
SENATE BILL NO. 138—SENATORS GUSTAVSON;
AND SETTELMAYER

FEBRUARY 12, 2015

JOINT SPONSORS: ASSEMBLYMEN FIORE, ELLISON;
DICKMAN, JONES AND WHEELER

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing the forfeiture of property. (BDR 14-222)

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 ~~for mitted material~~ is material to be omitted.

AN ACT relating to criminal procedure; establishing a uniform procedure for the criminal forfeiture of property used or obtained in certain crimes; providing for the distribution of forfeited property and proceeds from the sale of such property; requiring the reporting of certain information relating to the forfeiture of property; revising provisions authorizing the forfeiture of property; repealing certain provisions governing the seizure, forfeiture and disposition of property and proceeds; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law provides for the seizure, forfeiture and disposition of certain
2 property and proceeds attributable to the commission of certain crimes. (NRS
3 179.1156-179.121) Existing law separately provides for the seizure, forfeiture and
4 disposition of property and proceeds attributable to any technological crime which
5 is punishable as a felony. (NRS 179.1211-179.1235) Finally, existing law provides
6 for the seizure, forfeiture and disposition of property and proceeds attributable to
7 racketeering crimes. (NRS 207.350-207.520) **Section 52** of this bill repeals the
8 existing statutory scheme for the seizure, forfeiture and disposition of property and
9 proceeds.

10 **Sections 2-31** of this bill enact a new statutory scheme, under the jurisdiction
11 of the courts presiding over criminal proceedings, governing the seizure, forfeiture
12 and disposition of property and proceeds attributable to certain crimes. **Section 12**



13 provides that property is subject to forfeiture only if the underlying crime provides
14 for such forfeiture, and there is: (1) proof of a criminal conviction; (2) a plea
15 agreement; or (3) an agreement by the parties. **Section 12** also requires the State to
16 establish that seized property is forfeitable by clear and convincing evidence.
17 **Sections 16 and 17** provide for the seizure of property for which forfeiture is
18 sought by a court order, or without a court order if: (1) the seizure is pursuant to a
19 lawful arrest; (2) the property has been the subject of a prior judgment in the favor
20 of the State; or (3) there is probable cause to believe that a delay would result in the
21 removal or destruction of the property.
22 **Sections 21 and 22** authorize a person to: (1) file a petition for the remission or
23 mitigation of a forfeiture; and (2) seek a pretrial hearing to determine the validity of
24 the seizure. **Section 27** provides that the property of an innocent owner may not be
25 forfeited and sets forth a process for determining whether a person is an innocent
26 owner. **Section 28** provides that any forfeited currency or property auction
27 proceeds must only: (1) be used to pay all outstanding liens on the property; (2) be
28 used to pay reasonable expenses, except personnel costs; and (3) be deposited, if
29 any funds remain, in the State General Fund. **Section 30** requires each law
30 enforcement agency to submit an annual report containing certain information
31 relating to the seizure, forfeiture and disposition of property to the Office of
32 the Attorney General. **Sections 32-51** of this bill revise existing law authorizing the
33 forfeiture of property attributable to certain crimes to incorporate references to the
34 new procedures for forfeiture pursuant to **sections 2-31**.

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

1 **Section 1.** Chapter 179 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 31, inclusive, of this
3 act.
4 **Sec. 2.** *As used in sections 2 to 31, inclusive, of this act, the*
5 *words and terms defined in sections 3 to 8, inclusive, of this act*
6 *have the meanings ascribed to them in those sections.*
7 **Sec. 3.** *“Actual knowledge” means direct and clear*
8 *awareness of information, a fact or a condition.*
9 **Sec. 4.** *“Constructive knowledge” means knowledge that is*
10 *imputed to family or household members of a defendant if the*
11 *defendant had been adjudicated guilty three or more times for the*
12 *same or specified similar violation in the 10 years immediately*
13 *preceding the alleged violation.*
14 **Sec. 5.** *“Contraband” means goods that are unlawful to*
15 *import, export or possess.*
16 **Sec. 6.** *“Conveyance” means a device used for transportation*
17 *and includes, without limitation, a motor vehicle, trailer,*
18 *snowmobile, airplane and vessel, and any equipment attached to it.*
19 *The term does not include property that is stolen or taken in*
20 *violation of the law.*



1 **Sec. 7.** *“Instrumentality” means property otherwise lawful to*
2 *possess that is used in a crime. The term includes, without*
3 *limitation, a tool, firearm, conveyance, computer, computer*
4 *software, telecommunications device, money and any other means*
5 *of exchange.*

6 **Sec. 8.** *“Law subject to forfeiture” means a statute for which*
7 *forfeiture is prescribed for a violation of the statute.*

8 **Sec. 9.** *The Legislature finds and declares that the public*
9 *policy of this State concerning forfeiture of property is to:*

10 1. *Deter criminal activity by reducing its economic incentives;*
11 2. *Increase the pecuniary loss from engaging in criminal*
12 *activity;*

13 3. *Protect against the wrongful forfeiture of property; and*

14 4. *Ensure that only criminal forfeiture is allowed in this*
15 *State.*

16 **Sec. 10.** *The provisions of sections 2 to 31, inclusive, of this*
17 *act govern the seizure, forfeiture and disposition of all property*
18 *and proceeds subject to forfeiture.*

