payment of the money at the treasury, county order or warrant, or request for the payment of money, or the delivery of goods or chattels of any kind, or for the delivery of any instrument of writing, or acquittance, release, or receipt for money, goods, or labor claim or claims, or any acquittance, release, or discharge for any debt, account, suit, action, demand, or other thing, real or personal, or any transfer or assurance of money, stock, goods, chattels, or other property whatever, or any letter of attorney, or other power to receive money, or to receive or transfer stock or annuities, or to let, lease, dispose of, alien or convey any goods or chattels, lands or tenements, or other estate, real or personal, or any acceptance or endorsement of any bill of exchange, promissory note, draft,

order or assignment of any bond, writing obligatory, or promissory note, for money or other property, or any order, writ or process lawfully issued by any court or public officer, or any document or paper recorded or filed in any court or with any public officer, or in the senate or assembly, or [shall counterfeit or forge] counterfeits or forges the seal or handwriting of another, with intent to damage or defraud any person or persons, body politic or corporate, whether the person or persons, body politic or corporate reside in or belong to this state or not, or utters, publishes, passes or attempts to pass, as true and genuine, any of the above-named false, altered, forged or counterfeited matters, as above specified and described, knowing [the same] it to be false, altered, forged or counterfeited with intent to prejudice, damage or defraud any person or persons, body politic or corporate, whether the person or persons, body politic or corporate, reside in this state or not, is guilty of forgery, and [upon conviction thereof,] shall be punished by imprisonment in the state prison for a term not less than 1 year nor more than 10 years, or by a fine of not more than [\$5,000,] \$10,000, or by both fine and imprisonment.

Sec. 73. NRS 205.100 is hereby amended to read as follows:

205.100 1. Every person who [shall make, pass, utter or publish,] makes, passes, utters or publishes, with an intention to defraud any person or persons, body politic or corporate, either in this state or elsewhere, or with the like intention [shall attempt] attempts to pass, utter or publish any fictitious

bill, note or check purporting to be the bill, note or check, or other instrument in writing, for the payment of money or property of some bank, corporation, copartnership or individual, when in fact there [shall be] is no such bank, corporation, copartnership or individual in existence, the person knowing the bill, note, check or instrument in writing for the payment of money or property or any labor claim or claims to be fictitious, [shall be deemed] is guilty of forgery, and [on conviction thereof] shall be punished by imprisonment in the state prison for a term not less than 1 year nor more than 10 years, or by a fine of not more than [\$5,000,] \$10,000, or by both fine and imprisonment.

2. Whenever [such] the note, bill, check or other instrument in writing is drawn upon any bank, proof that the purported drawer [of the same] had no account at the bank shall be deemed sufficient evidence to sustain the allegation of the nonexistence of the drawer of such instrument.

Sec. 74. NRS 205.130 is hereby amended to read as follows:

205.130 1. Every person who for himself, or as the agent or representative of another, or as an officer of a corporation, willfully, with intent to defraud, [shall make, pass, utter or publish] makes, passes, utters or publishes any bill, note, check or other instrument in writing for the payment of money or for the payment of any labor claim or claims, except claims specified in subsection 2, or delivery of other valuable property, directed to or drawn upon any real or fictitious person, bank,

firm, partnership, corporation or depository, when in fact such person [shall have] has no money, property or credit, or [shall have] has insufficient money, property or credit with the drawee of such instrument to meet and make payment of the same in full upon its presentation, [shall be] is guilty of a misdemeanor unless such instrument, or a series of such instruments passed in the state during a period of 90 days, is in the amount of \$100 or more, in which case [such person shall be guilty of a felony and shall, upon conviction thereof,] he shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years, or by a fine of not more than [\$5,000,] \$10,000, or by both fine and imprisonment. Any person having been previously convicted three times of a misdemeanor under the provisions of this section, or of any offense of a similar nature, in this state or any other state, or in a federal jurisdiction, who [shall violate] violates this section [shall be guilty of a felony, and upon conviction] shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years, or by a fine of not more than [\$5,000,] \$10,000, or by both fine and imprisonment.

2. Any person who for himself, or as an officer of a corporation, willfully issues any check, bill, note or other instrument in writing for the payment of wages in excess of \$100, when such person has, and has knowledge of having, insufficient money or credit with the drawee of such instrument to make payment of the instrument in full upon presentation is guilty of a gross misdemeanor.

3. The word "credit" as used in this section means an arrangement or understanding with the person, firm, corporation, bank or depositary for the payment of such check, order or draft.

4. As against the maker or drawer thereof, the making, drawing, uttering or delivering of any check for the purpose of obtaining money, merchandise, property, credit, thing of value or payment of obligation upon any bank, depositary, person, firm or corporation, payment of which is refused by the drawee when presented in the usual course of business, [shall be] is prima facie evidence of intent to defraud and of knowledge of insufficient funds in or credit with such bank or other depositary, if [such] the maker or drawer [shall not have] has not paid the holder thereof the amount due thereon, together with the protest fees, within 10 days after notice has been sent to the maker or drawer that such check, draft or order has not been paid by the drawee. Such notice shall be sent to the maker or drawer by registered or certified mail, return receipt requested, at the address on the check, draft or order. Return of the notice because of nondelivery to the maker or drawer raises a rebuttable presumption of intent to defraud. Refusal of payment by the drawee because of a nonexistent account is prima facie evidence of intent to defraud.

5. If, pursuant to the provisions of this section, a complainant causes a criminal action to be commenced against a person charging such person with a violation of this section, and thereafter the complainant refuses to testify in such action,

it shall be presumed from such fact or facts that the complainant has engaged in an act of malicious prosecution or abuse of process.

6. A notice in boldface type clearly legible and in substantially the following form shall be posted in a conspicuous place in every principal and branch office of every bank and in every place of business in which retail selling is conducted:

The issuance of a check or checks without funds or with intent to defraud is punishable by imprisonment in the county jail for not more than 6 months, or by a fine of not more than \$500, or by both such fine and imprisonment, and the issuance of such a check or checks in an amount of \$100 or more or by a person who previously has been convicted three times of this or a similar offense is punishable by imprisonment in the state prison for not less than 1 year nor more than 10 years, or by a fine of not more than [\$5,000,] \$10,000, or by both fine and imprisonment.

Insert Such notice shall be prepared and copies thereof supplied on demand by the superintendent of the state printing and records division of the department of general services, who may charge a fee based on cost for each copy of such notice supplied to any person.

Sec. 75. NRS 205.160 is hereby amended to read as follows:

205.160 Every person who has in his possession, or receives from any other person, any forged promissory note , [or notes,] travelers [checks] check or money [orders,] order, or bank

[bills, or bills] bill, or bill for the payment of money or property, with intention to pass [the same,] it, or to permit, cause, or procure [the same] it to be uttered or passed, with intention to defraud any person or persons, body politic or corporate, whether such person or persons, body politic or corporate, reside in or belong to this state or not, knowing [the same] it to be forged or counterfeited, or has or keeps in his possession any blank or unfinished note, travelers check, money order or bank bill, made in the form or similitude of any promissory note or bill for payment of money or property, made to be issued by any person, company, partnership or corporation, with intention to fill up and complete such blank and unfinished note or bill, or to permit, or cause, or procure [the same] it to be filled up and completed in order to utter or pass [the same,] it, or to permit, or cause, or procure [the same] it to be uttered and passed to defraud any person or persons, body politic or corporate, whether in this state or elsewhere, shall [, on conviction thereof,] be punished by imprisonment in the state prison for a term of not less than 1 year or more than 10 years, or by a fine of not more than [\$5,000,] \$10,000, or by both fine and imprisonment.

Sec. 76. NRS 205.175 is hereby amended to read as follows:

205.175 Every person who [shall] fraudulently [forge or counterfeit] forges or counterfeits the seal of this state, or the seal of any court or public officer by law entitled to have and use a seal, or the seal of any corporation, and [shall

make] makes use of the same, or [shall forge or counterfeit] forges or counterfeits the signature of any public officer, or seal of any corporation, or [shall] unlawfully and corruptly, and with evil intent, [affix] affixes any of the true seals to any commission, deed, warrant, pardon, certificate or other writing, or who [shall have] has in his possession or custody any such counterfeit seal, and [shall] willfully [conceal the same,] conceals it, knowing it to be falsely made and counterfeited, [and shall thereof be convicted,] shall be punished by imprisonment in the state prison for a term not less than 1 year nor more than 10 years, or by a fine of not more than [\$5,000,] \$10,000, or by both fine and imprisonment.

Sec. 77. NRS 205.180 is hereby amended to read as follows:

205.180 [If any person shall counterfeit] Any person who counterfeits any kind or species of gold dust, silver, gold, bullion or bars, lumps, pieces, or nuggets of gold or silver, or any description [whatsoever] of uncoined gold or silver currently passing in this state, or [shall alter, or put off] alters or puts off any kind of uncoined gold or silver mentioned in this section, for the purpose of defrauding any person or persons, body politic or corporate, or [shall make] makes any instrument for counterfeiting any kind of uncoined gold or silver as aforesaid, knowing the purpose for which such instrument was made, or [shall] knowingly [have] has in his possession and secretly [keep] keeps any instrument for the purpose of counterfeiting any kind of uncoined gold or silver

as aforesaid, [every such person so offending shall be deemed guilty of counterfeiting, and, upon conviction thereof,] shall be punished by imprisonment in the state prison for a term not less than 1 year nor more than 10 years, or by a fine of not more than [\$5,000,] \$10,000, or by both fine and imprisonment.

Sec. 78. NRS 205.185 is hereby amended to read as follows:

205.185 Every person who [shall have] has in his possession, or [receive] receives for any other person, any counterfeit gold dust, silver, gold, bullion or bars, lumps, pieces, or nuggets of gold or silver, or any description whatsoever of uncoined gold or silver currently passing in this state, or entering in anywise into the circulating medium of the state, with intention to utter, put off, or pass [the same,] it, or permit, cause, or procure [the same] it to be uttered or passed, with intention to defraud any person or persons, body politic or corporate, knowing [the same] it to be counterfeit, [and being thereof duly convicted,] shall be punished by imprisonment in the state prison for a term not less than 1 year nor more than 10 years, or by a fine of not more than [\$5,000,] \$10,000, or by both fine and imprisonment.

Sec. 79. NRS 205.217 is hereby amended to read as follows:

205.217 1. Unless exempt under subsection 3, it is unlawful for any person, firm, partnership, corporation or association knowingly to:

(a) Transfer or cause to be transferred any sounds recorded on a phonograph record, disc, wire, tape, film or other article

on which sounds are recorded onto any other phonograph record, disc, wire, tape, film or article; or

(b) Sell, distribute, circulate, offer for sale, distribution or circulation, possess for the purpose of sale, distribution or circulation, or cause to be sold, distributed, circulated, offered for sale, distribution or circulation, or possessed for sale, distribution or circulation, any article or device on which sounds have been transferred without the consent of the person who owns the master phonograph record, master disc, master tape or other device or article from which the sounds are derived.

2. It is unlawful for any person, firm, partnership, corporation or association to sell, distribute, circulate, offer for sale, distribution or circulation or possess for the purposes of sale, distribution or circulation, any phonograph record, disc, wire, tape, film or other article on which sounds have been transferred unless such phonograph record, disc, wire, tape, film or other article bears the actual name and address of the transferor of the sounds in a prominent place on its outside face or package.

3. This section does not apply to any person who transfers or causes to be transferred any such sounds intended for or in connection with radio or television broadcast transmission or related uses, for archival purposes or solely for the personal use of the person transferring or causing the transfer and without any compensation being derived by the person from the transfer.

4. Every person who violates the provisions of this section [is guilty of a felony and:] shall be punished:

(a) For the first offense , [is punishable] by a fine of not more than \$5,000 or by imprisonment in the state prison for not less than 1 nor more than 6 years, or by both fine and imprisonment.

(b) For a subsequent offense , [is punishable] by a fine of not more than [\$5,000] \$10,000 or by imprisonment in the state prison for not less than 1 nor more than 10 years, or by both fine and imprisonment.

Sec. 80. NRS 205.220 is hereby amended to read as follows:

205.220 Every person who [shall] feloniously [steal, take and carry away, lead or drive] steals, takes and carries away, leads or drives away the personal goods or property of another, of the value of \$100 or more [shall be deemed] is guilty of grand larceny, and [upon conviction thereof] shall be punished by imprisonment in the state prison for any term not less than 1 year nor more than 10 years, and may be further punished by a fine of not more than [\$5,000.] \$10,000.

Sec. 81. NRS 205.225 is hereby amended to read as follows:

205.225 Every person who:

1. Feloniously steals, takes and carries, leads, drives or entices away:

(a) One or more horses, cattle, mules, asses, sheep, goats or swine, of any age or sex; or

(b) One or more other domestic animals or poultry having an aggregate value of \$100 or more,

flush not his own property but belonging to some other person;

2. Marks or brands, or causes to be marked or branded, or alters or defaces or causes to be altered or defaced a mark or brand upon any animal described in paragraph (a) of subsection 1, not his own property but belonging to some other person, with intent thereby to steal such animal or to prevent the identification thereof by the true owner, or to defraud;

3. With intent to defraud or to appropriate to his own use, willfully kills any animal, animals or poultry running at large, of the kinds described in paragraph (a) of subsection 1 or having an aggregate value of \$100 or more, not his own, whether branded, marked or not; or

4. Sells or purchases, with intent to defraud, the hide or carcass of any animal described in paragraph (a) of subsection 1 the brand or mark on which has been cut out or obliterated, *flush* is guilty of grand larceny, and [upon conviction] shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years, and may be further punished by a fine of not more than [\$5,000.] \$10,000.

Sec. 82. NRS 205.235 is hereby amended to read as follows:

205.235 Every person who [shall convert] converts any manner of real estate, of the value of \$100 or over, into personal property, by severing the same from the realty of another, with felonious intent to and [shall so steal, take and carry] so

steals, takes and carries away the same, shall be deemed guilty of grand larceny, and [upon conviction thereof] shall be punished by imprisonment in the state prison for any term not less than 1 year nor more than 10 years, and may be further punished by a fine of not more than [\$5,000,] \$10,000, or by both fine and imprisonment.

Sec. 83. NRS 205.255 is hereby amended to read as follows:

205.255 [If any] Any lodger [shall take] who takes away, with intent to steal, embezzle, or purloin, any bedding, furniture, goods or chattels which he is to use in or with his lodging, [he shall be deemed] is guilty of grand or petit larceny, according to the value of the property so taken, and [on conviction] shall be punished accordingly.

Sec. 84. NRS 205.270 is hereby amended to read as follows:

205.270 Every person who, under circumstances not amounting to robbery, [shall,] with intent to steal or appropriate to his own use, [take] takes from the person of another, without his consent, any money, property or thing of value, shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years, and may be further punished by a fine of not more than [\$5,000.] \$10,000.

Sec. 85. NRS 205.273 is hereby amended to read as follows:

205.273 Any person who, with intent to procure or pass title to a motor vehicle which he knows or has reason to believe has been stolen, [shall receive or transfer] receives or transfers possession of the [same] vehicle from or to another, or who

[shall have] has in his possession any motor vehicle which he knows or has reason to believe has been stolen, and who is not an officer of the law engaged at the time in the performance of his duty as such officer, [shall be guilty of a felony and] shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years, or by a fine of not more than [\$5,000,] \$10,000, or by both fine and imprisonment.

Sec. 86. NRS 205.275 is hereby amended to read as follows:

205.275 1. Every person who, for his own gain, or to prevent the owner from again possessing his property, [shall buy, receive, possess or withhold] buys, receives, possesses or withholds stolen goods, or anything the stealing of which is declared to be larceny, or property obtained by robbery, burglary or embezzlement:

(a) Knowing [the same so to have been] that the goods or property were so obtained; or

(b) Under such circumstances as should have caused a reasonable man to know that such goods or property were so obtained, *flush* shall [, upon conviction,] be punished by imprisonment in the state prison for a term not less than 1 year nor more than 10 years, or by a fine of not more than [\$5,000,] \$10,000, or by both fine and imprisonment. Every such person may be tried, convicted and punished as well before as after the trial of the principal.

2. [No] A person convicted of the offense specified in this section shall not be condemned to imprisonment in the state

prison, unless the value of the thing bought, received, possessed or withheld [shall amount] amounts to \$100 [,] or more, but [the same] shall be punished as provided in cases of petit larceny.

Sec. 87. NRS 205.320 is hereby amended to read as follows:

205.320 Every person who, with intent thereby to extort or gain any money or other property or to compel or induce another to make, subscribe, execute, alter or destroy any valuable security or instrument or writing affecting or intended to affect any cause of action or defense, or any property, or to influence the action of any public officer, or to do or abet or procure any illegal or wrongful act, whether or not such purpose is accomplished, [shall threaten] threatens directly or indirectly:

1. To accuse any person of a crime; [or]
2. To do an injury to any person or to any property; [or]
3. To publish or connive at publishing any libel; [or]
4. To expose or impute to any person any deformity or disgrace; or
5. To expose any secret,

shall shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years, or by a fine of not more than [\$5,000,] \$10,000, or by both fine and imprisonment.

