

Amendment No. 457

Assembly Amendment to Assembly Bill No. 373	(BDR 15-98)
Proposed by: Assembly Committee on Judiciary	
Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION		Initial and Date		SENATE ACTION		Initial and Date			
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) green bold italic underlining is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) green bold underlining is newly added transitory language.

NCA/BAW



Date: 4/20/2011

A.B. No. 373—Prohibits the willful destruction of real property that is subject to foreclosure or repossession. (BDR 15-98)



ASSEMBLY BILL NO. 373--ASSEMBLYMAN GOICOECHEA

MARCH 21, 2011

Referred to Committee on Judiciary

SUMMARY—Prohibits the ~~willful~~ destruction of real property that is subject to foreclosure ~~for repossession,~~ with the intent to defraud. (BDR 15-98)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to real property; prohibiting under certain circumstances the removal, ~~damaging~~ concealing or destruction of real property that is subject to foreclosure ~~for any other action affecting the title or possession of the real property;~~ with the intent to defraud; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 This bill provides that a person in possession of real property who, under certain
2 circumstances, ~~willfully~~ removes, ~~damages~~ conceals or destroys any real property that is
3 subject to foreclosure ~~for any other action affecting the title or possession of the real property;~~
4 with the intent to defraud and who causes a secured party to suffer pecuniary loss is
5 guilty of a ~~category E felony;~~ misdemeanor.

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

1 **Section 1.** Chapter 206 of NRS is hereby amended by adding thereto a new
2 section to read as follows:

3 *1. A person who occupies real property, including a person with an*
4 *ownership interest in the real property, who has personal knowledge of the*
5 *pendency of an action for the foreclosure of a mortgage upon real property ~~for~~ or*
6 *a proceeding for the judicial or other foreclosure of a deed of trust given to*
7 *secure a loan made to purchase real property ~~for any other action affecting the~~*
8 *title or possession of real property;* shall not remove, ~~damage~~ conceal or
9 *otherwise destroy any portion of the real property ~~with intent to diminish the~~*
10 *value of the real property;* upon which a security interest exists.

11 *2. A person who ~~willfully violates~~ :*
12 (a) Violates the provisions of subsection 1 with the intent to defraud the
13 secured party; and

1 (b) Causes the secured party to suffer a pecuniary loss upon the conclusion
2 of a proceeding for the foreclosure of the real property.
3 is guilty of a ~~category E felony and shall be punished as provided in NRS~~
4 ~~193.130.~~ misdemeanor.