19 **Sec. 11.** 1. *When a person is convicted of violating a law*
20 *subject to forfeiture, the court, consistent with the provisions of*
21 *sections 2 to 31, inclusive, of this act, may order the person to*
22 *forfeit:*

23 (a) *Property the person derived directly from the commission*
24 *of the crime;*

25 (b) *Property directly traceable to property described in*
26 *paragraph (a); and*

27 (c) *Instrumentalities the person used in the commission of the*
28 *crime.*

29 2. *Property and instrumentalities subject to forfeiture are*
30 *limited to:*

31 (a) *Land, buildings, containers, conveyances, equipment,*
32 *materials, products, money, securities and negotiable instruments;*
33 *and*

34 (b) *Ammunition, firearms and accessories used in the*
35 *furtherance or commission of a violation of a law subject to*
36 *forfeiture.*

37 **Sec. 12.** 1. *Property is subject to forfeiture only if the*
38 *violation is of a law subject to forfeiture and the violation is*
39 *established by:*

40 (a) *Proof of a criminal conviction;*

41 (b) *Part of a plea agreement approved by the presiding*
42 *criminal court; or*

43 (c) *Agreement by the parties.*

44 2. *The State must establish that seized property is forfeitable*
45 *by clear and convincing evidence.*



1 **Sec. 13.** *Upon the State's motion following conviction, the*
2 *court may order the forfeiture of substitute property owned by the*
3 *defendant up to the value of unreachable property if the State*
4 *proves by a preponderance of the evidence that the defendant*
5 *intentionally transferred, sold or deposited property with a third*
6 *party to avoid the court's jurisdiction.*

7 **Sec. 14.** *The State may not seek personal money judgments*
8 *or other remedies not provided by sections 2 to 31, inclusive, of*
9 *this act.*

10 **Sec. 15.** *A defendant is not jointly and severally liable for*
11 *forfeiture awards owed by other defendants. If ownership of*
12 *property is unclear, a court may order each defendant to forfeit*
13 *property on a pro rata basis or any other means the court finds*
14 *equitable.*

15 **Sec. 16.** *At the request of the State, at any time, a court may*
16 *issue an ex parte preliminary order to seize or secure property for*
17 *which forfeiture is sought and to provide for its custody.*

18 **Sec. 17.** *Property subject to forfeiture may be seized at any*
19 *time without a court order if:*

20 1. *The seizure is incident to a lawful arrest or a lawful*
21 *search;*

22 2. *The property subject to seizure has been the subject of a*
23 *prior judgment in favor of the State; or*

24 3. *The State has probable cause to believe that the delay*
25 *occasioned by the necessity to obtain a court order would result in*
26 *the removal or destruction of the property and that the property is*
27 *forfeitable pursuant to sections 2 to 31, inclusive, of this act.*

28 **Sec. 18.** *When property is seized, the law enforcement*
29 *agency seizing the property shall:*

30 1. *Give an itemized receipt to the person possessing the*
31 *property; or*

32 2. *In the absence of a person possessing the property, leave*
33 *such a receipt in the place where the property was found, if*
34 *reasonably possible.*

35 **Sec. 19.** 1. *At the time of the seizure of property or the*
36 *entry of a restraining order relating to the property, the State*
37 *acquires provisional title to the seized property. Provisional title*
38 *authorizes the State to hold and protect the property.*

39 2. *Title to the property vests with the State when the trier of*
40 *fact renders a final forfeiture verdict and relates back to the time*
41 *when the State acquired provisional title to the property. However,*
42 *such title is subject to claims by third parties adjudicated pursuant*
43 *to sections 2 to 31, inclusive, of this act.*

44 **Sec. 20.** 1. *If the owner of seized property seeks its return*
45 *before the criminal trial, the owner may post bond or give*



1 *substitute property equal to the fair market value of the seized*
2 *property at the time the bond amount is determined. On the*
3 *posting of a bond or the giving of substitute property, the State*
4 *shall return the seized property to the owner within a reasonable*
5 *period not to exceed 5 business days. The forfeiture action may*
6 *then proceed against the bond or substitute property.*

7 2. *This section does not apply to property reasonably held for*
8 *investigatory purposes.*

9 **Sec. 21.** 1. *Before the entry of a court order disposing of a*
10 *forfeiture action pursuant to sections 2 to 31, inclusive, of this act,*
11 *any person who has an interest in seized property may file with the*
12 *Attorney General a petition for remission or mitigation of the*
13 *forfeiture.*

14 2. *The Attorney General or the Attorney General's designee*
15 *shall remit or mitigate the forfeiture upon reasonable terms and*
16 *conditions if the Attorney General or the Attorney General's*
17 *designee finds that:*

18 (a) *The petitioner did not intend to violate the law subject to*
19 *forfeiture; or*

20 (b) *Extenuating circumstances justify the remission or*
21 *mitigation of the forfeiture.*

22 **Sec. 22.** 1. *After the seizure of property pursuant to*
23 *sections 2 to 31, inclusive, of this act, a defendant or third party*
24 *has a right to a pretrial hearing to determine the validity of the*
25 *seizure.*

26 2. *The claimant may claim, at least 60 days before the trial of*
27 *the related crime, the right to possession of property by motion to*
28 *the court.*

29 3. *The claimant shall file a motion establishing the validity of*
30 *the alleged interest in the property.*

31 4. *The court may hear the motion not more than 30 days after*
32 *the motion is filed.*