Sec. 88. NRS 205.365 is hereby amended to read as follows:

205.365 Any person or persons, after once selling, bartering or disposing of any tract or tracts of land, town lot or lots,

or executing any bond or agreement for the sale of any lands or town lot or lots, who [shall] again, knowingly and fraudulently, [sell, barter or dispose] sells, barter or disposes of the same tract or tracts of land, or town lot or lots, or any part thereof, or [shall] knowingly and fraudulently [execute] executes any bond or agreement to sell or barter, or dispose of the same land, or lot or lots, or any part thereof, to any other person or persons, for a valuable consideration, [upon conviction thereof,] shall be punished:

1. Where the value of the property so involved is \$100 or more, by imprisonment in the state prison for not less than 1 year nor more than 10 years, or by a fine of not more than [\$5,000,] \$10,000, or by both fine and imprisonment.

2. Where the value of the property is less than \$100, for a misdemeanor.

Sec. 89. NRS 205.370 is hereby amended to read as follows:

205.370 [If any person,] Any person who, by false representations of his own wealth, or mercantile correspondence and connections, [shall obtain] obtains a credit thereby and [defraud] defrauds any person or persons of money, goods, chattels or any valuable thing, or if any person [shall cause, or procure] causes or procures others to report falsely of his wealth or mercantile character, and by thus imposing upon any person or persons obtain credit and thereby fraudulently [get] gets into the possession of goods, wares or merchandise, or other valuable thing, [every such offender shall be deemed] is a swindler, and [, on conviction,] shall be sentenced to return

the property so fraudulently obtained, if it can be done, and shall be punished:

1. Where the amount of money or the value of the chattels, goods, wares or merchandise, or other valuable thing so obtained is \$100 or more, by imprisonment in the state prison for not less than 1 year nor more than 10 years, or by a fine of not more than [\$5,000,] \$10,000, or by both fine and imprisonment.

2. Otherwise, for a misdemeanor.

Sec. 90. NRS 205.380 is hereby amended to read as follows:

205.380 Every person who knowingly and designedly by any false pretense obtains from any other person any chose in action, money, goods, wares, chattels, effects or other valuable thing, with intent to cheat or defraud the other person, is a cheat, and, unless otherwise prescribed by law, shall be punished:

1. If the value of the thing so fraudulently obtained was \$100 or more, by imprisonment in the state prison for not less than 1 year nor more than 10 years, or by a fine of not more than [\$5,000,] \$10,000, or by both fine and imprisonment, and be sentenced to restore the property so fraudulently obtained, if it can be done.

2. If the value of the thing so fraudulently obtained [did not exceed in value the sum of] was less than \$100, [every person so offending is a cheat and is guilty of] for a misdemeanor, and shall be sentenced to restore the property so fraudulently obtained, if it can be done.

Sec. 91. NRS 205.415 is hereby amended to read as follows:

205.415 Every person who [~~shall sell~~] sells one or more tickets to any ball, benefit or entertainment, or [~~ask or receive~~] asks or receives any subscription or promise thereof, for the benefit or pretended benefit of any person, association or order, without being duly authorized thereto by the person, association or order for whose benefit or pretended benefit [~~the same~~] it is done, shall be punished:

1. Where the amount received from such sales, subscriptions or promises totals \$100 or more, by imprisonment in the state prison for not less than 1 year nor more than 10 years, or by a fine of not more than [~~\$5,000,~~] \$10,000, or by both fine and imprisonment.

2. Otherwise, for a misdemeanor.

Sec. 92. NRS 205.435 is hereby amended to read as follows:

205.435 Every officer, agent or other person in the service of a joint-stock company or corporation, domestic or foreign, who, willfully and knowingly with intent to defraud : [, shall:

1. Sell, pledge or issue or cause] 1. Sells, pledges or issues, or causes to be sold, pledged or issued, or [~~sign or execute or cause~~] signs or executes or causes to be signed or executed, with intent to sell, pledge or issue, or cause to be sold, pledged or issued, any certificate or instrument purporting to be a certificate or evidence of ownership of any share or shares of [~~such~~] that company or corporation, or any conveyance or encumbrance of real or personal property, contract,

bond or evidence of debt, or writing purporting to be a conveyance or encumbrance of real or personal property, contract, bond or evidence of debt of [such] that company or corporation, without being first duly authorized by [such] the company or corporation, or contrary to the charter or laws under which [such] the company or corporation exists, or in excess of the power of [such] the company or corporation, or of the limit imposed by law or otherwise upon its power to create or issue stock or evidence of debt; or

2. [Reissue, sell, pledge or dispose of, or cause] Reissues, sells, pledges or disposes of, or causes to be reissued, sold, pledged or disposed of, any surrendered or canceled certificate or other evidence of the transfer of ownership of any such share or shares,

flush shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years, or by a fine of not more than [\$5,000,] \$10,000, or by both fine and imprisonment.

Sec. 93. NRS 205.445 is hereby amended to read as follows:

205.445 1. It is unlawful for any person:

(a) To obtain food, foodstuffs, lodging, merchandise or other accommodations at any hotel, inn, trailer park, motor court, boardinghouse, roominghouse, lodginghouse, furnished apartment house, furnished bungalow court, furnished auto camp, eating house, restaurant, grocery store, market or dairy, without paying therefor, with intent to defraud the proprietor or manager thereof; [or]

(b) To obtain credit at a hotel, inn, trailer park, motor court, boardinghouse, roominghouse, lodginghouse, furnished apartment house, furnished bungalow court, furnished auto camp, eating house, restaurant, grocery store, market or dairy by the use of any false pretense; or

(c) After obtaining credit, food, lodging, merchandise or other accommodations at a hotel, inn, trailer park, motor court, boardinghouse, roominghouse, lodginghouse, furnished apartment house, furnished bungalow court, furnished auto camp, eating house, restaurant, grocery store, market or dairy, to abscond or surreptitiously, or by force, menace or threats, to remove any part of his baggage therefrom, without paying for his food or accommodations.

2. Any person who violates any of the provisions of subsection 1 shall be punished:

(a) Where the total value of the credit, food, foodstuffs, lodging, merchandise or other accommodations received from any one such establishment is \$100 or more, by imprisonment in the state prison for not less than 1 year nor more than 10 years, or by a fine of not more than [\$5,000,] \$10,000, or by both fine and imprisonment.

(b) Otherwise, for a misdemeanor.

3. Proof that lodging, food, foodstuffs, merchandise or other accommodations were obtained by false pretense, or by false or fictitious show or pretense of any baggage or other property, or that the person refused or willfully neglected to

pay for such food, foodstuffs, lodging, merchandise or other accommodations, or that he gave in payment for such food, foodstuffs, lodging, merchandise or other accommodations negotiable paper on which payment was refused, or that he absconded without paying or offering to pay for such food, foodstuffs, lodging, merchandise or other accommodations, or that he surreptitiously removed or attempted to remove his baggage, shall be prima facie evidence of the fraudulent intent mentioned in this section.

4. This section [shall] does not apply where there has been an agreement in writing for delay in payment for a period to exceed 10 days.

Sec. 94. NRS 205.455 is hereby amended to read as follows:

205.455 Every person who [shall] falsely [represent or personate] represents or personates another, and, in such assumed character, [shall receive] receives any money or valuable property of any description intended to be delivered to the person so personated, shall [, upon conviction,] be punished in the same manner and to the same extent as for feloniously stealing the money or property so received.

Sec. 95. NRS 205.470 is hereby amended to read as follows:

205.470 Any person who [:

1. Willfully and maliciously breaks, injures or otherwise destroys, damages or interferes with any of the posts, wires, towers or other materials or fixtures employed in the construction or use of any line of a television coaxial cable, a

microwave radio system, or a community antenna television system is guilty of a public offense proportionate to the value of the property damaged or destroyed.

2. Without] without authority leads or attempts to lead from its uses or make use of the electrical signal or any portion thereof from any posts, wires, towers or other materials or fixtures employed in the construction or use of any line of a television coaxial cable, a microwave radio system, or a community antenna television system is guilty of a misdemeanor.

Sec. 96. NRS 205.480 is hereby amended to read as follows:

205.480 1. It is unlawful to obtain or attempt to obtain telephone or telegraph service with intent to avoid payment therefor by:

(a) Charging the service to an existing telephone number without authority of the subscriber, to a nonexistent telephone number or to a number associated with telephone service which is suspended or terminated after notice of suspension or termination has been given to the subscriber; [or]

(b) Charging the service to a credit card without authority of the lawful holder, to a nonexistent credit card or to a revoked or canceled (as distinguished from expired) credit card after notice of revocation or cancellation has been given to the holder; [or]

(c) Using a code, prearranged scheme or other similar device to send or receive information; [or]

(d) Rearranging, tampering with or making connection with any facilities or equipment, whether physically, electrically, acoustically, inductively or otherwise; [or]

(e) Using any other deception, false token or other means to avoid payment for the service; or

(f) Concealing, or assisting another to conceal, from any telephone or telegraph company or from any lawful authority the existence or place of origin or destination of any message.

2. If the value of the service involved is \$100 or more, any person violating the provisions of this section [is guilty of a felony and] shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years, or by a fine of not more than [\$5,000,] \$10,000, or by both fine and imprisonment. If the value of the service involved is less than \$100 any person violating the provisions of this section is guilty of a misdemeanor. In determining the value of the service involved, the value of all services unlawfully obtained or attempted to be obtained within 3 years prior to the time the indictment is found or the information is filed may be aggregated.

3. This section [shall apply] applies when the service involved either originates or terminates, or both originates and terminates, in the State of Nevada, or when the charges for such service would have been billable in the normal course by a person, firm or corporation providing such service in Nevada

but for the fact that such service was obtained or attempted to be obtained by one or more of the means set forth in subsection 1.

Sec. 97. NRS 205.520 is hereby amended to read as follows:

205.520 A bailee, or any officer, agent or servant of a bailee, who issues or aids in issuing a document of title, knowing that the goods covered by the document of title have not been received by him, or are not under his control at the time the document is issued, shall be punished:

1. Where the value of the goods purported to be covered by such document of title is \$100 or more, by imprisonment in the state prison for not less than 1 year nor more than 10 years, or by a fine of not more than [\$5,000,] \$10,000, or by both fine and imprisonment.

2. Where such value is less than \$100, for a misdemeanor.

Sec. 98. NRS 205.540 is hereby amended to read as follows:

205.540 Except as provided in chapter 104 of NRS, a bailee, or any officer, agent or servant of a bailee, who issues or aids in issuing a duplicate or additional negotiable document of title, knowing that a former negotiable document for the same goods or any part of them is outstanding and uncanceled, shall be punished:

1. Where the value of the goods purported to be covered by such document of title is \$100 or more, by imprisonment in the state prison for not less than 1 year nor more than 10 years,

or by a fine of not more than [\$5,000,] \$10,000, or by both fine and imprisonment.

2. Where such value is less than \$100, for a misdemeanor.

Sec. 99. NRS 205.570 is hereby amended to read as follows:

205.570 Every person who, with intent to defraud, obtains a negotiable document of title for goods to which he does not have title, or which are subject to a security interest, and negotiates the document for value, without disclosing his want of title or the existence of the security interest, shall be punished:

1. Where the value of the goods purported to be covered by such document of title is \$100 or more, by imprisonment in the state prison for not less than 1 year nor more than 10 years, or by a fine of not more than [\$5,000,] \$10,000, or by both fine and imprisonment.

2. Where such value is less than \$100, for a misdemeanor.

Sec. 100. NRS 205.580 is hereby amended to read as follows:

205.580 Every person who, with intent to defraud, secures the issue by a bailee of a negotiable document of title, knowing at the time of issue that any or all of the goods are not in possession of the bailee, by inducing the bailee to believe that the goods are in the bailee's possession, shall be punished:

1. Where the value of the goods purported to be covered by the document of title is \$100 or more, by imprisonment in the state prison for not less than 1 year nor more than 10 years,

or by a fine of not more than [\$5,000,] \$10,000, or by both fine and imprisonment.

2. Where such value is less than \$100, for a misdemeanor.

Sec. 101. NRS 205.590 is hereby amended to read as follows:

205.590 Every person who, with intent to defraud, negotiates or transfers for value a document of title, which by the terms thereof represents that goods are in possession of the bailee which issued the document, knowing that the bailee is not in possession of the goods or any part thereof, without disclosing this fact, shall be punished:

1. Where the value of the goods purported to be covered by such document of title is \$100 or more, by imprisonment in the state prison for not less than 1 year nor more than 10 years, or by a fine of not more than [\$5,000,] \$10,000, or by both fine and imprisonment.

2. Where such value is less than \$100, for a misdemeanor.

Sec. 102. NRS 205.690 is hereby amended to read as follows:

205.690 1. Any person who steals, takes or removes a credit card from the person, possession, custody or control of another without the cardholder's consent or who, with knowledge that a credit card has been so taken, removed or stolen receives the credit card with intent to circulate, use or sell it or to transfer it to a person other than the issuer or the cardholder, shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years [.] , and may be further punished by a fine of not more than \$5,000.

2. Any person who possesses a credit card without the consent of the cardholder and with the intent to circulate, use, sell or transfer the card with intent to defraud shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years [.] , and may be further punished by a fine of not more than \$5,000.

3. Any person who has in his possession or under his control two or more credit cards issued in the name or names of another person or persons is presumed to have obtained and to possess such credit cards with the knowledge that they have been stolen and with the intent to circulate, use, sell or transfer them with intent to defraud. The presumption established by this subsection does not apply to the possession of two or more credit cards used in the regular course of the possessor's business or employment or where the possession is with the consent of the cardholder.

Sec. 103. NRS 205.730 is hereby amended to read as follows:

205.730 Any person, except the issuer, who during any 12-month period receives credit cards issued in the names of two or more persons and who has reason to know that such credit cards were taken or retained in violation of NRS 205.690 to 205.720, inclusive, [is guilty of a felony and] shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years, or by a fine of not more than [\$5,000,] \$10,000, or by both fine and imprisonment.

Sec. 104. NRS 205.740 is hereby amended to read as follows:

205.740 1. A person who, with intent to defraud, falsely makes or falsely embosses a purported credit card or utters such a credit card is guilty of a felony and shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years, or by a fine of not more than [\$5,000,] \$10,000, or by both fine and imprisonment.

2. A person, except the purported issuer, who possesses two or more credit cards which are falsely made or falsely embossed is presumed to have violated this section.

3. For the purpose of this section:

(a) A person "falsely makes" a credit card when he alters a validly issued credit card or makes or draws, in whole or in part, a device or instrument which purports to be the credit card of a named issuer where the issuer did not authorize the making or drawing.

(b) A person "falsely embosses" a credit card when, without the authorization of the named issuer, he completes a credit card by adding any matter, except the signature of the cardholder, which the issuer requires to appear on the credit card before the credit card can be used by a cardholder.

Sec. 105. NRS 205.750 is hereby amended to read as follows:

205.750 Any person, except the cardholder or a person authorized by the cardholder, who signs a credit card, sales slip, sales draft or instrument for the payment of money which evidences a credit card transaction with intent to defraud

shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years, or by a fine of not more than [\$5,000,] \$10,000, or by both fine and imprisonment.

Sec. 106. NRS 205.760 is hereby amended to read as follows:

205.760 1. Any person who, with intent to defraud:

(a) Uses a credit card for the purpose of obtaining money, goods, property, services or anything of value where such credit card was obtained or retained in violation of NRS 205.-690 to 205.750, inclusive, or where such person knows the credit card is forged, expired or revoked; or

(b) Obtains money, goods, property, services or anything else of value by representing, without the consent of the cardholder, that he is the authorized holder of a specified card or that he is the holder of a card where such card has not in fact been issued,

flush is guilty of a public offense and shall be punished as provided in subsection 2.

2. Where the amount of money or the value of the goods, property, services or other things of value so obtained in any 6-month period is:

(a) \$100 or more, the violator shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years, or by a fine of not more than [\$5,000,] \$10,000, or by both fine and imprisonment.

(b) Less than \$100, the violator shall be punished for a misdemeanor.

3. A person is presumed to have knowledge of the revocation of a credit card 4 days after notice of the revocation has been mailed to him by registered or certified mail, return receipt requested, at the address set forth on the credit card or at his last-known address. If the address is more than 500 miles from the place of mailing, notice shall be sent by airmail. If the address is located outside the United States, Puerto Rico, the Virgin Islands, the Canal Zone and Canada, notice shall be presumed to have been received 10 days after such mailing.

Sec. 107. NRS 205.770 is hereby amended to read as follows:

205.770 Any person authorized by an issuer to furnish money, goods, services or anything else of value upon presentation of a credit card by the cardholder, or an agent or employee of such authorized person, who, with intent to defraud, furnishes money, goods, property, services or anything else of value upon presentation of a credit card which such person, employee or agent knows was obtained or retained in violation of NRS 205.-690 to 205.750, inclusive, or is forged, expired or revoked is guilty, where the amount of money or the value of the goods, property, services or other things of value so furnished in any 6-month period is:

1. \$100 or more, of a felony and shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years, or by a fine of not more than [\$5,000,] \$10,000, or by both fine and imprisonment.

2. Less than \$100, of a misdemeanor.

Sec. 108. NRS 205.780 is hereby amended to read as follows:

205.780 Any person authorized by an issuer to furnish money, goods, property, services or anything of value upon presentation of a credit card by the cardholder, or an agent or employee of such authorized person, who, with intent to defraud, misrepresents to the issuer the value of the goods he furnishes or who fails to furnish money, goods, property, services or anything else of value which he represents in writing to the issuer that he has furnished is guilty, where in any 6-month period the difference between the amount of money or the value of the goods, property, services or other things of value actually furnished and the amount or value which was represented to the issuer to have been furnished is:

1. \$100 or more, of a felony and shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years, or by a fine of not more than [\$5,000,] \$10,000, or by both fine and imprisonment.

2. Less than \$100, of a misdemeanor.

Sec. 109. NRS 205.800 is hereby amended to read as follows:

205.800 1. Any person who receives money, property, goods, services or anything of value obtained in violation of NRS 205.760, knowing or believing that the money, property, goods, services or other things of value were so obtained, is guilty, where the amount of money or the value of the property, goods, services or other things of value received by such person is:

(a) \$100 or more, of a felony and shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years, or by a fine of not more than [\$5,000,] \$10,000, or by both fine and imprisonment.

(b) Less than \$100, of a misdemeanor.

2. Any person who obtains at a discount price from a source other than the issuing company a ticket issued by an airline, railroad, steamship or other transportation company which was acquired in violation of NRS 205.760 under such circumstances as to cause a reasonable man to believe he had obtained such ticket in violation of this act is presumed to know that such ticket was acquired in violation of NRS 205.760.

Sec. 110. NRS 206.010 is hereby amended to read as follows:

206.010 Whenever any persons unlawfully assembled [shall] pull down , damage or destroy any dwelling house or other building, or any shop, steamboat, vessel or other property, they severally are guilty of a public offense proportionate to the value of the property damaged or destroyed.

Sec. 111. NRS 206.040 is hereby amended to read as follows:

206.040 Every person who [shall] willfully and maliciously [enter,] enters, without the consent of the owner or occupant, any [orchard, garden, vineyard or yard,] real property of another, with intent to take, injure or destroy any [thing there grown or growing, shall be] real or personal property there situated, is guilty of a misdemeanor.

Sec. 112. NRS 206.140 is hereby amended to read as follows:

206.140 Every person who : [shall willfully and maliciously:

1. Injure, mark or deface any church edifice, or other building, public or private, its fixtures, books or appurtenances; or

2. Commit] 1. Commits any nuisance [therein; or

3. Commit] in any building, public or private;

2. Commits any trespass upon the grounds attached thereto, or any fixtures placed thereon, or any enclosure or sidewalk about the [same;] building; or

[4.] 3. In any manner [interfere with or disturb] interferes with or disturbs those peaceably assembled within [such building or buildings,] the building,

flush shall be guilty of a public offense proportionate to the value of [thel] any property damaged or destroyed, but in no event less than a misdemeanor.

Sec. 113. NRS 206.220 is hereby amended to read as follows:

206.220 1. Every person who [shall] willfully or maliciously:

(a) [Remove] Removes any monument of stone, wood or other durable material erected , or post or stake fixed or driven in the ground, for the purpose of designating the corner, or any other point, in the boundary of this state or any political subdivision thereof, or any lot or tract of land, or any mining claim or claims ; [, or any post or stake fixed or driven in the ground for the purpose of designating a point in the boundary of any lot or tract of land, mining claim or claims; or

(b) Alter] (b) Alters the marks upon any tree, post or other monument made for the purpose of designating any point, course or line, in [the boundary of any lot or tract of land, mining claim or claims; or

(c) Cut down or remove] any such boundary; or

(c) Cuts down or removes any tree upon which any such marks [shall be] are made for [such] that purpose, with the intent to destroy such marks,

first [shall be] is guilty of a public offense proportionate to the value of the loss resulting therefrom, but in no event less than a misdemeanor.

2. For purposes of this section, the "value of the loss resulting therefrom" means the cost of restoring or replacing the marks or monuments which have been removed, altered or destroyed.

Sec. 114. NRS 206.260 is hereby amended to read as follows:

206.260 Every person who [shall] fraudulently or maliciously [tear, burn, efface, cut,] tears, burns, effaces, cuts, or in any other way [destroy,] destroys, with intent to defraud, prejudice or injure any person or body corporate:

1. Any deed, lease, bond, will, or any other sealed writing; [or]

2. Any bank bill or note, check, warrant or certificate for the payment of money or other thing, or other security for the payment of money or the delivery of goods; [or]

3. Any certificate or other public security of this state, the United States, or any state or territory for the payment of money; [or]

4. Any receipt, acquittance, release, defeasance, discharge of any debt, suit or other demand; [or]

5. Any transfer or assurance of money, stock, goods, chattels or other property; [or]

6. Any letter of attorney or other power; [or]

7. Any daybook or other book of account; or

8. Any agreement or contract , [whatsoever,]

flush shall [, upon conviction thereof,] be punished by imprisonment in the state prison for a term not less than 1 year nor more than 10 years [.] , and may be further punished by a fine of not more than \$10,000.

Sec. 115. NRS 206.300 is hereby amended to read as follows:

206.300 Every person who, in such manner as might, if not discovered, endanger a vessel, railway engine, motor, train or car, [shall show, mask, extinguish, alter or remove] shows, masks, extinguishes, alters or removes any light or signal, or [exhibit] exhibits any false light or signal, shall be punished:

1. Where physical injury or property damage results therefrom, by imprisonment in the state prison for not less than 1 year nor more than 10 years [.] , and may be further punished by a fine of not more than \$10,000.

2. Otherwise, for a gross misdemeanor.

Sec. 116. NRS 207.080 is hereby amended to read as follows:

207.080 1. For the purpose of NRS 207.080 to 207.150, inclusive, a "convicted person" is defined as:

(a) Any person who [has been or hereafter] before or after March 15, 1955, was or is convicted of an offense punishable as a felony in the State of Nevada, or who has been or who is hereafter convicted of any offense in any place other than the State of Nevada, which offense, if committed in the State of Nevada, would be punishable as a felony.

(b) Any person who [has been or hereafter] before or after March 15, 1955, was or is convicted in the State of Nevada, or elsewhere, of the violation of any law, whether the [same] offense is or is not punishable as a felony:

(1) Relating to or regulating the possession, distribution, furnishing or use of any habit-forming drug of the kind or character described and referred to in the Uniform Narcotic Drug Act.

(2) Regulating or prohibiting the carrying, possession or ownership of any concealed weapon, or deadly weapon, or any weapon capable of being concealed, or regulating or prohibiting the possession, sale or use of any device, instrument or attachment designed or intended to be used for the purpose of silencing the report or concealing the discharge or flash of any firearm.

(3) Regulating or prohibiting the use, possession, manufacture or compounding of tear gas, or any other gas, which may

be used for the purpose of temporarily or permanently disabling any human being.

(c) Any person who [has been, or who hereafter is,] before or after March 15, 1955, was or is convicted of a crime in the State of Nevada, under the provisions of one or more of NRS 122.220, 201.120 to 201.170, inclusive, 201.250, 201.270, 201.360 to 201.400, inclusive, 201.420, 202.010, 202.040, 202.055, 202.200 to 202.230, inclusive, 212.170, 212.180, 433.564, 451.010 to 451.040, inclusive, 452.300, 462.010 to 462.080, inclusive, 465.010 to 465.070, inclusive, 646.010 to 646.060, inclusive, [647.095,] 647.100, 647.110, 647.120, 647.130 [, 647.140 and 647.145, or who has been, or hereafter is,] and 647.140, or who before or after March 15, 1955, was or is convicted, in any place other than the State of Nevada, of an offense which, if committed in this state, would have been punishable under one or more of such sections.

(d) Any person who [has been, or who hereafter is,] before or after March 15, 1955, was or is convicted in the State of Nevada or elsewhere of any attempt or conspiracy to commit any offense described or referred to in NRS 207.080 to 207.150, inclusive.

2. Any person, except as [hereinafter] set forth in NRS 207.090 to 207.150, inclusive, whose conviction is or has been set aside in the manner provided by law shall not be deemed a convicted person.

Sec. 117. NRS 207.190 is hereby amended to read as follows:

207.190 1. It is unlawful for any person, with intent to compel another to do or abstain from doing an act which such other person has a right to do or abstain from doing, to:

(a) Use violence or inflict injury upon such other person or any of his family, or upon his property, or threaten such violence or injury; [or]

(b) Deprive such person of any tool, implement or clothing, or hinder him in the use thereof; or

(c) Attempt to intimidate such person by threats or force.

2. Any person who violates the provisions of subsection 1 shall be punished:

(a) Where physical force or the immediate threat of such force is used, by imprisonment in the state prison for not less than 1 year nor more than 6 years [.] , and may be further punished by a fine of not more than \$5,000.

(b) Where no physical force or immediate threat of such force is used, for a misdemeanor.

Sec. 118. NRS 207.250 is hereby amended to read as follows:

207.250 1. It is unlawful for any person, firm, company or corporation to sell, offer to sell, or display for sale any motor vehicle unless [such] that person, firm, company or corporation is : [either:]

(a) The legal or registered owner of such vehicle;

(b) A reposessor of such vehicle, or holder of a statutory lien on such vehicle, selling the vehicle on a bid basis; or

(c) [Manufacturer] A manufacturer or dealer licensed under the provisions of chapter 482 of NRS.

2. The provisions of this section do not apply to any executor, administrator, sheriff or other person who sells a motor vehicle pursuant to powers or duties granted or imposed by law.

3. Any person who violates any of the provisions of this section shall be punished:

(a) Where the value of the vehicle so sold is \$100 or more, by imprisonment in the state prison for not less than 1 year nor more than [10] 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

(b) Otherwise, for a misdemeanor.

Sec. 119. NRS 207.260 is hereby amended to read as follows:

207.260 Any person who annoys or molests any minor is guilty of a misdemeanor. For the second and each subsequent offense he shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years [.] , and may be further punished by a fine of not more than \$5,000.

Sec. 120. NRS 210.280 is hereby amended to read as follows:

210.280 Any person who knowingly permits or aids an inmate to escape from the school, or who conceals any inmate or escapee with the intent or purpose of enabling him to elude pursuit, shall be punished:

1. Where a dangerous weapon is used by such person to facilitate such escape or attempted escape, by imprisonment in the state prison for not less than 1 year nor more than 6 years [.]

, and may be further punished by a fine of not more than \$5,000.

2. Where no dangerous weapon is used, for a gross misdemeanor.

Sec. 121. NRS 210.710 is hereby amended to read as follows:

210.710 Any person who knowingly permits or aids an inmate to escape from the school, or who conceals any inmate or escapee with the intent or purpose of enabling her to elude pursuit, shall be punished:

1. Where a dangerous weapon is used by such person to facilitate such escape or attempted escape, by imprisonment in the state prison for not less than 1 year nor more than 6 years [.] , and may be further punished by a fine of not more than \$5,000.

2. Where no dangerous weapon is used, for a gross misdemeanor.

Sec. 122. NRS 212.090 is hereby amended to read as follows:

212.090 Every prisoner confined in a prison, or being in the lawful custody of an officer or other person, who [shall escape or attempt] escapes or attempts to escape from such prison or custody, if he is held on a charge, conviction or sentence of:

1. A felony, shall be punished:

(a) Where a dangerous weapon is used or one or more hostages are taken to facilitate the escape or attempted escape, or substantial bodily harm results to anyone as a direct result of the escape or attempted escape, by imprisonment in the state prison for not less than 2 years nor more than 20 years. The

sentence imposed pursuant to this paragraph shall run consecutively after any sentence imposed for the original felony, and is not subject to suspension or the granting of probation.

(b) Where none of the aggravating factors specified in paragraph (a) is present, by imprisonment in the state prison for not less than 1 year nor more than 10 years [.] , and may be further punished by a fine of not more than \$10,000.

2. A gross misdemeanor or misdemeanor, shall be punished:

(a) Where a dangerous weapon is used to facilitate such escape or attempted escape, by imprisonment in the state prison for not less than 1 year nor more than 6 years [.] , and may be further punished by a fine of not more than \$5,000.

(b) Where no dangerous weapon is used, for a gross misdemeanor.

Sec. 123. NRS 212.100 is hereby amended to read as follows:

212.100 Every person who, with intent to effect or facilitate the escape of a prisoner, whether [such escape shall be] the escape is effected or attempted or not, [shall convey or send] conveys or sends to a prisoner any information or aid, or [convey or send] conveys or sends into a prison any disguise, instrument, weapon or other thing, or [aid or assist] aids or assists a prisoner in escaping or attempting to escape from the lawful custody of a sheriff or other officer or person, shall be punished if such prisoner is held upon a charge, arrest, commitment, conviction or a sentence:

1. For a felony, by imprisonment in the state prison for not less than 1 year nor more than 10 years [.] , and may be further punished by a fine of not more than \$10,000.

2. For a gross misdemeanor or misdemeanor:

(a) Where a dangerous weapon is used to effect or facilitate the escape or attempted escape, by imprisonment in the state prison for not less than 1 year nor more than 6 years [.] , and may be further punished by a fine of not more than \$5,000.

(b) Where no dangerous weapon is used, for a gross misdemeanor.

Sec. 124. NRS 212.110 is hereby amended to read as follows:

212.110 Every person who willfully allows a prisoner lawfully in his custody to escape, or connives at or assists such escape, or willfully omits any act or duty by reason of which omission such escape is occasioned, contributed to or assisted, shall, if he [connive at or assist] connives at or assists such escape, be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years [;] , and may be further punished by a fine of not more than \$10,000; and in any other case, is guilty of a gross misdemeanor.

Sec. 125. NRS 212.120 is hereby amended to read as follows:

212.120 Every officer who [shall ask or receive,] asks or receives, directly or indirectly, any compensation, gratuity or reward, or promise thereof, to procure, assist, connive at or permit any prisoner in his custody to escape, whether such escape [shall be] is attempted or not, or shall commit any

unlawful act tending to hinder justice, shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years [.] , and may be further punished by a fine of not more than \$10,000.

Sec. 126. NRS 212.130 is hereby amended to read as follows:

212.130 Every person who knowingly conceals, or harbors for the purpose of concealment, a prisoner who has escaped or is escaping from custody shall be punished, according to the charge or conviction or sentence upon which such prisoner was held:

1. By imprisonment in the state prison for not less than 1 year nor more than 10 years, and may be further punished by a fine of not more than \$10,000, if such prisoner was held for a felony.

2. For a gross misdemeanor, if such prisoner was held for a gross misdemeanor.

3. For a misdemeanor, if such prisoner was held for a misdemeanor.

Sec. 127. NRS 212.160 is hereby amended to read as follows:

212.160 1. Any person, not authorized by law, who knowingly furnishes, or attempts to furnish, or aids or assists in furnishing or attempting to furnish to any prisoner confined in an institution of the department of prisons, or any other place where prisoners are authorized to be or are assigned by the director of the department, any deadly weapon, explosives, any controlled substance as defined in chapter 453 of NRS, or intoxicating liquor, shall be punished:

(a) Where a deadly weapon, controlled substance or explosive is involved, by imprisonment in the state prison for not less than 1 year nor more than 6 years [.] , and may be further punished by a fine of not more than \$5,000.

(b) Where an intoxicant is involved, for a gross misdemeanor.

2. Knowingly leaving or causing to be left any such article where it may be obtained by any such prisoner constitutes, within the meaning of this section, the furnishing such article to such prisoner.

Sec. 128. NRS 212.180 is hereby amended to read as follows:

212.180 [1.] It [shall be] is unlawful for any person or persons to sell by wholesale or retail any spirituous or malt liquors, wine or cider, within one-half mile of the state prison, and no license [shall] may be granted authorizing the sale of any spirituous or malt liquors, wine or cider, within one-half mile of the state prison.

[2. A violation of the provisions of this section shall, on conviction, be punished by a fine of not less than \$50, nor more than \$500, or by imprisonment in the county jail not less than 25 days nor exceeding 6 months.]

Sec. 129. NRS 4.220 is hereby amended to read as follows:

4.220 It [shall be] is unlawful for any justice of the peace of the same township, directly or indirectly, to purchase any judgment or any part thereof on the docket of such justice, or on any docket in his possession. [Upon conviction for] For

each offense, he shall be fined [a sum not less than \$100 nor] not more than \$1,000.

Sec. 130. NRS 90.190 is hereby amended to read as follows:

90.190 1. Any person who willfully and knowingly violates any provision of this chapter shall [, upon conviction,] be punished by [a fine of not more than \$5,000, or by imprisonment in the state prison for not less than 1 year nor more than 3 years or in the county jail for not more than 1 year,] imprisonment in the state prison for not less than 1 year nor more than 6 years, or by a fine of not more than \$5,000, or by both [such] fine and imprisonment. No indictment or information may be returned under this chapter more than 5 years after the alleged violation.

2. The administrator may refer such evidence as is available concerning violations of this chapter to the attorney general, who may, with or without such a reference, institute the appropriate criminal proceedings under this chapter.

Sec. 131. NRS 176.185 is hereby amended to read as follows:

176.185 1. Whenever any person has been found guilty in a district court of a crime upon verdict or plea, the court, except in cases of [capital murder or] murder of the first or second degree, kidnaping in the first degree, sexual assault, or an offense for which the suspension of sentence or the granting of probation is expressly forbidden, may by its order suspend the execution of the sentence imposed and grant probation to the convicted person as the judge thereof deems

advisable. The court may grant probation to a person convicted of [the infamous crime against nature, of] indecent or obscene exposure or of lewdness only if a certificate of a psychiatrist, as required by NRS [201.190 and] 201.210 to 201.230, inclusive, is received by the court.

2. The district judge shall not grant probation until a written report is received by him from the chief parole and probation officer. The chief parole and probation officer shall submit a written report not later than 30 days following a request for a probation investigation from the county clerk, and if no report is submitted by the chief parole and probation officer within 30 days the district judge may grant probation without the written report.

3. In issuing the order granting probation, the court may fix the terms and conditions thereof, including a requirement for restitution as provided in NRS 176.189, except that the court shall not suspend the execution of a sentence of imprisonment after the defendant has begun to serve it.