33 5. *The State shall file an answer showing probable cause for*
34 *the seizure, or cross motions, at least 10 days before the hearing.*

35 6. *The court shall grant the motion if it finds that:*

36 (a) *It is likely the final judgment will be that the State must*
37 *return the property to the claimant; or*

38 (b) *The property is the only reasonable means for a defendant*
39 *to pay for legal representation in the forfeiture or related criminal*
40 *proceeding. At the court's discretion, the court may order the*
41 *return of funds or property sufficient to obtain legal counsel, but*
42 *less than the total amount seized, and require an accounting.*

43 7. *The court may order the State to give security for*
44 *satisfaction of any judgment, including damages, that may be*
45 *rendered in the action or order other relief as may be just.*



1 **Sec. 23.** *The local rules of practice adopted in the judicial*
2 *district where the action is pending, to the extent they are not*
3 *inconsistent with state law, apply to discovery pursuant to sections*
4 *2 to 31, inclusive, of this act.*

5 **Sec. 24.** *The litigation related to the forfeiture of property*
6 *must be held in a single proceeding following the trial of the*
7 *related crime.*

8 **Sec. 25.** 1. *At any time after a determination by the trier of*
9 *fact, the defendant may petition the court to determine whether the*
10 *forfeiture is unconstitutionally excessive under the Nevada*
11 *Constitution or the United States Constitution.*

12 2. *The defendant has the burden of establishing the forfeiture*
13 *is grossly disproportional to the seriousness of the related crime by*
14 *a preponderance of the evidence at a hearing conducted by the*
15 *court without a jury.*

16 3. *In determining whether the forfeiture of property is*
17 *unconstitutionally excessive, the court may consider all relevant*
18 *factors, including, without limitation:*

19 (a) *The seriousness of the related crime and its impact on the*
20 *community, including, without limitation, the duration of the*
21 *activity and the harm caused by the defendant;*

22 (b) *The extent to which the defendant participated in the*
23 *related crime;*

24 (c) *The extent to which the property was used in committing*
25 *the related crime;*

26 (d) *The sentence imposed for committing the related crime;*
27 *and*

28 (e) *Whether the related crime was completed or attempted.*

29 4. *In determining the value of the property subject to*
30 *forfeiture, the court may consider relevant factors, including,*
31 *without limitation:*

32 (a) *The fair market value of the property;*

33 (b) *The value of the property to the defendant, including*
34 *hardship to the defendant if the forfeiture is realized; and*

35 (c) *The hardship from the loss of a primary residence, motor*
36 *vehicle or other property to the defendant's family members or*
37 *others if the property is forfeited.*

38 5. *The court may not consider the value of the property to the*
39 *State in determining whether the forfeiture of the property is*
40 *constitutionally excessive.*

41 **Sec. 26.** 1. *A bona fide security interest in any property is*
42 *not subject to forfeiture unless the person claiming a security*
43 *interest in the property had actual knowledge that the property was*
44 *subject to forfeiture at the time that the property was seized or*
45 *restrained pursuant to sections 2 to 31, inclusive, of this act.*



1 2. A person claiming a security interest:
2 (a) Bears the burden of production; and
3 (b) Must establish the validity of the interest by a
4 preponderance of the evidence.

5 **Sec. 27.** The property of an innocent owner may not be
6 forfeited. The process for determining whether a person is an
7 innocent owner is as follows:

8 1. A person who has any interest, including, without
9 limitation, joint tenancy, tenancy in common or tenancy by the
10 entirety, in property subject to forfeiture that existed at the time
11 the unlawful conduct giving rise to the forfeiture occurred and
12 who claims to be an innocent owner has the burden of production
13 to show that the person has a legal right, title or interest in the
14 property seized pursuant to sections 2 to 31, inclusive, of this act.

15 2. The State shall summarily return the property subject to
16 forfeiture to a person who is an innocent owner if the property in
17 which the person has an interest is a:

- 18 (a) Homestead declared pursuant to chapter 115 of NRS; or
19 (b) Vehicle if the equity in the vehicle is less than \$15,000.

20 3. If subsection 1 is satisfied and the State seeks to proceed
21 with the forfeiture against the property, other than property listed
22 in subsection 2, the State must prove by a preponderance of the
23 evidence that the person had actual or constructive knowledge of
24 the unlawful conduct giving rise to the forfeiture.

25 4. A person who acquired an ownership interest in property
26 after the unlawful conduct giving rise to the forfeiture occurred
27 and who claims to be an innocent owner has the burden of
28 production to show that the person has legal right, title or interest
29 in the property seized pursuant to sections 2 to 31, inclusive, of
30 this act.

31 5. If subsection 4 is satisfied and the State seeks to proceed
32 with the forfeiture against the property, the State must prove by a
33 preponderance of the evidence that at the time the person acquired
34 the property interest, the person had actual knowledge or
35 constructive knowledge that the property was subject to forfeiture
36 or was not a bona fide purchaser without notice of any defect in
37 title and for valuable consideration.

38 6. If the State fails to meet its burden pursuant to subsection
39 3 or 5, the court shall:

- 40 (a) Find that the person is an innocent owner; and
41 (b) Order the State to relinquish all claims of title to the
42 property.

43 **Sec. 28.** 1. If unclaimed property or contraband held for
44 evidentiary purposes is no longer needed for that purpose, the
45 court may order that:



1 (a) Such property be delivered to the State Treasurer within 30
2 days after the order; or

3 (b) Such contraband be destroyed within 30 days after the
4 order.

5 2. If a forfeiture is granted pursuant to section 11 of this act,
6 the court may order that the property be delivered to the State
7 Treasurer within 30 days after the order.

8 3. Upon motion, the court may order that a portion of any
9 currency seized or proceeds from public auction be used to pay
10 reasonable expenses, except personnel costs, related to the seizure,
11 storage and maintenance of custody of any forfeited items.

12 4. The State Treasurer shall dispose of all forfeited property
13 that is not currency at public auction.

14 5. Any auction proceeds and forfeited currency must be used
15 only:

16 (a) To pay all outstanding recorded liens on the forfeited
17 property;

18 (b) To comply with an order of the court to pay reasonable
19 expenses, except personnel costs; and

20 (c) If any amounts remain after satisfying the purposes set
21 forth in paragraphs (a) and (b), to be deposited into the State
22 General Fund.

23 **Sec. 29.** A law enforcement agency shall not:

24 1. Retain forfeited property for its own use; or

25 2. Sell forfeited property directly or indirectly to:

26 (a) An employee of the law enforcement agency;

27 (b) A person related to an employee of the law enforcement
28 agency by blood or marriage; or

29 (c) Another law enforcement agency.

30 **Sec. 30.** 1. On an annual basis, each law enforcement
31 agency shall report the following information about each
32 individual seizure and forfeiture completed by the law
33 enforcement agency under state or federal forfeiture law:

34 (a) Data on seizures and forfeitures, including, without
35 limitation, the:

36 (1) Date that currency, vehicles, houses or other types of
37 property were seized;

38 (2) Type of property seized, including, the year, make and
39 model, as applicable;

40 (3) Type of crime associated with the seizure of the
41 property;

42 (4) Market value of the property seized;

43 (5) Disposition of the property following the seizure; and

44 (6) Date of the disposition of the property.



1 (b) Data on the use of proceeds from any public auction,
2 including, without limitation, the:

3 (1) Payment of all outstanding liens on the forfeited
4 property;

5 (2) Payment of reasonable expenses, except personnel
6 costs, of the seizure, storage and maintenance of custody of any
7 forfeited property; and

8 (3) Funds deposited into the State General Fund.

9 (c) Any other information required by the Office of the
10 Attorney General.

11 2. The Office of the Attorney General shall develop standard
12 forms, processes and deadlines for the entry of electronic data for
13 the annual submission of the report required by subsection 1.

14 3. Each law enforcement agency shall file with the Office of
15 the Attorney General the report required by subsection 1. The law
16 enforcement agency shall file separate reports for forfeitures
17 completed under state and federal forfeiture law. A null report
18 must be filed by a law enforcement agency that did not engage in a
19 seizure or forfeiture during the reporting period. The Office of the
20 Attorney General shall compile the submissions and issue an
21 aggregate report of all forfeitures in this State.

22 4. On or before April 1 of each year, the Office of the
23 Attorney General shall make available:

24 (a) On its Internet website, the reports submitted by law
25 enforcement agencies and the aggregate report.

26 (b) Upon request, printed copies of the reports submitted by
27 law enforcement agencies and the aggregate report.

28 5. The Office of the Attorney General shall include in the
29 aggregate report information on any law enforcement agencies
30 not in compliance with this section. Any law enforcement agency
31 that is not in compliance with this section as determined by the
32 Office of the Attorney General may not receive any money from
33 any forfeiture pursuant to sections 2 to 31, inclusive, of this act.

34 **Sec. 31.** 1. The State shall return seized property to the
35 owner within a reasonable period not to exceed 5 days after:

36 (a) The court finds that the owner has a bona fide security
37 interest;

38 (b) The court finds that the owner was an innocent owner
39 pursuant to section 27 of this act;

40 (c) The acquittal or dismissal of the criminal charge that is the
41 basis of the forfeiture proceedings; or

42 (d) The disposal of the criminal charge that is the basis of the
43 forfeiture proceedings.



1 **2. The State is responsible for any damages, storage fees and**
2 **related costs applicable to property returned pursuant to**
3 **subsection 1.**

4 **Sec. 32.** NRS 179.1152 is hereby amended to read as follows:
5 179.1152 1. If a peace officer:

6 (a) Has detained a person pursuant to NRS 171.123, has arrested
7 a person pursuant to any statutory provision authorizing or requiring
8 the arrest of a person or is investigating a crime for which a suspect:

9 (1) Has not been identified; or

10 (2) Has been identified but was not reasonably believed by
11 the peace officer to possess or control a prepaid or stored value card
12 before the peace officer lawfully obtained possession of a prepaid or
13 stored value card;

14 (b) Has lawfully obtained possession of a prepaid or stored
15 value card; and

16 (c) Has probable cause to believe that the prepaid or stored value
17 card represents the proceeds of a crime or has been used, is being
18 used or is intended for use in the commission of a crime,

19 ↪ the peace officer may use an electronic device, a necessary
20 electronic communications network or any other reasonable means
21 to determine the name, personal information and amount of funds
22 associated with the prepaid or stored value card.

23 2. The Attorney General, the Attorney General's designee or
24 any state or local law enforcement agency in this State may enter
25 into a contract with any person to assist in carrying out the
26 provisions of this section.