4. In placing any defendant on probation or in granting any defendant a suspended sentence, the court shall direct that he be placed under the supervision of the chief parole and probation officer.

5. The court shall also, upon the entering of the order of probation or suspension of sentence, as provided for in NRS 176.175 to 176.245, inclusive, direct the clerk of the court to certify a copy of the records in the case and deliver the copy to the chief parole and probation officer.

Sec. 132. NRS 119.330 is hereby amended to read as follows:

119.330 1. Except as provided in subsection 2, any person [, copartnership, association or corporation] violating a provision of this chapter, [upon conviction thereof,] if a natural person, is guilty of a gross misdemeanor, and if a copartnership, association or corporation, shall be punished by a fine of not more than \$10,000 for each offense.

2. Any person who:

(a) Sells or attempts to sell in this state any subdivision or any lot, parcel, unit or interest in any subdivision by means of intentional misrepresentation, deceit or fraud; or

(b) Obtains or attempts to obtain a license under this chapter by means of intentional misrepresentation, deceit or fraud,

flush [is guilty of a felony.] shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years, or by a fine of not more than \$10,000 for each offense, or by both fine and imprisonment.

3. Any officer or agent of a corporation, or member or agent of a copartnership or association, who [shall] personally [participate in or be] participates in or is accessory to any violation of this chapter by such copartnership, association or corporation, [shall be] is subject to the penalties [herein] prescribed for [individuals.] natural persons in this section.

4. [Nothing contained in this section shall be construed to] This section does not release any person, corporation, association

or copartnership from civil liability or criminal prosecution under [the general laws] any other law of this state.

[5. The administrator may prefer a complaint for violation of a provision of this chapter before any court of competent jurisdiction, and may take the necessary legal steps through the proper legal officers of this state to enforce the provisions thereof.

6. Any court of competent jurisdiction shall have full power to try any violation of this chapter, and upon]

5. Upon conviction the court may [, at its discretion,] revoke the license of the person [, copartnership, association or corporation] so convicted, in addition to imposing the other penalties [herein] provided [.] in this section.

Sec. 133. NRS 127.300 is hereby amended to read as follows:

127.300 1. Except as provided in NRS 127.285, any person who, without holding a valid license to operate a child-placing agency issued by the welfare division of the department of human resources under NRS 127.250 or 127.260, requests or receives, directly or indirectly, any compensation or thing of value for placing, arranging the placement of, or assisting in placing or arranging the placement of, any child for adoption or permanent free care shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years, or by a fine of not more than [\$1,000,] \$5,000, or by both fine and imprisonment.

2. The natural parents and the adopting parents [shall not be considered] are not accomplices for the purpose of this section.

Sec. 134. NRS 207.090 is hereby amended to read as follows:

207.090 1. It [shall be] is unlawful for any convicted person to be or remain in the State of Nevada for a period of more than 48 hours without, during such 48-hour period, registering with the sheriff of any county or the chief of police of any city in the manner [hereinafter] prescribed [.] in this section.

2. Any convicted person who does not reside in the State of Nevada but who has a temporary or permanent place of abode outside the State of Nevada, and who comes into the state on five occasions or more during any 30-day period, [shall be] is subject to the provisions of NRS 207.080 to 207.150, inclusive.

3. Any person who has once registered as a convicted person, with the sheriff of any county or the chief of police of any city, [shall not be] is not required to register again, except as provided in NRS 207.100; but any person convicted of any of the crimes enumerated in paragraph [(d)] (c) of subsection 1 of NRS 207.080 shall register as provided in this section, regardless of whether he has previously so registered as a convicted person by reason of his conviction of some crime other than those enumerated in paragraph [(d)] (c) of subsection 1 of NRS 207.080.

4. Every person required by this section to register shall do so by filing with the sheriff or chief of police a statement in writing, signed by such person, upon a form prescribed and furnished by the sheriff or chief of police, giving the following information:

(a) His true name and all aliases which he has used or under which he may have been known.

(b) A full and complete description of his person.

(c) The kind, character and nature of each crime of which he has been convicted.

(d) The place where each of such crimes was committed and the place or places of conviction.

(e) The name under which he was convicted in each instance and the date thereof.

(f) The name, if any, and the location of each prison, reformatory, jail or other penal institution in which he was confined or to which he was sentenced.

(g) The location and address of his residence, stopping place, living quarters or place of abode, and if more than one residence, stopping place or place of abode, that fact must be stated and the location and address of each given.

(h) A statement of the kind of residence, stopping place, or place of abode in which he resides, whether [the same] it is temporary or permanent; that is, whether [the same] it is a private residence, hotel, apartment house or other building or structure.

(i) The length of time he has occupied each such place of residence, stopping place or place of abode; and the length of time he expects or intends to remain in the State of Nevada.

(j) Such other and further information as may be required by the sheriff or chief of police for the purpose of aiding and assisting in carrying into effect the provisions and intent of NRS 207.080 to 207.150, inclusive.

5. When so ordered in the individual case by the district court in which the conviction was obtained, by the state board of parole commissioners or by the state board of pardons commissioners, whichever is appropriate, the provisions of this section [shall] do not apply to a convicted person who has had his civil rights restored.

Sec. 135. NRS 218.560 is hereby amended to read as follows:

218.560 Every person who fraudulently alters the draft of any bill or resolution which has been presented for enactment or adoption to either house of the legislature, with intent to procure its enactment or adoption by either house in language different from that intended by such house, shall be punished by a fine of not more than [\$2,000,] \$5,000, or imprisonment in the state prison for not less than 1 year nor more than 6 years, or by both fine and imprisonment.

Sec. 136. NRS 218.570 is hereby amended to read as follows:

218.570 Every person who fraudulently alters the enrolled copy of any bill or resolution which has been passed or adopted by the legislature, with intent to procure it to be approved by

the governor, or certified by the secretary of state, or printed or published by the superintendent of the department of state printing in language different from that in which it was passed or adopted by the legislature, shall be punished by a fine of not more than [\$2,000,] \$5,000, or imprisonment in the state prison for not less than 1 year nor more than 6 years, or by both fine and imprisonment.

Sec. 137. NRS 218.590 is hereby amended to read as follows:

218.590 Every person who [shall give, offer or promise,] gives, offers or promises, directly or indirectly, any compensation, gratuity or reward to a member of the legislature, or [attempt,] attempts, directly or indirectly, by menace, deceit, suppression of truth or other corrupt means, to influence such member to give or withhold his vote or to absent himself from the house of which he is a member or from any committee thereof, shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years, or by a fine of not more than [\$5,000,] \$10,000, or by both [.] fine and imprisonment.

Sec. 138. NRS 218.600 is hereby amended to read as follows:

218.600 Every member of either house of the legislature of the state who [shall ask or receive,] asks or receives, directly or indirectly, any compensation, gratuity or reward, or any promise thereof, upon an agreement or understanding that his official vote, opinion, judgment or action [shall] will be influenced thereby, or [shall] will be given in any particular

manner, or upon any particular side of any question or matter upon which he may be required to act in his official capacity, shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years, or by a fine of not more than [\$5,000,] \$10,000, or by both [.] fine and imprisonment.

Sec. 139. NRS 233.210 is hereby amended to read as follows:

233.210 Any person who willfully resists, prevents, impedes or interferes with the commission, its members, the director or agents in the performance of duties pursuant to this chapter is guilty of a misdemeanor and, upon conviction thereof, shall be fined not [less than \$100 nor] more than \$500.

Sec. 140. NRS 239.300 is hereby amended to read as follows:

239.300 [If any person shall:

1. Steal, embezzle, corrupt, alter, withdraw, falsify or avoid] Any person who:

1. Steals, embezzles, corrupts, alters, withdraws, falsifies or avoids any record, process, charter, gift, grant, conveyance, bond or contract; [or]

2. Knowingly or willfully, [take off, discharge or conceal] takes off, discharges or conceals any issue, forfeited recognition or other forfeiture; [or]

3. [Forge, deface or falsify] Forges, defaces or falsifies any document or instrument recorded, or any registered acknowledgment or certificate; or

4. [Alter, deface or falsify] Alters, defaces or falsifies any minute, document, book or any proceedings [whatever] of or belonging to any public office within this state,

flush [he] shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years, or by a fine of not more than [\$5,000,] \$10,000, or by both fine and imprisonment.

Sec. 141. NRS 239.310 is hereby amended to read as follows:

239.310 Every person who [shall] willfully and unlawfully [remove, alter, mutilate, destroy, conceal or obliterate] removes, alters, mutilates, destroys, conceals or obliterates a record, map, book, paper, document or other thing filed or deposited in a public office, or with any public officer, by authority of law, shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years, or by a fine of not more than [\$1,000,] \$5,000, or by both [.] fine and imprisonment.

Sec. 142. NRS 239.320 is hereby amended to read as follows:

239.320 Every officer who [shall mutilate, destroy, conceal, erase, obliterate or falsify] mutilates, destroys, conceals, erases, obliterates or falsifies any record or paper appertaining to his office, shall be punished by imprisonment in the state prison for not more than 10 years, or by a fine of not more than [\$5,000,] \$10,000, or by both [.] fine and imprisonment.

Sec. 143. NRS 281.190 is hereby amended to read as follows:

281.190 1. If any officer whose office [shall be] is abolished by law, or who, after the expiration of the term for which he [may be] is appointed or elected, or after he [shall have] has resigned, or when legally removed from office, [shall] willfully or unlawfully [withhold or detain] withholds or detains from his successor, or other person entitled thereto by law, the records, papers, documents or other writings pertaining or belonging to his office, or [mutilate, destroy or take away the same,] mutilates, destroys or takes away any such writing, the person so offending shall [, upon conviction thereof,] be punished by imprisonment in the state prison for a term of not less than 1 year nor more than [11 years.] 10 years, and may be further punished by a fine of not more than \$10,000.

2. The provisions of this section [shall] apply to any person [or persons who have] who has such records, documents, papers or other writings in his [, her or their] possession, and [shall willfully mutilate, withhold or detain the same.] willfully mutilates, withholds or detains them.

Sec. 144. NRS 281.230 is hereby amended to read as follows:

281.230 1. The following persons shall not, in any manner, directly or indirectly, receive any commission, personal profit or compensation of any kind inconsistent with loyal service to the people resulting from any contract or other transaction in which the employing state, county, municipality, township,

district or quasi-municipal corporation is in any way interested or affected:

(a) State, county, municipal, district and township officers of the State of Nevada;

(b) Deputies and employees of state, county, municipal, district and township officers; and

(c) Officers and employees of quasi-municipal corporations.

2. Any contract or transaction prohibited by this section entered into with any of the persons designated in subsection 1, with the knowledge of the party so entering into the same, is void.

3. Every person violating any of the provisions of this section shall be punished as provided in NRS 197.230 and:

(a) Where [such] the commission, personal profit or compensation is \$100 or more, by imprisonment in the state prison for not less than 1 year nor more than 10 years, or by a fine of not more than [\$5,000,] \$10,000, or by both fine and imprisonment.

(b) Where [such] the commission, personal profit or compensation is less than \$100, for a misdemeanor.

Sec. 145. NRS 293.584 is hereby amended to read as follows:

293.584 Any person who bribes, offers to bribe, or uses any other corrupt means, directly or indirectly, to influence any elector in giving his vote or to deter him from giving it shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years, or by a fine of not more than [\$1,000,] \$5,000, or by both fine and imprisonment.

Sec. 146. NRS 351.060 is hereby amended to read as follows:

351.060 Any person who with intent to defraud uses on a public security or an instrument of payment:

1. A facsimile signature, or any reproduction of it, of any authorized officer; or

2. Any facsimile seal, or any reproduction of it, of this state or any of its departments, agencies or other instrumentalities or of any of its political subdivisions,

flush shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years, or by a fine of not more than [\$5,000,] \$10,000, or by both fine and imprisonment.

Sec. 147. NRS 652.260 is hereby amended to read as follows:

652.260 Any person or laboratory violating any of the provisions of this chapter shall be punished by a fine of not more than [\$100] \$250 for the first offense and not more than \$500 for any subsequent offense. Each act in violation of this chapter constitutes a separate offense.

Sec. 148. NRS 353.255 is hereby amended to read as follows:

353.255 1. The sums appropriated for the various branches of expenditure in the public service of the state shall be applied solely to the objects for which they are respectively made, and for no others.

2. Any person violating the provisions of subsection 1 shall be punished by a fine of not more than [\$300.] \$500.

Sec. 149. NRS 356.110 is hereby amended to read as follows:

356.110 Every state officer or official who willfully [shall

violatel] violates any of the provisions of NRS 356.010 to 356.100, inclusive, [shall be] is guilty of malfeasance in office and [upon conviction thereof] shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years or by a fine of not more than [\$5,000,] \$10,000, or by both fine and imprisonment.

Sec. 150. NRS 361.540 is hereby amended to read as follows:

361.540 1. If, in any instance, the county assessor [shall be] is unable to find, seize and sell sufficient of the property of such person, persons, company or corporation to pay such taxes and costs of sale, and such person, persons, company or corporation [shall neglect or refuse] neglects or refuses to turn out to the county assessor property sufficient to pay such taxes and costs of sale, the county assessor shall, if the sum exceeds \$300, go before the district court or the judge thereof, at chambers, and in cases where the sum is \$300 and less, then before a justice of the peace of the township wherein such person may reside, and make an affidavit of:

- (a) The fact of assessment.
- (b) The amount of taxes.
- (c) The inability to find and seize property sufficient to pay such taxes and costs of sale.
- (d) The fact of neglect or refusal to pay the same, or turn out property sufficient to pay the same and cost of sale.

2. On the filing of such affidavit, the court or judge, or justice of the peace, as the case may be, shall issue a citation

ordering the person to appear forthwith, or at a subsequent period not to exceed 5 days, before such court, judge or justice of the peace to answer under oath concerning his property.

3. If it appears from the affidavit of the county assessor that such person owing such taxes is about to absent himself from the county or is about to convey his property with intent fraudulently to evade the payment of such taxes, the citation may direct the officer serving the same to arrest such person and bring him before the court, judge or justice of the peace issuing the same.

4. The citation may be served by the county assessor, sheriff or any constable of the county, and shall be served by delivering a copy thereof to such person personally. For service under the provisions of this section, such fees shall be allowed as for similar services in civil cases, to be collected only from persons owing such taxes.

5. It is unlawful for any person served with the citation mentioned in this section to sell or transfer his property or effects, so as to defeat the collection of taxes or costs, or any part thereof. Any person [violating] who violates the provisions of this subsection shall be punished by a fine [not to exceed \$200.] of not more than \$250.

6. On the examination, if it [shall appear] appears that such person has any money, goods, chattels or effects, the judge or justice of the peace shall order sufficient thereof to be turned out to the county assessor to satisfy such taxes and

costs of sale, and also costs of proceeding on the citation. In case of a willful neglect or refusal by such person either to obey the order of citation or the order to pay, or to turn out property as ordered, such person [shall be deemed] is in contempt of such court, judge or justice of the peace, and may be proceeded against as in other cases of contempt in civil cases in the courts of justice in this state.

7. Should the taxes fail to be collected by such process, then no future liability shall attach to the county assessor therefor.

8. In other respects than provided in this section, the proceedings under this section shall be conducted as provided in NRS 21.270 to 21.340, inclusive, regulating proceedings supplementary to execution.

Sec. 151. NRS 364.090 is hereby amended to read as follows:

364.090 If [either] the county treasurer, the county auditor, the sheriff [,] or any other person [shall issue,] issues, [have] has in his possession with intent to issue or [put] puts in circulation any other licenses than those properly issued to the sheriff under the provisions of law, the person so offending shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years, or by a fine of not more than [\$5,000,] \$10,000, or by both fine and imprisonment.

Sec. 152. NRS 364.140 is hereby amended to read as follows:

364.140 1. Every person required by the laws of this state

to obtain a license for the transaction of any kind of business in any fixed or certain locality therein shall post such license conspicuously in his establishment or place of business, and keep [the same] it so conspicuously posted until the license has expired or he ceases to transact such business.

2. Any person who shall fail to post or keep posted a license as required by this section shall be fined not more than [\$100.] \$250.

Sec. 153. NRS 364.150 is hereby amended to read as follows:

364.150 Any person who [shall vend,] vends, by wholesale or retail, any spirituous, malt or vinous liquors, or any goods, wares or merchandise within any county in this state without first obtaining a license so to do, as required by law, shall be punished by a fine of not more than [\$200] \$250 for each offense.

Sec. 154. NRS 369.495 is hereby amended to read as follows:

369.495 1. It is unlawful for any person to make, store, possess or transport liquor with intent to defraud the state.

2. Every person who violates the provisions of this section shall be punished by a fine of not more than [\$5,000,] \$10,000, or by imprisonment in the state prison for not less than 1 year nor more than 10 years or by both fine and imprisonment.

Sec. 155. NRS 370.380 is hereby amended to read as follows:

370.380 1. It shall be unlawful for any person, with intent to defraud the state:

(a) To alter, forge or counterfeit any license, stamp or cigarette tax meter impression provided for in this chapter; [or]

(b) To have in his possession any forged, counterfeited, spurious or altered license, stamp or cigarette tax meter impression, with intent to use the same, knowing or having reasonable grounds to believe the same to be such; [or]

(c) To have in his possession one or more cigarette stamps or cigarette tax meter impressions which he knows have been removed from the pieces of packages or packages of cigarettes to which they were affixed; [or]

(d) To affix to any piece of a package or package of cigarettes a stamp or cigarette tax meter impression which he knows has been removed from any other piece of a package or package of cigarettes; or

(e) To have in his possession for the purpose of sale cigarettes which do not bear indicia of Nevada excise tax stamping. Presence of such cigarettes in a cigarette vending machine shall be prima facie evidence of the purpose to sell.