27 3. Before entering into a contract pursuant to subsection 2, the
28 Attorney General, the Attorney General's designee or a state or local
29 law enforcement agency shall consider the following factors:

30 (a) The functional benefits to all law enforcement agencies in
31 this State of maintaining either a single database or a series of
32 interlinked databases relating to possible criminal use of prepaid or
33 stored value cards.

34 (b) The overall costs of establishing and maintaining such a
35 database or databases.

36 (c) Any other factors that the Attorney General, the Attorney
37 General's designee or the state or local law enforcement agency
38 believe to be relevant.

39 4. Any contract entered into pursuant to this section:

40 (a) May be a sole source contract, not subject to the rules and
41 requirements of open competitive bidding, if the period of the
42 contract does not exceed 5 years; and

43 (b) Must indemnify and hold harmless any person who enters
44 into a contract pursuant to this section, and any officers, employees
45 or agents of that person, for claims for actions taken at the direction



1 of a law enforcement agency in this State and within the scope of
2 the contract.

3 5. As used in this section:

4 (a) "Prepaid or stored value card" means any instrument or
5 device used to access funds or monetary value represented in digital
6 electronic format, whether or not specially encrypted, and stored or
7 capable of storage on electronic media in such a way as to be
8 retrievable and transferable electronically.

9 (b) "Proceeds" ~~[has the meaning ascribed to it in NRS~~
10 ~~179.1161.]~~ *means any property, or that part of an item of property,*
11 *derived directly or indirectly from the commission or attempted*
12 *commission of a crime.*

13 **Sec. 33.** NRS 31.840 is hereby amended to read as follows:

14 31.840 ~~[Except as provided in NRS 179.1171, the]~~ *The*
15 *plaintiff in an action to recover the possession of personal property*
16 *may, at the time of issuing the summons, or at any time before*
17 *answer, claim the delivery of such property to the plaintiff as*
18 *provided in this chapter.*

19 **Sec. 34.** NRS 115.010 is hereby amended to read as follows:

20 115.010 1. The homestead is not subject to forced sale on
21 execution or any final process from any court, except as otherwise
22 provided by subsections 2, 3 and 5, and NRS 115.090 and except as
23 otherwise required by federal law.

24 2. The exemption provided in subsection 1 extends only to that
25 amount of equity in the property held by the claimant which does
26 not exceed \$550,000 in value, unless allodial title has been
27 established and not relinquished, in which case the exemption
28 provided in subsection 1 extends to all equity in the dwelling, its
29 appurtenances and the land on which it is located.

30 3. Except as otherwise provided in subsection 4, the exemption
31 provided in subsection 1 does not extend to process to enforce the
32 payment of obligations contracted for the purchase of the property,
33 or for improvements made thereon, including any mechanic's lien
34 lawfully obtained, or for legal taxes, or for:

35 (a) Any mortgage or deed of trust thereon executed and given,
36 including, without limitation, any second or subsequent mortgage,
37 mortgage obtained through refinancing, line of credit taken against
38 the property and a home equity loan; or

39 (b) Any lien to which prior consent has been given through the
40 acceptance of property subject to any recorded declaration of
41 restrictions, deed restriction, restrictive covenant or equitable
42 servitude, specifically including any lien in favor of an association
43 pursuant to NRS 116.3116 or 117.070,

44 ↪ by both husband and wife, when that relation exists.



1 4. If allodial title has been established and not relinquished, the
2 exemption provided in subsection 1 extends to process to enforce
3 the payment of obligations contracted for the purchase of the
4 property, and for improvements made thereon, including any
5 mechanic's lien lawfully obtained, and for legal taxes levied by a
6 state or local government, and for:

7 (a) Any mortgage or deed of trust thereon; and

8 (b) Any lien even if prior consent has been given through the
9 acceptance of property subject to any recorded declaration of
10 restrictions, deed restriction, restrictive covenant or equitable
11 servitude, specifically including any lien in favor of an association
12 pursuant to NRS 116.3116 or 117.070,

13 ↪ unless a waiver for the specific obligation to which the judgment
14 relates has been executed by all allodial titleholders of the property.

15 5. Establishment of allodial title does not exempt the property
16 from forfeiture pursuant to ~~[NRS 179.1156 to 179.121, inclusive,
17 179.1211 to 179.1235, inclusive, or 207.350 to 207.520, inclusive.]~~
18 *sections 2 to 31, inclusive, of this act.*

19 6. Any declaration of homestead which has been filed before
20 July 1, 2007, shall be deemed to have been amended on that date by
21 extending the homestead exemption commensurate with any
22 increase in the amount of equity held by the claimant in the property
23 selected and claimed for the exemption up to the amount permitted
24 by law on that date, but the increase does not impair the right of any
25 creditor to execute upon the property when that right existed before
26 July 1, 2007.