2. Any person who violates any of the provisions of subsection 1 shall be guilty of a misdemeanor on the first offense and upon the second or more shall be punished by a fine of not more than [\$5,000,] \$10,000, or by imprisonment in the state prison for not less than 1 year nor more than 10 years, or by both fine and imprisonment.

Sec. 156. NRS 390.230 is hereby amended to read as follows:

390.230 1. The textbooks adopted by the state board of education shall be used in the public schools in the state and no other books shall be used as basic textbooks.

2. This section shall not [be interpreted in such a manner as to] prohibit:

(a) The continued use of such textbooks previously approved until they become unserviceable.

(b) The use of supplemental textbooks purchased by a school district with the approval of the superintendent of public instruction.

(c) After approval by the commission, the temporary use of textbooks for tryout purposes.

3. Any school officer or teacher who [shall violate] violates the provisions of this chapter or [not] knowingly fails to follow the rules and regulations of the commission shall be punished by a fine of not more than [\$100.] \$250.

4. All superintendents, principals, teachers and school officers are charged with the execution of this section.

Sec. 157. NRS 392.400 is hereby amended to read as follows:

392.400 1. All vehicles used in the transportation of pupils shall be:

(a) In good condition and state of repair.

(b) Well equipped, and shall contain sufficient room and seats so that the driver and each pupil being transported shall

have a seat inside the vehicle. Each pupil shall remain seated when the vehicle is in motion.

(c) Inspected semiannually by the department of motor vehicles to insure that such vehicles are mechanically safe and meet the minimum specifications established by the state board of education. The department of motor vehicles shall make written recommendations to the superintendent of schools of the school district wherein such vehicle is operating for the correction of any defects discovered thereby.

2. If the superintendent of schools fails or refuses to take appropriate action to have such defects corrected within 10 days after receiving notice thereof from the department of motor vehicles, he shall be guilty of a misdemeanor, and upon conviction thereof may be removed from office.

3. All vehicles used for transporting pupils shall meet the specifications determined by the state board of education.

4. Any person violating any of the requirements of this section [shall be] is guilty of a misdemeanor . [, and upon conviction thereof shall be punished by a fine of not less than \$50 nor more than \$500, or by imprisonment in the county jail for not less than 15 days nor more than 6 months, or by both fine and imprisonment.]

Sec. 158. NRS 403.151 is hereby amended to read as follows:

403.151 1. A county road supervisor shall not:

(a) Directly or indirectly represent or act for any manufacturing concern, corporation or natural person selling or

handling machinery, implements or material which may be used in road work. No machinery, implement or material used in road work, except items which cost less than \$50 and are usually kept in stock and sold at usual prices, may be purchased from any manufactory, store or concern in which the county road supervisor is interested directly or indirectly.

(b) Receive any gift or reward for recommending, suggesting or influencing the expenditure of money for any such machinery, implement or material.

2. Every contract made in violation of this section is void.

3. Any county road supervisor who violates this section shall be removed from office, [shall forfeit] forfeits his bond and shall be punished:

(a) Where paragraph (b) of subsection 1 is violated, by imprisonment in the state prison for not less than 1 year nor more than 10 years, and may be further punished by a fine of not more than [\$5,000.] \$10,000.

(b) Where paragraph (a) of subsection 1 is violated, for a gross misdemeanor.

Sec. 159. NRS 405.110 is hereby amended to read as follows:

405.110 1. No advertising signs, signboards, boards or other materials containing advertising matter shall:

(a) Be placed upon or over any state highway.

(b) Be placed within the highway right-of-way.

(c) Be placed upon any bridge or other structure thereon.

(d) Be so situated with respect to any public highway as to obstruct clear vision of an intersecting highway or highways or otherwise so situated as to constitute a hazard upon or prevent the safe use of the state highway.

2. With the permission of the department of highways, counties, towns or cities of the State of Nevada may place at such points as may be designated by the state highway engineer suitable signboards advertising such counties, towns or municipalities.

3. If any such sign is placed in violation of this section it is thereby declared a public nuisance and may be removed forthwith by the department of highways or its employees.

4. Any person placing any such sign in violation of the provisions of this section shall be punished by a fine of not more than [\$50,] \$250, and [shall also be] is also liable in damages for any injury or injuries incurred or for injury to or loss of property sustained by any person by reason of a violation of the provisions of this section.

Sec. 160. NRS 439.580 is hereby amended to read as follows:

439.580 1. Any local health officer or his deputy who [shall neglect or fail] neglects or fails to enforce the provisions of this chapter in his jurisdiction, or [shall neglect or refuse] neglects or refuses to perform any of the duties imposed upon him by this chapter or by the instructions and directions of the health division shall be punished by a fine of not more than [\$100.] \$250.

2. Each person [violating] who violates any of the provisions of this chapter or [refusing or neglecting] refuses or neglects to obey any lawful order, rule or regulation of the state board of health or [violating] violates any rule or regulation approved by the state board of health pursuant to NRS 439.350, 439.410 and 439.460 [shall be] is guilty of a misdemeanor.

Sec. 161. NRS 440.720 is hereby amended to read as follows:

440.720 Any physician who was in medical attendance upon any deceased person at the time of death who [shall neglect or refuse] neglects or refuses to make out and deliver to the undertaker, sexton or other person in charge of the interment, removal or other disposition of the body, upon request, the medical certificate of the cause of death shall be punished by a fine of not more than [\$50.] \$250.

Sec. 162. NRS 440.730 is hereby amended to read as follows:

440.730 If any physician [shall knowingly make] knowingly makes a false certification of the cause of death in any case, he shall be punished by a fine of not more than [\$200.] \$250.

Sec. 163. NRS 440.740 is hereby amended to read as follows:

440.740 Any physician or midwife in attendance upon a case of confinement or any person charged with responsibility for reporting births who [shall neglect or refuse] neglects or refuses to file a proper certificate of birth with the local health officer within the time required by law shall be punished by a fine of not more than [\$50.] \$250.

Sec. 164. NRS 440.750 is hereby amended to read as follows:

440.750 Any undertaker, sexton or other person acting as undertaker who interrs, removes or otherwise disposes of the body of any deceased person without having received a burial or removal permit shall be punished by a fine of not more than ~~[\$100.]~~ \$250.

Sec. 165. NRS 440.770 is hereby amended to read as follows:

440.770 Any person who [shall furnish] furnishes false information to a physician, undertaker, midwife or informant for the purpose of making incorrect certification of births or deaths shall be punished by a fine of not more than ~~[\$100.]~~ \$250.

Sec. 166. NRS 442.110 is hereby amended to read as follows:

442.110 Any physician, midwife, nurse, manager or person in charge of a maternity home or hospital, parent, relative or person attending upon or assisting at the birth of an infant who violates any of the provisions of NRS 442.030 to 442.100, inclusive, shall be punished by a fine of not more than ~~[\$100.]~~ \$250.

Sec. 167. NRS 451.030 is hereby amended to read as follows:

451.030 1. Every person who [shall remove] removes the dead body of a human being, or any part thereof, from a grave, vault or other place where [the same] it has been buried or deposited awaiting burial or cremation, without authority of law, with intent to sell [the same,] it, or for the purpose of securing a reward for its return, or for dissection, or from

malice or wantonness, shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years, or by a fine of not more than [\$1,000, or by both imprisonment and fine.] \$5,000, or by both fine and imprisonment.

2. Every person who [shall purchase or receive,] purchases or receives, except for burial or cremation, any such dead body, or any part thereof, knowing that [the same] it has been removed contrary to the provisions of subsection 1, shall be punished by imprisonment in the state prison for not less than 1 year nor more than [3] 6 years, or by a fine of not more than [\$1,000, or by both imprisonment and fine.] \$5,000, or by both fine and imprisonment.

3. Every person who [shall open] opens a grave or other place of interment, temporary or otherwise, or a building where such dead body is deposited while awaiting burial or cremation, with intent to remove the body or any part thereof, for the purpose of selling or demanding money for [the same,] it, for dissection, from malice or wantonness, or with intent to sell or remove the coffin or any part thereof or anything attached thereto, or any vestment or other article interred or intended to be interred with the body, shall be punished by imprisonment in the state prison for not less than 1 year nor more than [3] 6 years, or by a fine of not more than [\$1,000, or by both imprisonment and fine.] \$5,000, or by both fine and imprisonment.

Sec. 168. NRS 451.060 is hereby amended to read as follows:

451.060 1. Any transportation company or common carrier transporting or carrying, or accepting through its agents or employees for transportation or carriage, the body of any deceased person, without an accompanying permit issued in accordance with law, shall be punished by a fine of not more than [\$200.] \$250. If the death occurred outside of the state and the body is accompanied by a burial, removal or transit permit issued in accordance with the law or board of health regulations in force where the death occurred, such burial, removal or transit permit may be held to authorize the transportation or carriage of the body into or through the state.

2. Any railroad, transportation or express company which [shall receive] receives for transportation and shipment any dead human body, unless the body has been prepared by a regularly licensed embalmer of the State of Nevada, with the removal permit, his name and the number of his embalmer's license attached thereon, and unless the body shall reach its destination within the boundaries of this state within 30 hours from time of death, shall be punished by a fine of not more than \$500.

Sec. 169. NRS 453.316 is hereby amended to read as follows:

453.316 1. Any person who opens or maintains any place for the purpose of unlawfully selling, giving away or using any controlled substance shall be punished by imprisonment in the county jail for not more than 1 year or in the state prison for

not less than 1 year nor more than 10 years, and may be further punished by a fine of not more than \$10,000, except as provided in subsection 2.

2. If a person convicted of violating this section has previously been convicted of violating this section, or if, in the case of a first conviction of violating this section, he has been convicted of an offense under the laws of the United States or any state, territory or district which, if committed in this state, would amount to a felony under this section, he shall be imprisoned in the state prison for not less than 2 years nor more than 20 years. The court shall not grant probation to or suspend the sentence of any person convicted of violating this section if he has been previously convicted under this section or of any other offense described in this subsection.

3. This section does not apply to any rehabilitation clinic established or licensed by the health division of the department of human resources.

Sec. 170. NRS 453.326 is hereby amended to read as follows:

453.326 1. It is unlawful for any person:

(a) To refuse or fail to make, keep or furnish any record, notification, order form, statement, invoice or information required under the provisions of NRS 453.011 to 453.551, inclusive; [or]

(b) To refuse an entry into any premises for any inspection authorized by the provisions of NRS 453.011 to 453.551, inclusive; or

(c) Knowingly to keep or maintain any store, shop, warehouse, dwelling, building, vehicle, boat, aircraft or other structure or place which is resorted to by persons using controlled substances in violation of the provisions of NRS 453.011 to 453.551, inclusive, for the purpose of using these substances, or which is used for keeping or selling them in violation of such sections.

2. Any person who violates this section shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years, and may be further punished by a fine of not more than [\$2,000.] \$5,000.

Sec. 171. NRS 453.336 is hereby amended to read as follows:

453.336 1. It is unlawful for any person knowingly or intentionally to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by the provisions of NRS 453.011 to 453.551, inclusive.

2. Except as provided in subsections 3 and 4, any person who violates this section shall be punished:

(a) For the first offense, if the controlled substance is listed in NRS 453.161, 453.171, 453.181 or 453.191, by imprisonment in the state prison for not less than 1 year nor more than 6 years, and may be further punished by a fine of not more than [\$2,000.] \$5,000.

(b) For a second offense, if the controlled substance is listed in NRS 453.161, 453.171, 453.181 or 453.191, or if, in case of a first conviction of violation of this section, the offender has previously been convicted of any violation of the laws of the United States or of any state, territory or district relating to a controlled substance, the offender shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years and may be further punished by a fine of not more than [\$2,000.] \$10,000.

(c) For a third or subsequent offense, if the controlled substance is listed in NRS 453.161, 453.171, 453.181 or 453.191, or if the offender has previously been convicted two or more times in the aggregate of any violation of the law of the United States or of any state, territory or district relating to a controlled substance, the offender shall be punished by imprisonment in the state prison for not less than 1 year nor more than 20 years and may be further punished by a fine of not more than [\$5,000.] \$10,000.

(d) For the first offense, if the controlled substance is listed in NRS 453.201, by imprisonment in the county jail for not more than 1 year, and may be further punished by a fine of not more than \$1,000.

(e) For a second or subsequent offense, if the controlled substance is listed in NRS 453.201, by imprisonment in the state prison for not less than 1 year nor more than 6 years, and may be further punished by a fine of not more than [\$2,000.] \$5,000.

3. Any person who is under 21 years of age and is convicted of the possession of less than 1 ounce of marihuana:

(a) For the first offense:

(1) Shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years, and may be further punished by a fine of not more than [\$2,000;] \$5,000;
or

(2) Shall be punished by imprisonment in the county jail for not more than 1 year, and may be further punished by a fine of not more than \$1,000, and may have his driver's license suspended for not more than 6 months.

(b) For the second offense shall be punished in the manner prescribed by subsection 2 for a first offense.

(c) For a third or subsequent offense, shall be punished in the manner prescribed by subsection 2 for a second offense.

4. Before sentencing under the provisions of subsection 3, the court shall require the parole and probation officer to submit a presentencing report on the person convicted in accordance with the provisions of NRS 176.195. After the report is received but before sentence is pronounced the court shall do the following:

(a) Interview the person convicted and make a determination as to the possibility of his rehabilitation; and

(b) Conduct a hearing at which evidence may be presented as to the possibility of rehabilitation and any other relevant information received as to whether the person convicted of the

offense shall be adjudged to have committed a felony or to have committed a gross misdemeanor.

5. Three years after the person has been convicted and sentenced under the provisions of subsection 3, the court may order sealed all records, papers and exhibits in such person's record, minute book entries and entries on dockets, and other records relating to the case in the custody of such other agencies and officials as are named in the court's order, if:

(a) The person fulfilled all the terms and conditions imposed by the court and by the parole and probation officer; and

(b) The court, after hearing, is satisfied that the rehabilitation has been attained.

6. Whenever any person who has not previously been convicted of any offense under the provisions of NRS 453.011 to 453.551, inclusive, or under any statute of the United States or of any state relating to narcotic drugs, marihuana or stimulant, depressant or hallucinogenic drugs pleads guilty to or is found guilty under this section of possession of a controlled substance not for the purpose of sale, the court, without entering a judgment of guilt and with the consent of the accused, may defer further proceedings and place him on probation upon terms and conditions.

7. Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as otherwise provided. Upon fulfillment of the terms and conditions, the court shall discharge the person and dismiss the proceedings against him.

8. Discharge and dismissal under this section shall be without adjudication of guilt and is not a conviction for purposes of this section or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime, including the additional penalties imposed for a second or subsequent convictions under the provisions of NRS 453.011 to 453.551, inclusive.

9. There may be only one discharge and dismissal under this section with respect to any person.

Sec. 172. NRS 453.338 is hereby amended to read as follows:

453.338 1. Except as authorized by the provisions of NRS 453.011 to 453.551, inclusive, it is unlawful for any person to possess for the purpose of sale any controlled substance classified in NRS 453.181, 453.191 or 453.201.

2. Any person who violates this section shall be punished:

(a) For the first offense, by imprisonment in the state prison for not less than 1 year nor more than 6 years and may be further punished by a fine of not more than [\$2,500.] \$5,000.

(b) For a second offense, or if, in the case of a first conviction of violating this section, the offender has previously been convicted of a felony under the Uniform Controlled Substances Act or of any offense under the laws of the United States or any state, territory or district which, if committed in this state, would amount to a felony under the Uniform Controlled Substances Act, by imprisonment in the state prison

for not less than 1 year nor more than 10 years and may be further punished by a fine of not more than [\$5,000.] \$10,000.

(c) For a third or subsequent offense, or if the offender has been previously convicted two or more times of a felony under the Uniform Controlled Substances Act or of any offense under the laws of the United States or any state, territory or district which, if committed in this state, would amount to a felony under the Uniform Controlled Substances Act, by imprisonment in the state prison for life or for a definite term of not less than 2 years nor more than 10 years and may be further punished by a fine of not more than \$10,000 for each offense.

3. The court shall not grant probation to or suspend the sentence of any person convicted of violating this section and punishable under paragraph (b) or (c) of subsection 2.

Sec. 173. NRS 453.411 is hereby amended to read as follows:

453.411 1. It is unlawful for any person knowingly to use or be under the influence of a controlled substance except in accordance with a prescription issued to such person by a physician, podiatrist or dentist.

2. It is unlawful for any person knowingly to use or be under the influence of a controlled substance except when administered to such person at a rehabilitation clinic established or licensed by the health division of the department of human resources, or a hospital certified by the department.

3. Any person who violates this section shall be punished:

(a) If the controlled substance is listed in NRS 453.161,

453.171, 453.181 or 453.191, by imprisonment in the state prison for not less than 1 year nor more than 6 years, and may be further punished by a fine of not more than \$2,000.

(b) If the controlled substance is listed in NRS 453.201, by imprisonment in the county jail for not more than 1 year, and may be further punished by a fine of not more than [\$1,000.] \$5,000.

Sec. 174. NRS 453.421 is hereby amended to read as follows:

453.421 Any person who violates any provision of NRS 453.371 to 453.391, inclusive, shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years, and may be further punished by a fine of not more than [\$2,000.] \$5,000.

Sec. 175. NRS 454.306 is hereby amended to read as follows:

454.306 Every person who violates any provision of NRS 454.181 to 454.381, inclusive, by use of a minor as an agent or by unlawfully furnishing any dangerous drug to a minor shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years, or by a fine of not more than [\$5,000,] \$10,000, or by both fine and imprisonment.

Sec. 176. NRS 454.326 is hereby amended to read as follows:

454.326 Every person who, in order to obtain any dangerous drug, falsely represents himself in a telephone conversation with a pharmacist to be a physician or other person who can lawfully prescribe such drugs or to be acting in behalf of a person who can lawfully prescribe drugs : [is:]

1. For the first offense, is guilty of a misdemeanor.
2. For any subsequent offense, [guilty of a felony.] shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

Sec. 177. NRS 455.040 is hereby amended to read as follows:

455.040 1. The notice thus served shall require the person or persons to appear before the justice or judge issuing the same, at a time to be stated therein, not less than 3 days nor more than 10 days from the service of the notice, and show, to the satisfaction of the court, that the provisions of this chapter have been complied with, or if he or they fail to appear, judgment will be entered against him or them for double the amount stated in the notice on file.

2. All proceedings had therein shall be as prescribed by law in civil cases.

3. Such persons, in addition to any judgment that may be rendered against them, [shall be] are liable and subject to a fine not exceeding the sum of [\$100] \$250 for each violation of the provisions of this chapter, which judgments and fines shall be adjudged and collected as provided for by law.

Sec. 178. NRS 457.220 is hereby amended to read as follows:

457.220 Every person convicted of a violation of any provision of this chapter, who has previously been convicted twice or more of violations of any provisions of this chapter, shall be

punished by imprisonment in the state prison for not less than 1 year nor more than 10 years, or by a fine of not more than [\$5,000,] \$10,000, or by both fine and imprisonment.

Sec. 179. NRS 465.070 is hereby amended to read as follows:

465.070 1. Every person in a licensed gaming establishment who, by color, or aid of any trick or sleight-of-hand performance, or by any fraud or fraudulent scheme, cards, dice or device, wins or attempts to win for himself or for another, or unlawfully delivers or attempts to deliver to another any money or property, or representative of either, shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years, or by a fine of not more than [\$5,000,] \$10,000, or by both fine and imprisonment.

2. Every person who entices or induces another, upon any pretense, to go to any place where any gambling game, scheme or device, or any trick, sleight-of-hand performance, fraud or fraudulent scheme, cards, dice or device is being conducted or operated; or while in such place entices or induces another to bet, wager or hazard any money or property, or representative of either, upon any such game, scheme, device, trick, sleight-of-hand performance, fraud or fraudulent scheme, cards, dice or device, or to execute any obligation for the payment of money, or delivery of property, or to lose, advance, or loan any money or property, or representative of either, shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years, or by a fine of not more than [\$5,000,] \$10,000, or by both fine and imprisonment.

Sec. 180. NRS 465.080 is hereby amended to read as follows:

465.080 1. It is unlawful for any person playing any licensed gambling game:

(a) To use bogus or counterfeit chips, or to substitute and use in any such game cards or dice that have been marked, loaded or tampered with;

(b) To employ or have on his person any cheating device to facilitate cheating in such games; or

(c) To use any fraudulent scheme or technique, including but not limited to purposefully breaking or damaging any part of any slot machine or otherwise causing the machine to malfunction, to facilitate the alignment of any winning combination or the removal of money from the machine.

2. It is unlawful for any person, in playing or using any slot machine designed to receive or be operated by lawful coin of the United States of America:

(a) Knowingly to use other than lawful coin, legal tender of the United States of America, or coin not of the same denomination as the coin intended to be used in such slot machine, except that in the playing of any slot machine, it is lawful for any such person to use tokens or similar objects therein which are approved by the state gaming control board; or

(b) To use any cheating or thieving device, including but not limited to tools, drills, wires, coins attached to strings or wires or electronic or magnetic devices, to unlawfully facilitate aligning any winning combination or removing from any slot machine any money or other contents thereof.

3. It is unlawful for any person, not a duly authorized employee of a licensed gaming establishment acting in furtherance of his employment within such establishment, to have on his person or in his possession while on the premises of such establishment any cheating or thieving device, including, but not limited to, tools, wires, drills, coins attached to strings or wires, electronic or magnetic devices to facilitate removing from any slot machine any money or other contents thereof.

4. It is unlawful for any person, not a duly authorized employee of a licensed gaming establishment acting in furtherance of his employment within such establishment, to have on his person or in his possession while on the premises of any licensed gaming establishment any key or device known to have been designed for the purpose of and suitable for opening or entering any slot machine or drop box.

5. Any violator of the provisions of this section shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years or by a fine of not more than [\$5,000,] \$10,000, or by both fine and imprisonment.

6. As used in this section, the term "slot machine" has the meaning ascribed to it in NRS 463.0127.

Sec. 181. NRS 465.083 is hereby amended to read as follows:

465.083 1. It is unlawful:

(a) To conduct, carry on, operate, deal or allow to be conducted, carried on, operated or dealt any cheating or thieving game or device; or

(b) To deal, conduct, carry on, operate or expose for play any game or games played with cards, dice or any mechanical device, or any combination of games or devices, which have in any manner been marked or tampered with, or placed in a condition, or operated in a manner, the result of which:

(1) Tends to deceive the public; or

(2) Tends to alter the normal random selection of criteria which determine the result of the game.

2. The use of marked cards, loaded dice, plugged or tampered-with machines or devices to deceive the public is expressly made unlawful.

3. Any person who violates the provisions of this section shall be punished by imprisonment in the state prison for not less than .1 year nor more than 10 years, or by a fine of not more than [\$5,000,] \$10,000, or by both fine and imprisonment.

Sec. 180. NRS 465.085 is hereby amended to read as follows:

465.085 2. It is unlawful to manufacture or sell or to possess with intent to defraud:

(a) Any cheating or thieving game or device;

(b) Any game or games played with cards, dice or any mechanical device;

(c) Any combination of such games or devices; or

(d) Any bogus or counterfeit chip,

flush which may have in any manner been marked or tampered with to deceive the public.

2. Any person who violates the provisions of this section shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years, or by a fine of not more than [\$5,000,] \$10,000, or by both fine and imprisonment.

Sec. 183. NRS 465.090 is hereby amended to read as follows:

465.090 1. It is unlawful for any person, firm or corporation to furnish or disseminate any information [whatever] in regard to racing or races, from any point within this state to any point [without] outside the State of Nevada, by means of telephone, telegraph, teletype, radio or any signaling device, with the intention that such information is to be used to induce betting or wagering on the result of such race or races, or with the intention that such information is to be used to decide the result of any bet or wager made upon such race or races.

2. [Nothing in this section shall be construed as to] This section does not prohibit newspapers of general circulation from printing and disseminating news concerning races that are to be run or the results of races that have been run.

3. Any [violation of] person who violates the provisions of this section [shall be a felony and] shall be [punishable by a fine of not more than \$5,000, or by imprisonment in the state prison for not less than 1 year nor more than 3 years,] punished by imprisonment in the state prison for not less than 1 year nor more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

Sec. 184. NRS 466.220 is hereby amended to read as follows:

466.220 1. Any person failing to appear before the Nevada racing commission at the time and place specified in answer to a summons issued pursuant to NRS 466.180, or refusing to testify, [shall be] is guilty of a misdemeanor.

2. [Any false swearing on the part of any witness having appeared before the commission shall be deemed perjury and shall be punished as such.

3.] Any person aiding or abetting in the conduct of any meeting within the State of Nevada at which races of horses or greyhounds are permitted for any stake, purse or reward, except in accordance with a license duly issued and unsuspended or unrevoked by the Nevada racing commission, [shall be] is guilty of a gross misdemeanor.

[4.] 3. Any violation of the provisions of this chapter, or the [rules and] regulations of the commission, for which no other penalty is provided in this section is a misdemeanor.

Sec. 185. NRS 473.090 is hereby amended to read as follows:

473.090 1. Except as otherwise provided in this section, it [shall be] is unlawful within the boundaries of any fire protection district organized under this chapter for any person, firm, association, corporation or agency to burn, or cause to be burned, any brush, grass, logs or any other inflammable material, or blast with dynamite, powder or other explosive, or set off fireworks, or operate a welding torch, tarpot or any other device that may cause a fire in forest, grass or brush,

either on his own land or on the land of another, or on public land, unless such burning or act is done under a written permit from the state forester firewarden or his duly authorized agent and in strict accordance with the terms of the permit.

2. Written permission [shall not be] is not necessary:

(a) At any time during the year when the state forester firewarden determines that no fire hazard exists.

(b) To burn materials in screened, safe incinerators, or in incinerators approved by the state forester firewarden or his duly authorized agent, or in small heaps or piles, where the fire is set on a public road, corrals, gardens or ploughed fields, and at a distance not less than 100 feet from any woodland, timber or brush-covered land or field containing dry grass or other inflammable material with at least one adult person in actual attendance at such fire at all times during its burning.

3. [Nothing in this section shall be construed to] This section does not prevent the issuance of an annual permit to any public utility covering its usual and emergency operation and maintenance work within the district.

4. [No provision of this section shall be construed to] This section does not prevent the building of necessary controlled small camp and branding fires, but caution must be taken to make certain that the fire is extinguished before leaving, and, in any case where the fire [may escape] escapes and [do] does injury to the property of another, [this may be held as] such

escape and injury are prima facie evidence [that such fire was not safe.] of a violation of this section.

5. The provisions of this section [shall] apply only to such portions of the fire protection district as are outside incorporated cities and towns.

6. Any person, firm, association, corporation or agency violating any of the provisions of this section [shall be] is guilty of a misdemeanor . [, and upon conviction thereof shall be punished by a fine of not less than \$10.]

Sec. 186. NRS 475.010 is hereby amended to read as follows:

475.010 Every person who [shall] willfully or negligently [set or fail to carefully guard] sets or fails to guard carefully or extinguish any fire, whether on his own land or the land of another, whereby the timber or property of another [shall be] is endangered [shall be] is guilty of a misdemeanor . [, and upon conviction thereof shall be punished by a fine of not less than \$10.]

Sec. 187. NRS 475.020 is hereby amended to read as follows:

475.020 Every person who, upon departing from camp or from any fire started by him in the open, willfully [and] or negligently leaves the fire or fires burning or unexhausted, or fails to extinguish [the same] them thoroughly, is guilty of a misdemeanor . [, and upon conviction thereof shall be punished by a fine of not less than \$10.]

Sec. 188. NRS 475.030 is hereby amended to read as follows:

475.030 1. It is unlawful for any person willfully or negligently:

(a) To throw or place any lighted cigarette, cigar, ashes, match or other material which may cause a fire in any place where such lighted cigarette, cigar, match, ashes or other material may start a fire.

(b) To throw or [place from a moving vehicle any lighted cigarette, cigar or ashes which may cause a fire.] otherwise discard from a moving vehicle any lighted cigarette, cigar, ash or other material which may cause a fire.

2. Any person violating any of the provisions of this section [shall be] is guilty of a misdemeanor . [, and upon conviction thereof shall be punished by a fine of not less than \$10.]

Sec. 189. NRS 475.050 is hereby amended to read as follows:

475.050 Every person who [shall light] lights a pipe, cigar or cigarette in, or who [shall enter] enters with a lighted pipe, cigar or cigarette, any mill or other building on which is posted in a conspicuous place over and near each principal entrance a notice in plain, legible characters stating that no smoking is allowed in such building [shall be] is guilty of a misdemeanor . [, and upon conviction thereof shall be punished by a fine of not less than \$10.]

Sec. 190. NRS 475.060 is hereby amended to read as follows:

475.060 1. Every person, firm, corporation or association which uses or permits to be used any internal combustion engine which is operated on hydrocarbon fuels on any grass, brush or forest-covered land without providing, and maintaining in

effective order, a spark arrestor attached to the exhaust system is guilty of a misdemeanor . [, and upon conviction thereof shall be punished by a fine of not less than \$10.]

2. For the purposes of this section, a spark arrestor is a device constructed of nonflammable material specifically for the purpose of removing or retaining carbon and other flammable materials over 0.023 inch in size from the exhaust flow of an internal combustion engine that is operated on hydrocarbon fuels.

3. Motortrucks, truck tractors, buses and passenger vehicles, except motorcycles, are not subject to the provisions of this section if the exhaust system is equipped with an adequate and properly maintained muffler in constant operation.

Sec. 191. NRS 475.070 is hereby amended to read as follows:

475.070 1. Every person who, at any fire : [, shall be guilty of any disobedience to the lawful orders of a peace officer or fireman, or of resistance to or interference with the lawful efforts of any firemen or company of firemen to extinguish the same, or of disorderly conduct likely to interfere with the extinguishment thereof, or who shall forbid, prevent or dissuade others from assisting to extinguish such fire, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$10.]

- (a) Disobeys the lawful order of any peace officer or fireman;
- (b) Resists or interferes with any lawful effort to extinguish the fire;

(c) Engages in any conduct likely to interfere with the extinguishment of the fire; or

(d) Forbids, prevents or dissuades others from assisting to extinguish the fire,

flush is guilty of a misdemeanor.

2. Every person who, at the scene of an emergency, other than a fire, disobeys any of the lawful orders of a peace officer or fireman, or resists or interferes with the lawful efforts of any firemen or company of firemen to control or handle the [same,] emergency, or conducts himself in a disorderly manner likely to interfere with the control or handling thereof, or who forbids, prevents or dissuades others from assisting to control or handle the [same, shall be] emergency, is guilty of a misdemeanor.

Sec. 192. NRS 475.080 is hereby amended to read as follows:

475.080 Every person who, with intent to prevent or obstruct the extinguishment of any fire, [shall cut or remove] cuts, damages or removes any bell rope, wire or other apparatus for communicating an alarm of fire, or [cut, injure or destroy] cuts, injures or destroys any engine, hose or other fire apparatus, or otherwise [prevent or obstruct] prevents or obstructs the extinguishment of any fire, is guilty of a public offense, as prescribed in NRS 193.155, proportionate to the value of the loss resulting therefrom and in no event less than a misdemeanor . [, punishable by a fine of not less than \$10.]

Sec. 193. NRS 475.090 is hereby amended to read as follows:

475.090 Every person who [shall] willfully and maliciously [remove, damage or destroy] removes, damages or destroys any engine, hose, hose cart, truck, ladder, extinguisher or other apparatus used by any fire company or fire department [shall be] is guilty of a misdemeanor . [, and upon conviction thereof shall be punished by a fine of not less than \$10.]

Sec. 194. NRS 475.100 is hereby amended to read as follows:

475.100 1. It is unlawful for any person intentionally to give or cause to be given, or turn in or cause to be turned in, any false alarm of fire . [in any city, town or community in this state.]

2. Any person violating any of the provisions of this section [shall be guilty of a misdemeanor, and upon conviction thereof] shall be punished : [by a fine of not less than \$10.]

(a) If the act is malicious and another person suffers death or substantial bodily harm as a result, by imprisonment in the state prison for not less than 1 year nor more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

(b) If the act is malicious but no death or substantial bodily harm results, for a gross misdemeanor.

(c) Otherwise, for a misdemeanor.

Sec. 195. NRS 476.020 is hereby amended to read as follows:

476.020 Every person who [shall make or keep] makes or possesses any explosive or combustible substance in any city or

town, or [carry] carries it through the streets thereof in a quantity or manner prohibited by law or by ordinance of such municipality, [shall be] is guilty of a misdemeanor . [, and upon conviction thereof shall be punished by a fine of not less than \$10.]

Sec. 196. NRS 476.030 is hereby amended to read as follows:

476.030 Every person who, by careless, negligent or unauthorized use or management of any explosive or combustible substance, [shall injure or cause injury] injures or causes injury to the person or property of another [shall be] is guilty of a misdemeanor . [, and upon conviction thereof shall be punished by a fine of not less than \$10.]

Sec. 197. NRS 476.040 is hereby amended to read as follows:

476.040 Every person who [shall put up] offers for sale, or who [shall deliver] delivers to any warehouseman, dock, depot or common carrier any package, cask or can containing benzine, gasoline, naphtha, nitroglycerine, dynamite, powder or other explosive or combustible substance, without having printed thereon in a conspicuous place in large letters the word "Explosive," [shall be] is guilty of a misdemeanor . [, and upon conviction thereof shall be punished by a fine of not less than \$10.]

Sec. 198. NRS 476.060 is hereby amended to read as follows:

476.060 1. Whenever there [shall be] is filed with the board of county commissioners of any county a petition signed by 10 percent of the residents of any town or incorporated city

within the county, the 10 percent to be computed from the number of persons paying taxes in the town or incorporated city according to the last preceding assessment roll, praying that the storage of gunpowder, explosive or combustible materials be prohibited within the limits of such town or city, the board shall, at the meeting of such board when the petition is filed, make and enter on the minutes of its proceedings an order prohibiting the storage of explosives or combustible materials within such distance of the town or city as the board may deem safe and proper, but the distance named in the order for such storage shall not be less than one-fourth of a mile from the limits of the town or city.

2. The order mentioned in subsection 1 to be made by the board may be published by the clerk of the board of county commissioners for 2 weeks successively in some newspaper published and printed in the town or city to which the order applies, or a copy of the order shall be posted conspicuously in three public places in the town or city. The publication or posting shall constitute due notice to all concerned.