27 **Sec. 35.** NRS 200.760 is hereby amended to read as follows:

28 200.760 All assets derived from or relating to any violation of
29 NRS 200.366, 200.710 to 200.730, inclusive, or 201.230 are subject
30 to forfeiture. A proceeding for their forfeiture may be brought
31 pursuant to ~~[NRS 179.1156 to 179.119, inclusive.]~~ *sections 2 to 31,*
32 *inclusive, of this act.*

33 **Sec. 36.** NRS 201.351 is hereby amended to read as follows:

34 201.351 ~~[+]~~ All assets derived from or relating to any
35 violation of NRS 201.300 or 201.320 are subject to forfeiture
36 pursuant to ~~[NRS 179.121 and a proceeding for their forfeiture may
37 be brought pursuant to NRS 179.1156 to 179.121, inclusive.]~~

38 ~~—2.— In any proceeding for forfeiture brought pursuant to NRS
39 179.1156 to 179.121, inclusive, the plaintiff may apply for, and a
40 court may issue without notice or hearing, a temporary restraining
41 order to preserve property which would be subject to forfeiture
42 pursuant to this section if:~~

43 ~~—(a) The forfeitable property is in the possession or control of the
44 party against whom the order will be entered; and~~



1 ~~—(b) The court determines that the nature of the property is such~~
2 ~~that it can be concealed, disposed of or placed beyond the~~
3 ~~jurisdiction of the court before a hearing on the matter.~~

4 ~~—3.— A temporary restraining order which is issued without notice~~
5 ~~may be issued for not more than 30 days and may be extended only~~
6 ~~for good cause or by consent. The court shall provide notice and~~
7 ~~hold a hearing on the matter before the order expires.~~

8 ~~—4.— Any proceeds derived from a forfeiture of property pursuant~~
9 ~~to this section and remaining after the distribution required by~~
10 ~~subsection 1 of NRS 179.118 must be deposited with the county~~
11 ~~treasurer and distributed to programs for the prevention of child~~
12 ~~prostitution or for services to victims which are designated to~~
13 ~~receive such distributions by the district attorney of the county.]~~
14 ~~*sections 2 to 31, inclusive, of this act.*~~

15 **Sec. 37.** NRS 202.257 is hereby amended to read as follows:

16 202.257 1. It is unlawful for a person who:

17 (a) Has a concentration of alcohol of 0.10 or more in his or her
18 blood or breath; or

19 (b) Is under the influence of any controlled substance, or is
20 under the combined influence of intoxicating liquor and a controlled
21 substance, or any person who inhales, ingests, applies or otherwise
22 uses any chemical, poison or organic solvent, or any compound or
23 combination of any of these, to a degree which renders him or her
24 incapable of safely exercising actual physical control of a firearm,
25 ~~↪~~ to have in his or her actual physical possession any firearm. This
26 prohibition does not apply to the actual physical possession of a
27 firearm by a person who was within the person's personal residence
28 and had the firearm in his or her possession solely for self-defense.

29 2. Any evidentiary test to determine whether a person has
30 violated the provisions of subsection 1 must be administered in the
31 same manner as an evidentiary test that is administered pursuant to
32 NRS 484C.160 to 484C.250, inclusive, except that submission to
33 the evidentiary test is required of any person who is directed by a
34 police officer to submit to the test. If a person to be tested fails to
35 submit to a required test as directed by a police officer, the officer
36 may direct that reasonable force be used to the extent necessary to
37 obtain the samples of blood from the person to be tested, if the
38 officer has reasonable cause to believe that the person to be tested
39 was in violation of this section.

40 3. Any person who violates the provisions of subsection 1 is
41 guilty of a misdemeanor.

42 4. A firearm is subject to forfeiture pursuant to ~~[NRS 179.1156~~
43 ~~to 179.119, inclusive,]~~ *sections 2 to 31, inclusive, of this act* only if,
44 during the violation of subsection 1, the firearm is brandished,



1 aimed or otherwise handled by the person in a manner which
2 endangered others.

3 5. As used in this section, the phrase “concentration of alcohol
4 of 0.10 or more in his or her blood or breath” means 0.10 gram or
5 more of alcohol per 100 milliliters of the blood of a person or per
6 210 liters of his or her breath.

7 **Sec. 38.** NRS 205A.060 is hereby amended to read as follows:
8 205A.060 The Board shall:

9 1. Facilitate cooperation between state, local and federal
10 officers in detecting, investigating and prosecuting technological
11 crimes.

12 2. Establish, support and assist in the coordination of activities
13 between two multiagency task forces on technological crime, one
14 based in Reno and one based in Las Vegas, consisting of
15 investigators and forensic examiners who are specifically trained to
16 investigate technological crimes.

17 3. Coordinate and provide training and education for members
18 of the general public, private industry and governmental agencies,
19 including, without limitation, law enforcement agencies, concerning
20 the statistics and methods of technological crimes and how to
21 prevent, detect and investigate technological crimes.

22 4. Assist the Division of Enterprise Information Technology
23 Services of the Department of Administration in securing
24 governmental information systems against illegal intrusions and
25 other criminal activities.

26 5. Evaluate and recommend changes to the existing civil and
27 criminal laws relating to technological crimes in response to current
28 and projected changes in technology and law enforcement
29 techniques.

30 6. ~~[(Distribute money deposited pursuant to NRS 179.1233 into~~
31 ~~the Account for the Technological Crime Advisory Board in~~
32 ~~accordance with the provisions of NRS 205A.090.~~

33 ~~—7.]~~ Authorize the payment of expenses incurred by the Board
34 in carrying out its duties pursuant to this chapter.

35 **Sec. 39.** NRS 205A.090 is hereby amended to read as follows:
36 205A.090 1. The Account for the Technological Crime

37 Advisory Board is hereby created in the State General Fund. The
38 Board shall administer the Account.

39 2. The money in the Account must only be used to carry out
40 the provisions of this chapter and pay the expenses incurred by the
41 Board in the discharge of its duties, including, without limitation,
42 the payment of any expenses related to the creation and subsequent
43 activities of the task forces on technological crime.

44 3. ~~[(For each criminal or civil forfeiture carried out pursuant to~~
45 ~~NRS 179.1211 to 179.1235, inclusive, the Board shall distribute the~~



1 ~~money deposited into the Account pursuant to NRS 179.1233 in the~~
2 ~~following manner:~~

3 ~~—(a) Not less than 25 percent to be retained in the Account for use~~
4 ~~by the Board to carry out the provisions of this chapter and to pay~~
5 ~~the expenses incurred by the Board in the discharge of its duties.~~

6 ~~—(b) Not more than 75 percent to be distributed to the federal,~~
7 ~~state and local law enforcement agencies that participated in the~~
8 ~~investigation of the unlawful act giving rise to the criminal or civil~~
9 ~~forfeiture in accordance with the level of participation of each law~~
10 ~~enforcement agency as determined by the Board. If the participating~~
11 ~~law enforcement agencies have entered into an agreement to share~~
12 ~~any such money, the Board shall distribute the money to the law~~
13 ~~enforcement agencies in accordance with the provisions of the~~
14 ~~agreement.~~

15 ~~—4.] Claims against the Account must be paid as other claims~~
16 ~~against the State are paid.~~

17 ~~[5.] 4.~~ The money in the Account that is provided from
18 sources other than the State General Fund or the State Highway
19 Fund must remain in the Account and must not revert to the State
20 General Fund at the end of any fiscal year. Money in the Account
21 that is appropriated or allocated from the State General Fund or the
22 State Highway Fund must revert as provided in the legislation that
23 authorizes the appropriation or the allocation.

24 **Sec. 40.** NRS 207.410 is hereby amended to read as follows:

25 207.410 In lieu of the fine which may be imposed for a
26 violation of NRS 207.400, the convicted person may be sentenced to
27 pay a fine which does not exceed three times:

- 28 1. Any gross pecuniary value the convicted person gained; or
- 29 2. Any gross loss the convicted person caused, including
30 property damage and personal injury but excluding any pain and
31 suffering,

32 ↪ whichever is greater, as a result of the violation. The convicted
33 person may also be sentenced to pay court costs and the reasonable
34 costs of the investigation and prosecution. If property is ordered
35 forfeited pursuant to ~~[NRS 207.450,]~~ *sections 2 to 31, inclusive, of*
36 *this act*, the value of that property must be subtracted from a fine
37 imposed pursuant to this section.

38 **Sec. 41.** NRS 207.420 is hereby amended to read as follows:

39 207.420 ~~[1.]~~ If the indictment or information filed regarding
40 a violation of NRS 207.400 alleges that real or personal property
41 was derived from, realized through, or used or intended for use in
42 the course of the unlawful act and the extent of that property:

43 ~~[(a)] 1.~~ The jury; or

44 ~~[(b)] 2.~~ If the trial is without a jury, the court,



1 ➔ shall, upon a conviction, determine at a separate hearing the
2 extent of the property to be forfeited ~~[] pursuant to sections 2 to~~
3 ~~31, inclusive, of this act.~~ If the indictment or information does not
4 include such an allegation, the property is not subject to criminal
5 forfeiture.

6 ~~[2.— The property subject to criminal forfeiture pursuant to~~
7 ~~subsection 1 includes:~~

8 ~~— (a) Any title or interest acquired or maintained by the unlawful~~
9 ~~conduct;~~

10 ~~— (b) Any proceeds derived from the unlawful conduct;~~

11 ~~— (c) Any property or contractual right which affords a source of~~
12 ~~influence over any enterprise established, operated, controlled,~~
13 ~~participated in or conducted in violation of NRS 207.400;~~

14 ~~— (d) Any position, office, appointment, tenure or contract of~~
15 ~~employment:~~

16 ~~— (1) Which was acquired or maintained in violation of~~
17 ~~NRS 207.400;~~

18 ~~— (2) Through which the convicted person conducted or~~
19 ~~participated in the conduct of such unlawful affairs of an enterprise;~~
20 ~~or~~

21 ~~— (3) Which afforded the convicted person a source of~~
22 ~~influence or control over the affairs of an enterprise which the~~
23 ~~convicted person exercised in violation of NRS 207.400;~~

24 ~~— (e) Any compensation, right or benefit derived from a position,~~
25 ~~office, appointment, tenure or contract of employment that accrued~~
26 ~~to the convicted person during the period of unlawful conduct; and~~

27 ~~— (f) Any amount payable or paid under any contract for goods or~~
28 ~~services which was awarded or performed in violation of~~
29 ~~NRS 207.400.~~

30 ~~— 3. If property which is ordered to be criminally forfeited~~
31 ~~pursuant to subsection 1:~~

32 ~~— (a) Cannot be located;~~

33 ~~— (b) Has been sold to a purchaser in good faith for value;~~

34 ~~— (c) Has been placed beyond the jurisdiction of the court;~~

35 ~~— (d) Has been substantially diminished in value by the conduct of~~
36 ~~the defendant;~~

37 ~~— (e) Has been commingled with other property which cannot be~~
38 ~~divided without difficulty or undue injury to innocent persons; or~~