3. [Nothing contained in this section shall be so construed as to] This section does not prohibit or prevent:

(a) The storage by any person, firm or corporation within the limit prescribed by the order of any board, of not more than 100 pounds of black and smokeless gunpowder or rifle powder, and not more than 500 gallons of kerosene oil.

(b) The keeping within such limit of shotgun or rifle shells and cartridges and cartridge percussion caps by any business firm or individual.

(c) The storing of powder underground in mines.

4. Any board of county commissioners, or any member thereof, failing, neglecting or refusing to comply with all of the provisions of subsection 1 [shall be] is guilty of a misdemeanor, [punishable by a fine of not less than \$10,] and proceedings shall at once be instituted by the district attorney, or may be instituted by any citizen of the county against such board, or against any member thereof. Such conviction shall ipso facto remove such board, or any member thereof so convicted, from office. Notice of the vacancy thereby created shall be certified by the district attorney to the governor. Within 20 days from the receipt of such notice, the governor shall make appointments to fill such vacancy as may be created.

5. Any person, firm, company or corporation continuing to store any explosive or combustible materials within the limit prescribed by such order and notice, after 2 weeks subsequent to the giving of notice, or after 3 weeks subsequent to the making of such order, [shall be] is guilty of a misdemeanor . [, and upon conviction thereof shall be punished by a fine of not less than \$10.]

Sec. 199. NRS 476.070 is hereby amended to read as follows:

476.070 1. Any person who discharges any bullet, projectile or ammunition of any kind which is tracer or incendiary in

nature on any grass, brush, forest or crop-covered land is guilty of a misdemeanor _ [, and upon conviction thereof shall be punished by a fine of not less than \$10.]

2. This section does not apply to:

(a) Any member of the Armed Forces of the United States or the Nevada National Guard while such member is on active duty;

(b) Any law enforcement officer of this state or the United States; or

(c) The possession or use of such ammunition on land owned or leased by the United States when possessed or used at the direction of an authorized official of the United States.

Sec. 200. NRS 483.550 is hereby amended to read as follows:

483.550 1. It is unlawful for any person to drive a motor vehicle upon a public street or highway in this state without being the holder of a valid driver's license.

2. Any person convicted of violating the provisions of this section shall be punished by a fine of not more than [\$100.] \$250. The court shall require the person convicted to obtain a valid driver's license or produce a notice of disqualification from the department.

Sec. 201. NRS 484.219 is hereby amended to read as follows:

484.219 1. The driver of any vehicle involved in an accident resulting in injury to or death of any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible, and shall forthwith return to and

in every event shall remain at the scene of the accident until he has fulfilled the requirements of NRS 484.223.

2. Every such stop shall be made without obstructing traffic more than is necessary.

3. Any person failing to comply with the provisions of subsection 1 [is guilty of a felony.] shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

Sec. 202. NRS 484.3795 is hereby amended to read as follows:

484.3795 Any person who, while under the influence of intoxicating liquor, or a controlled substance as defined in chapter 453 of NRS, or under the combined influence of intoxicating liquor and a controlled substance, or any person who inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent to a degree which renders him incapable of safely driving or steering a vehicle, does any act or neglects any duty imposed by law while driving or in actual physical control of any vehicle, which act or neglect of duty proximately causes the death of, or substantial bodily harm to, any person other than himself, [is guilty of a felony.] shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

Sec. 203. NRS 517.300 is hereby amended to read as follows:

517.300 1. Every person who [shall] willfully [antedate or

put] antedates or puts any false date or date other than the one on which the location is made upon any notice of location of any mining claim in this state shall be [guilty of a felony, and upon conviction thereof shall be imprisoned] punished by imprisonment in the state prison for not less than [3 years] 1 year nor more than 10 years [.] , and may be further punished by a fine of not more than \$10,000.

2. Every person who willfully and knowingly makes a false material statement on the location certificate or on any map required by this chapter shall be [guilty of a felony, and upon conviction thereof shall be imprisoned] punished by imprisonment in the state prison for not less than [3 years] 1 year nor more than 10 years [.] , and may be further punished by a fine of not more than \$10,000.

Sec. 204. NRS 527.010 is hereby amended to read as follows:

527.010 1. It [shall be] is unlawful for any person or corporation to cut down or remove, or cause to be cut down or removed, any wood, timber or trees on or from any land in this state, to which land this state or any person or corporation has or may have an inchoate title, or any title less than fee simple. The provisions of this subsection [shall] apply to the owner of such inchoate title, or title less than fee simple, the same as to other persons and corporations.

2. If any owner of an inchoate title to land in this state, or title to such land less than fee simple, or any other person or corporation, [shall violate] violates the provisions of

subsection 1, such person or corporation [shall be] is guilty of a public offense, as prescribed in NRS 193.155, proportionate to the value of the trees, wood or timber cut down or removed, and in no event less than a misdemeanor . [, and upon conviction thereof shall be punished by a fine of not less than \$10.]

Sec. 205. NRS 527.020 is hereby amended to read as follows:

527.020 If any person [shall cut] cuts down or [remove] removes any tree, wood or timber from any land in this state, to which this state has a fee simple title, or an inchoate title, by reason of grant from the United States, such person is guilty of a public offense, as prescribed in NRS 193.155, proportionate to the value of the trees, wood or timber cut down or removed, and in no event less than a misdemeanor . [, and upon conviction thereof shall be punished by a fine of not less than \$10.]

Sec. 206. NRS 527.050 is hereby amended to read as follows:

527.050 1. It is unlawful for any person, firm, company or corporation, his, its or their agent or agents, willfully or negligently:

(a) To cut, destroy, mutilate, pick or remove any tree, shrub, plant, fern, wild flower, cacti, desert or montane flora, or any seeds, roots or bulbs of either or any of the foregoing from any private lands, without a written permit therefor from the owner or occupant or his duly authorized agent.

(b) To cut, destroy, mutilate, pick or remove any flora on any state lands under the jurisdiction of the division of state parks of the state department of conservation and natural resources except in accordance with regulations of the division.

(c) To cut, destroy, mutilate, pick or remove any flora declared endangered by the state forester firewarden from any lands, other than state park lands provided for in paragraph (b), owned by or under the control of the State of Nevada or the United States without a written permit therefor from the state forester firewarden or his designate. For the purposes of this subsection, the state forester firewarden may establish regulations for enforcement, including the issuance of collecting permits and the designation of state and federal agencies from which such permits may be obtained.

2. Every person violating the provisions of this section is guilty of a public offense proportionate to the value of the plants, flowers, trees, seeds, roots or bulbs cut, destroyed, mutilated, picked or removed, and in no event less than a misdemeanor . [, punishable by a fine of not less than \$10.]

3. The state forester firewarden and his representatives, public officials charged with the administration of reserved and unreserved lands belonging to the United States, and peace officers shall enforce the provisions of this section.

4. Except as to flora declared endangered by the state forester firewarden pursuant to NRS 527.270 or as to flora on

state park lands regulated by the division of state parks, the provisions of this section do not apply to Indians, native to Nevada, who gather any such article for food or medicinal use for themselves or for any other person being treated by Indian religious ceremony.

Sec. 207. NRS 527.120 is hereby amended to read as follows:

527.120 Every person who violates any provision of NRS 527.060 to 527.110, inclusive, not otherwise punishable, is guilty of a misdemeanor . [, and upon conviction thereof shall be punished by a fine of not less than \$100.]

Sec. 208. NRS 527.250 is hereby amended to read as follows:

527.250 1. It is unlawful for any person, firm, company or corporation to use a mechanical device to harvest cones or pine nuts from a pinon tree on lands owned by or under the control of the State of Nevada, or on any private lands without a written permit therefor from the owner or occupant of such private lands or his authorized agent.

2. Any violation of the provisions of this section is a misdemeanor, punishable by imprisonment in the county jail for not more than 6 months, or by a fine of not [less than \$10 and not] more than \$500, or by both fine and imprisonment.

3. The state forester firewarden and his representatives and all peace officers shall enforce the provisions of this section.

Sec. 209. NRS 528.090 is hereby amended to read as follows:

528.090 Any person who violates any of the provisions of NRS 528.010 to 528.090, inclusive, or any of the rules or regulations

made under the authority of NRS 528.010 to 528.090, inclusive, is guilty of a misdemeanor, punishable by imprisonment in the county jail for not more than 6 months, or by a fine of not [less than \$10 and not] more than \$500, or by both fine and imprisonment.

Sec. 210. NRS 539.780 is hereby amended to read as follows:

539.780 1. Any person who [shall wrongfully or purposely fill up, cut, damage, injure or destroy, or in any manner impair the usefulness of any reservoir, canal, ditch, lateral, drain, headgate, dam or other work, structure or improvement constructed or acquired under the provisions of this chapter, or shall] wrongfully and maliciously [interfere] interferes with any officer, agent or employee of the district in the proper discharge of his duties, [shall be] is guilty of a public offense, as prescribed in NRS 193.155, proportionate to the value of [the] any property damaged or destroyed and in no event less than a misdemeanor.

2. The irrigation district damaged by any such act may also bring a civil action for damages sustained by any such act, and in such proceeding the prevailing party [shall also be] is entitled to attorney's fees and costs of court.

Sec. 211. NRS 564.240 is hereby amended to read as follows:

564.240 Any county recorder who knowingly and willfully [neglecting or refusing] neglects or refuses to comply with the provisions of NRS 564.210 [and] or 564.220 shall forfeit and pay for every such neglect or refusal any sum not [less than

\$25 nor] more than [\$100,] \$250, to be recovered before any justice of the peace of the county where such neglect or refusal may occur, by any person suing therefor, together with all costs and damages that may occur by such neglect or refusal.

Sec. 212. NRS 564.340 is hereby amended to read as follows:

564.340 1. It shall be unlawful for any county recorder to record any mark or brand which [shall be] is similar in form and design to any prior recorded brand, or any modification thereof, if the brand or mark is to be placed upon the same place on the animal branded or marked therewith as the prior recorded brand to which it is similar in form and design, or a modification thereof.

2. Any county recorder [violating] who violates the provisions of this section shall be punished by a fine of not more than [\$100.] \$250.

Sec. 213. NRS 564.350 is hereby amended to read as follows:

564.350 Any person who, with intent to defraud, [shall willfully mismark or misbrand] willfully mismarks or misbrands any sheep or goats not his own is guilty of grand larceny and shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years, and may be further punished by a fine of not more than [\$5,000.] \$10,000.

Sec. 214. NRS 564.370 is hereby amended to read as follows:

564.370 1. Every person who, in any county, [shall place] places upon any sheep or goats any brand or mark in the likeness

or similitude of another brand or mark filed with the county recorder of such county by the owner thereof as a brand or mark for the designation or identification of sheep or goats shall [:] be punished:

(a) If done with intent to confuse or commingle such sheep or goats with, or to appropriate to his own use, the sheep or goats of such other owner, [be guilty of a felony, and shall be punished] by imprisonment in the state prison for not less than 1 year not more than 10 years, and may be further punished by a fine of not more than [\$5,000.] \$10,000.

(b) If done without such intent, [be guilty of] for a misdemeanor.

2. This section [shall] does not apply to any act for which a penalty is elsewhere provided by law.

Sec. 215. NRS 574.150 is hereby amended to read as follows:

574.150 1. A person who unjustifiably administers any poisonous or noxious drug or substance to a horse, mule or domestic cattle, or unjustifiably exposes any such drug or substance with intent that [the same shall] it be taken by a horse, mule or by domestic cattle, whether [such] the horse, mule or domestic cattle are the property of himself or another, shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years, or by a fine of not more than [\$5,000,] \$10,000, or by both fine and imprisonment.

2. A person who unjustifiably administers any poisonous or noxious drug or substance to any animal other than a horse,

mule or domestic cattle, or unjustifiably exposes any such drug or substance with intent that [the same shall] it be taken by an animal other than a horse, mule or domestic cattle, whether [such] the animal is the property of himself or another, is guilty of a gross misdemeanor.

3. [Nothing in this section shall be construed so as to prevent] This section does not prohibit the destruction of noxious animals.

Sec. 216. NRS 583.472 is hereby amended to read as follows:

583.472 1. It is unlawful for the owner, proprietor or manager of a retail meat market, by himself or through another, to advertise any prepackaged meat or meat food product with a United States Department of Agriculture grade unless such meat or meat food product is actually available to the public and bears the grade awarded to it by the United States Department of Agriculture.

2. It is unlawful for the owner, proprietor or manager of a retail meat market, by himself or through another to advertise carcass, quarter or primal cuts of meat with a USDA grade unless the USDA yield grade is included in the advertisement.

3. Any person who violates any provision of this section shall be punished by a fine of not [less than \$100 nor] more than \$500.

Sec. 217. NRS 583.543 is hereby amended to read as follows:

583.543 If any inspector or the officer accepts any money, gift or other thing of value from any person, firm or corporation

with the knowledge that [such] the money, gift or other thing of value is to influence his official duty pursuant to NRS 583.255 to 583.565, inclusive, he shall be [guilty of a felony and shall, upon conviction thereof, be] summarily discharged from office and shall be punished by [a fine of not less than \$1,000 nor more than \$10,000, and by imprisonment of not less than 1 year nor more than 3 years.] imprisonment in the state prison for not less than 1 year nor more than 6 years, and may be further punished by a fine of not more than \$5,000.

Sec. 218. NRS 586.520 is hereby amended to read as follows:

586.520 Any person violating the provisions of NRS 586.460 to 586.510, inclusive, shall be punished by a fine of not more than [\$200.] \$250.

Sec. 219. NRS 607.140 is hereby amended to read as follows:

607.140 1. The labor commissioner shall prepare forms and blanks for the purpose of gathering the information and statistics required by this chapter, and may require any person, firm or corporation to give the information and statistical detail designated in such forms.

2. Any person, firm or corporation who [shall refuse] refuses to furnish such detail and statistics in the form required [shall be] is guilty of a misdemeanor, and [upon conviction thereof] shall be punished by a fine of not [less than \$100 nor] more than \$500.

Sec. 220. NRS 608.115 is hereby amended to read as follows:

608.115 1. Every employer shall establish and maintain

wage information records for the benefit of his employees, showing for each pay period the following information for each employee:

(a) Gross wage or salary other than compensation in the form of:

(1) Services; or

(2) Food, housing or clothing.

(b) Deductions.

(c) Net cash wage or salary.

(d) Total hours employed in the pay period, noting the number of overtime hours, when applicable.

(e) Date of payment.

2. The wage information required by this section shall be furnished to each employee within 10 days after he submits his request.

3. Wage information records shall be maintained for a 2-year period following the entry of information in the record.

4. Any employer who knowingly and willfully fails to furnish the wage information required by this section [is guilty of a misdemeanor and] shall be punished by a fine of [up to \$100.] not more than \$250.

Sec. 221. NRS 616.340 is hereby amended to read as follows:

616.340 1. It is the duty of every employer within the provisions of this chapter, immediately upon the occurrence of an injury to any of his employees, to render to the injured employee all necessary first aid, including cost of transportation

of the injured employee to the nearest place of proper treatment where the injury is such as to make it reasonably necessary for such transportation.

2. The employer or his agent shall within 6 working days following receipt of knowledge of an injury to an employee, notify the commission in writing of the accident.

3. The commission may pay the costs of rendering such necessary first aid and transportation of the injured employee to the nearest place of proper treatment if the employer fails or refuses to pay the costs. The commission may charge to and collect from the employer, as reimbursement, the amount of the costs incurred by the commission in providing such first aid and transportation services to the injured employee.

4. Any employer who fails to comply with the provisions of subsection 2 may be fined not more than [~~\$100~~] \$250 for each such failure.

Sec. 222. NRS 616.650 is hereby amended to read as follows:

616.650 Any person, firm or corporation, agent or officer of any firm or corporation, or any attending physician or surgeon who fails or refuses to comply with the provisions of NRS 616.345 shall be fined not more than [~~\$200.~~] \$250.

Sec. 223. NRS 623.360 is hereby amended to read as follows:

623.360 1. Any person is guilty of a misdemeanor who:

(a) Holds himself out to the public or solicits business as an architect in this state without having a certificate of registration issued by the board;

(b) Advertises or puts out any sign, card or other device which indicates to the public that he is an architect or that he is otherwise qualified to engage in the practice of architecture without having a certificate of registration issued by the board; or

(c) Violates any other provision of this chapter [, except as provided in subsection 2.

2. Any person who engages in the practice of architecture in this state without having a certificate of registration issued to him by the board or being exempt from the provisions of this chapter is guilty of a misdemeanor with a minimum fine of \$100.

3.] 2. Whenever any person has engaged or is about to engage in any acts or practices which constitute or will constitute an offense against this chapter, the district court of any county, on application of the board, may issue an injunction or other appropriate order restraining such conduct.

Proceedings under this subsection shall be governed by Rule 65 of the Nevada Rules of Civil Procedure, except that no bond or undertaking shall be required in any action commenced by the board.

Sec. 224. NRS 630.400 is hereby amended to read as follows:

630.400 Any person who:

1. Presents as his own the diploma, license or credentials of another;

2. Gives either false or forged evidence of any kind to the

board, or any member thereof, in connection with an application for a license or permit to practice medicine;

3. Practices medicine under a false or assumed name or falsely personates another licensee of a like or different name; or

4. Holds himself out as a physician's assistant or who uses any other term indicating or implying that he is a physician's assistant, unless he has been certified by the board,

flush shall be punished by imprisonment in the state prison for not less than 1 nor more than 6 years [.] , and may be further punished by a fine of not more than \$5,000.

Sec. 225. NRS 630.410 is hereby amended to read as follows:

630.410 Any person who practices medicine, unless licensed under this chapter, shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years [.] , and may be further punished by a fine of not more than \$5,000.

Sec. 226. NRS 630.420 is hereby amended to read as follows:

630.420 Every person filing for record, or attempting to file for record, the license issued to another, falsely claiming himself to be the person named in the license, or falsely claiming himself to be the person entitled to the same, is guilty of a felony, and [upon conviction thereof] shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years [.] , and may be further punished by a fine of not more than \$5,000.

Sec. 227. NRS 633.741 is hereby amended to read as follows:

633.741 A person who:

1. Practices osteopathic medicine:
 - (a) Without a license valid under this chapter; or
 - (b) Beyond the limitations ordered upon his practice by the board or the court;
2. Presents as his own the diploma, license or credentials of another;
3. Gives either false or forged evidence of any kind to the board or any of its members in connection with an application for a license or an application to employ an osteopathic physician's assistant;
4. Files for record the license issued to another, falsely claiming himself to be the person named in the license, or falsely claiming himself to be the person entitled to the license;
5. Practices osteopathic medicine under a false or assumed name or falsely personates another licensee of a like or different name;
6. Holds himself out as an osteopathic physician's assistant or who uses any other term indicating or implying that he is an osteopathic physician's assistant, unless he has been approved by the board, as provided in this chapter; or
7. Employs a person as an osteopathic physician's assistant before such employment is approved as provided in this chapter,
flush shall be punished by imprisonment in the state prison for not less than 1 nor more than 6 years [.] , and may be further punished by a fine of not more than \$5,000.

Sec. 228. NRS 639.2815 is hereby amended to read as follows:

639.2815 Any pharmacist who knowingly submits to the state or any of its political subdivisions or any agent thereof, a charge or claim for drugs or medical supplies furnished to or for any person receiving medical care under any program of public assistance, which is false or which is in excess of any amount duly established by law or regulations promulgated by the department of human resources or by the governing body of any political subdivision, as the price or fee for the furnishing of such drug or medical supplies, [is guilty of a felony.] shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years, or by a fine of \$5,000, or by both fine and imprisonment.

Sec. 229. NRS 647.100 is hereby amended to read as follows:

647.100 As used in NRS 647.100 to [647.145,] 647.140, inclusive, every person engaged in whole or in part in the business of buying and selling secondhand personal property, metal junk or melted metals shall be deemed to be a secondhand dealer.

Sec. 230. NRS 658.155 is hereby amended to read as follows:

658.155 Any member of the state board of finance, the superintendent or any member of his staff, who willfully neglects to perform any duty required by this Title, or who knowingly makes any false statement concerning any bank, or any injurious statement concerning any bank, except in the exercise of his duty, or who is guilty of malfeasance or corruption in office,

shall, [upon conviction thereof, be guilty of a felony and] be punished by a fine of not more than [\$1,000] \$5,000 or by imprisonment in the state prison for not less than 1 year nor more than 6 years, or by both fine and imprisonment, and in addition shall be removed from office.

Sec. 231. NRS 668.055 is hereby amended to read as follows:

668.055 Every president, director, cashier, teller, clerk, officer or agent of any bank who embezzles, abstracts or willfully misapplies any moneys, funds, securities or credits of any bank, or who issues or puts forth any certificate of deposit, draws any draft, bill of exchange or mortgage, or who makes use of any bank in any manner, with intent in either case to injure or defraud any bank or individual, person, company or corporation, or to deceive any bank, or officer of any bank, and any person who, with like intent, aids or abets any officer, clerk or agent in any violation of this section, shall be punished:

1. Where the amount involved is \$100 or more, by imprisonment in the state prison for not less than 1 year nor more than 10 years, or by a fine of not more than [\$5,000,] \$10,000, or by both fine and imprisonment.

2. Where the amount involved is less than \$100, for a misdemeanor.

Sec. 232. NRS 668.095 is hereby amended to read as follows:

668.095 1. If any bank examiner knowingly and willfully makes any false or fraudulent report of the condition of any

bank which has been examined by him, with the intent to aid or abet the officers or agents of such bank in continuing to operate an insolvent bank, or if any such examiner keeps or accepts any bribe or gratuity given for the purpose of inducing him not to file any report of examination of any bank examined by him; or neglects to make an examination of any bank because of having received or accepted any bribe or gratuity, he [is guilty of a felony, and upon conviction thereof] shall be imprisoned in the state prison for not less than 1 year nor more than 10 years [.] , and may be further punished by a fine of not more than \$10,000.

2. Any person who knowingly aids or abets a bank examiner or any other person in doing or performing any of the acts prohibited in subsection 1 [is guilty of a felony and upon conviction thereof] shall be imprisoned in the state prison for not less than 1 year nor more than 10 years [.] , and may be further punished by a fine of not more than \$10,000.

3. Any person, having knowledge of a report made by a bank examiner of the condition of any bank, who falsifies, changes, alters or suppresses any such report with the intent to aid or abet the officers or agents of a bank in continuing to operate an insolvent bank, or [if] any such person who keeps or accepts any bribe or gratuity given for the purpose of inducing him not to file any such report of examination or to falsify, change, alter or suppress any such report of examination, [is guilty of a felony and upon conviction thereof] shall be imprisoned in

the state prison for not less than 1 year nor more than 10 years [.] , and may be further punished by a fine of not more than \$10,000.

Sec. 233. NRS 692B.040 is hereby amended to read as follows:

692B.040 1. [No] A person forming or proposing to form a domestic insurer, or insurance holding corporation thereof, or corporation to be attorney in fact for a domestic reciprocal insurer, or proposing to secure funds for the formation or financing of a domestic insurer, or production of insurance business therefor, or for an insurance holding corporation holding or proposing to hold securities of a domestic insurer, or for an attorney in fact corporation of a domestic reciprocal insurer, or for the formation or financing of a syndicate, association, firm, partnership or organization for any such purposes, shall not in this state advertise or offer for sale any securities or policies, or solicit or receive any funds, subscriptions, applications, premiums or memberships, except as authorized by a currently effective permit [(hereinafter in] (in this chapter sometimes referred to as a "solicitation permit") issued by the commissioner.

2. Every person violating this section [is guilty of a felony.] shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years, or by a fine of \$5,000, or by both fine and imprisonment.

Sec. 234. NRS 692C.480 is hereby amended to read as follows:

692C.480 1. Whenever it appears to the commissioner that

any insurer or any director, officer, employee or agent thereof has committed a willful violation of this chapter, the commissioner may cause criminal proceedings to be instituted in the county in which the principal office of the insurer is located , or if such insurer has no such office in the state [,] then in Carson City , against [such] that insurer or the responsible director, officer, employee or agent thereof.

2. Any insurer which willfully violates this chapter shall be punished by a fine of not more than \$20,000.

3. Any [individual] natural person who willfully violates this chapter shall be punished by a fine of not more than \$10,000, or if [such] the willful violation involves the deliberate perpetration of a fraud upon the commissioner, by imprisonment [for not] in the state prison for not less than 1 year nor more than 2 years, or [both.] by both fine and imprisonment.

Sec. 235. NRS 695A.580 is hereby amended to read as follows:

695A.580 1. Any person who makes a false or fraudulent statement in or relating to an application for membership or for the purpose of obtaining money from or a benefit in any society is guilty of a gross misdemeanor.

2. [Any person who makes a false or fraudulent statement in any verified report or declaration under oath required or authorized by this chapter, or of any material fact or thing contained in a sworn statement concerning the death or disability of a member for the purpose of procuring payment of a

benefit named in the certificate, shall be guilty of perjury and shall be subject to the penalties therefor prescribed by law.

3.] Any person who solicits membership for, or in any manner assists in procuring membership in, any society not licensed to do business in this state is subject to an administrative fine, imposed by the commissioner, of not less than \$25 nor more than \$500 for each violation. In addition if the person is an insurance agent of the society, the commissioner may suspend, revoke, limit or refuse to continue his license in the manner provided in NRS 683A.450.

[4.] 3. Any person convicted of a willful violation of, or neglect or refusal to comply with, any provision of this chapter for which a penalty is not otherwise prescribed shall be punished by a fine of not more than \$1,000 for each violation, and not more than \$10,000 for all related violations.

Sec. 236. NRS 704.640 is hereby amended to read as follows:

704.640 Any person who:

1. Operates any public utility to which NRS 704.010 to 704.810, inclusive, applies without first obtaining a certificate of public convenience and necessity or in violation of the terms thereof;

2. Fails to make any return or report required by NRS 704.010 to 704.810, inclusive, or by the commission under the terms of NRS 704.010 to 704.810, inclusive;

3. Violates, or procures, aids or abets the violating of any provision of NRS 704.010 to 704.810, inclusive;

4. Fails to obey any order, decision or regulation of the commission;

5. Procures or aids or abets any person in his failure to obey such order, decision or regulation; or

6. Advertises, solicits, proffers bids or otherwise holds himself out to perform as a public utility in violation of any of the provisions of NRS 704.010 to 704.810, inclusive,

shall shall be fined not [less than \$50 nor] more than \$500.

Sec. 237. NRS 704.800 is hereby amended to read as follows:

704.800 1. Every person who willfully, and with intent to injure or defraud:

(a) Opens, breaks into, taps or connects with any pipe, flume, ditch, conduit, reservoir, wire, meter or other apparatus belonging to or used by any water, gas, irrigation, electric or power company or corporation, or belonging to or used by any other person, persons or association, or by the state, or by any county, city, district or municipality, and takes and removes therefrom or allows to flow or be taken or be removed therefrom any water, gas, electricity or power belonging to another; or

(b) Connects a pipe, tube, flume, conduit, wire or other instrument or appliance with any pipe, conduit, tube, flume, wire, line, pole, lamp, meter or other apparatus belonging to or used by any water, irrigation, gas, electric or power company

or corporation, or belonging to or used by any other person, persons or association, in such manner as to take therefrom water, gas, electricity or power for any purpose or use, without passing through the meter or instrument or other means provided for registering the quantity consumed or used , [; or

(c) Destroys, detaches, disconnects, alters, injures or prevents the action of a headgate, meter or other instrument or means used to measure or register the quantity of water, gas, electricity or power consumed or supplied; or

(d) Injures or destroys, or interferes with the efficiency or use of, or suffers to be injured or destroyed, any pipe, conduit, flume, wire, pole, line, lamp, fixture, hydrant or other attachment or apparatus belonging to or used by any water, irrigation, gas, electric or power company or corporation, or belonging to or used by any other person, persons or association,]

shall is guilty of a public offense, as prescribed in NRS 193.155, proportionate to the value of the property removed, [destroyed,] altered or damaged and in no event less than a misdemeanor; and such person [shall also be] is also liable to the person, persons, association or corporations, or the owner or user whose property is injured, in a sum equal to treble the amount of actual damages sustained thereby.

2. In any prosecution under subsection 1, proof that any of the acts therein forbidden were done on or about the premises occupied by the defendant charged with the commission of such

an offense, or that he received the use or benefit of such water, gas, electricity or power by reason of the commission of any such acts, [shall be] is prima facie evidence of the guilt of such defendant.

Sec. 238. NRS 705.200 is hereby amended to read as follows:

705.200 1. Any person falsely making an affidavit of ownership of any animal killed or injured under the terms of NRS 705.150 to 705.200, inclusive, [shall, upon conviction thereof, be punished by a fine of not more than \$500, or by imprisonment in the county jail for not more than 1 year.

2. If the owner or owners of animals mentioned in NRS 705.-150 shall drive the same upon the track of any such railroad corporation or company with intent thereby to injure or kill it or them, such owner or owners shall be liable for all injury or damage occasioned by reason of such act, and shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

3.] is guilty of a gross misdemeanor.

2. Every person described in NRS 705.180 who [shall fail or neglect] fails or neglects to comply with the provisions of NRS 705.180 [shall be] is guilty of a misdemeanor.

[4.] 3. Every corporation, company, receiver, association or person who [shall fail, neglect or refuse] fails, neglects or refuses to comply with the provisions of NRS 705.190 [shall be] is guilty of a misdemeanor.

[5.] 4. Any person [or persons who shall attempt] who attempts in any manner to conceal the evidence of the killing or injury of any animal or animals described in NRS 705.150 by any railroad train, engine or cars on any railroad in this state, or who [shall] in any way [destroy or cover] destroys or covers up the evidence that may lead to the identification of any animal or animals so killed or injured, is guilty of a misdemeanor.

Sec. 239. NRS 705.460 is hereby amended to read as follows:

705.460 Every person who [shall] willfully and maliciously [place] places any obstruction on the track of any railroad in this state, [now in operation or which may hereafter be put in operation therein,] or [shall tear up or remove] tears up or removes any part or portion of [such] a railroad, or [shall destroy, derange, misplace or injure] destroys, deranges, misplaces or injures any rail, switch, block or other signaling device, culvert, viaduct, bridge, car, tender or engine, or willfully and maliciously [do or attempt] does or attempts to do any [or either] of such things, or any other act or thing, whereby the life and limb of such person may be endangered, [shall be guilty of a felony, and upon conviction thereof] shall be punished by imprisonment in the state prison for a period [not exceeding 21 years.] of not less than 2 years nor more than 20 years.

Sec. 240. NRS 706.756 is hereby amended to read as follows:

706.756 Any person who:

1. Operates in any carriage to which NRS 706.011 to 706.861,

inclusive, apply without first obtaining a certificate, permit or license, or in violation of the terms thereof; [or]

2. Fails to make any return or report required by NRS 706.011 to 706.861, inclusive, or by the commission or the department under the terms of NRS 706.011 to 706.861, inclusive; [or]

3. Violates, or procures, aids or abets the violating of, any provision of NRS 706.011 to 706.861, inclusive; [or]

4. Fails to obey any order, decision or regulation of the commission or the department; [or]

5. Procures or aids or abets any person in his failure to obey such order, decision or regulation; [or]

6. Advertises, solicits, proffers bids or otherwise holds himself out to perform transportation as a common or contract carrier in violation of any of the provisions of NRS 706.011 to 706.861, inclusive; [or]

7. Knowingly offers, gives, solicits or accepts any rebate, concession or discrimination in violation of this chapter; [or]

8. Knowingly, willfully and fraudulently seeks to evade or defeat the purposes of this chapter; [or]

9. Operates a vehicle without having the proper identifying device; [or]

10. Displays or causes or permits to be displayed a certificate, permit, license or identifying device, knowing it to be fictitious or to have been canceled, revoked, suspended or altered; [or]

11. Lends or knowingly permits the use of by one not entitled

thereto any certificate, permit, license or identifying device issued to the person so lending or permitting the use thereof; or

12. Refuses or fails to surrender to the commission or department any certificate, permit, license or identifying device which has been suspended, canceled or revoked as provided in this chapter,

flush is guilty of a misdemeanor . [, and upon conviction thereof shall be punished by a fine of not less than \$50 nor more than \$500, or by imprisonment in the county jail for not less than 10 days nor more than 6 months, or by both fine and imprisonment.]

Sec. 241. NRS 707.130 is hereby amended to read as follows:

707.130 [1.] If any person : [shall:

(a) Willfully or maliciously cut, break or throw down any telegraph pole, or any tree or other material used in any line of telegraph, or willfully or maliciously break, displace or injure any insulator in use in any telegraph line, or willfully or maliciously cut, break or remove from its insulator any wire used as a telegraph line; or

(b)] 1. By the attachment of a ground wire, or by any other contrivance, willfully [destroy] destroys the insulation of [such] a telegraph line, or [interrupt] interrupts the transmission of the electric current through the [same; or

(c) In any other manner, willfully injure, molest or destroy any property or materials appertaining to any telegraph line; or

(d) Willfully interfere] line;

2. Willfully interferes with the use of any telegraph line, or [obstruct or postpone] obstructs or postpones the transmission of any message over the [same; or

(e) Procure or advise] line; or

3. Procures or advises any such injury, interference or obstruction,

flush the person so offending [shall be] is guilty of a public offense, as prescribed in NRS 193.155, proportionate to the value of [the] any property damaged, altered, removed or destroyed and in no event less than a misdemeanor.

[2. Any person violating any of the provisions of subsection 1 shall be liable to the telegraph company whose property is injured in a sum equal to 100 times the amount of actual damages sustained thereby.]

Sec. 242. NRS 1.280, 200.420, 202.800, 202.850, 206.015, 206.025, 206.060, 206.090, 206.100, 206.110, 206.120, 206.-170, 206.180, 206.190, 206.230, 206.240, 206.250, 213.170, 246.080, 247.400, 248.070, 248.080, 248.260, 253.130, 281.-200, 353.050, 360.290, 361.270, 361.440, 361.785, 412.586, 422.330, 452.280, 467.175, 475.040, 483.540, 535.120, 536.-110, 647.095, 647.145, 664.035, 704.810 and 705.470 are hereby repealed.

SUMMARY--Repeals statutes on commissioned abstracters.

(BDR 19-91)

Fiscal Note: Effect on Local Government: No.
Effect on the State or on Industrial
Insurance: No.

AN ACT relating to commissioned abstracters; repealing all provisions relating to them as obsolete; and providing other matters properly relating thereto.

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

Section 1. NRS 240.240, 240.250, 240.260, 240.270, 240.280, 240.290, 240.300, 240.310, 240.320 and 240.330 are hereby repealed.