39 ~~— (f) Is otherwise unreachable without undue injury to innocent~~
40 ~~persons;~~

41 ~~➔ the court shall order the forfeiture of other property of the~~
42 ~~defendant up to the value of the property that is unreachable.]~~

43 **Sec. 42.** NRS 207.470 is hereby amended to read as follows:

44 207.470 1. Any person who is injured in his or her business
45 or property by reason of any violation of NRS 207.400 has a cause



1 of action against a person causing such injury for three times the
2 actual damages sustained. An injured person may also recover
3 attorney's fees in the trial and appellate courts and costs of
4 investigation and litigation reasonably incurred. The defendant or
5 any injured person in the action may demand a trial by jury in any
6 civil action brought pursuant to this section. Any injured person has
7 a claim to forfeited property or the proceeds derived therefrom and
8 this claim is superior to any claim the State may have to the same
9 property or proceeds if the injured person's claim is asserted before
10 a final decree is issued which grants forfeiture of the property or
11 proceeds to the State.

12 2. A final judgment or decree rendered in favor of the State in
13 any criminal proceeding under NRS 205.322 or 207.400 estops the
14 defendant in any subsequent civil action or proceeding from denying
15 the essential allegations of the criminal offense.

16 3. Any civil action or proceeding under this section must be
17 instituted in the district court of the State in the county in which the
18 prospective defendant resides or has committed any act which
19 subjects him or her to criminal or civil liability under this section or
20 NRS 205.322 ~~[.]~~ or 207.400 . ~~[or 207.460.]~~

21 4. Any civil remedy provided pursuant to this section is not
22 exclusive of any other available remedy or penalty.

23 **Sec. 43.** NRS 207.480 is hereby amended to read as follows:

24 207.480 A district court may, following a determination of
25 civil liability under NRS 207.470 , ~~[or 207.490.]~~ take such actions
26 as it deems proper, including ordering the defendant to pay all costs
27 and expenses of the proceedings.

28 **Sec. 44.** NRS 228.178 is hereby amended to read as follows:

29 228.178 1. The Attorney General may:

30 (a) Investigate and prosecute any alleged technological crime.

31 (b) Pursue the forfeiture of property relating to a technological
32 crime in accordance with the provisions of ~~[NRS 179.1211 to~~
33 ~~179.1235, inclusive.] sections 2 to 31, inclusive, of this act.~~

34 (c) Bring an action to enjoin or obtain any other equitable relief
35 to prevent the occurrence or continuation of a technological crime.

36 2. As used in this section, "technological crime" has the
37 meaning ascribed to it in NRS 205A.030.

38 **Sec. 45.** NRS 370.419 is hereby amended to read as follows:

39 370.419 All fixtures, equipment and other materials and
40 personal property on the premises of any wholesale or retail dealer
41 who, with intent to defraud the State:

42 1. Fails to keep or make any record, return, report or inventory
43 required pursuant to NRS 370.080 to 370.327, inclusive;



1 2. Keeps or makes any false or fraudulent record, return, report
2 or inventory required pursuant to NRS 370.080 to 370.327,
3 inclusive;

4 3. Refuses to pay any tax imposed pursuant to NRS 370.080 to
5 370.327, inclusive; or

6 4. Attempts in any manner to evade or defeat the requirements
7 of NRS 370.080 to 370.327, inclusive,

8 ↪ is subject to forfeiture pursuant to ~~NRS 179.1156 to 179.119,~~
9 ~~inclusive.] sections 2 to 31, inclusive, of this act.~~

10 **Sec. 46.** NRS 387.303 is hereby amended to read as follows:

11 387.303 1. Not later than November 1 of each year, the board
12 of trustees of each school district shall submit to the Superintendent
13 of Public Instruction and the Department of Taxation a report which
14 includes the following information:

15 (a) For each fund within the school district, including, without
16 limitation, the school district's general fund and any special revenue
17 fund which receives state money, the total number and salaries of
18 licensed and nonlicensed persons whose salaries are paid from the
19 fund and who are employed by the school district in full-time
20 positions or in part-time positions added together to represent full-
21 time positions. Information must be provided for the current school
22 year based upon the school district's final budget, including any
23 amendments and augmentations thereto, and for the preceding
24 school year. An employee must be categorized as filling an
25 instructional, administrative, instructional support or other position.

26 (b) The school district's actual expenditures in the fiscal year
27 immediately preceding the report.

28 (c) The school district's proposed expenditures for the current
29 fiscal year.

30 (d) The schedule of salaries for licensed employees in the
31 current school year and a statement of whether the negotiations
32 regarding salaries for the current school year have been completed.
33 If the negotiations have not been completed at the time the schedule
34 of salaries is submitted, the board of trustees shall submit a
35 supplemental report to the Superintendent of Public Instruction upon
36 completion of negotiations or the determination of an arbitrator
37 concerning the negotiations that includes the schedule of salaries
38 agreed to or required by the arbitrator.

39 (e) The number of employees who received an increase in salary
40 pursuant to subsection 2, 3 or 4 of NRS 391.160 for the current and
41 preceding fiscal years. If the board of trustees is required to pay an
42 increase in salary retroactively pursuant to subsection 2 of NRS
43 391.160, the board of trustees shall submit a supplemental report to
44 the Superintendent of Public Instruction not later than February 15
45 of the year in which the retroactive payment was made that includes



1 the number of teachers to whom an increase in salary was paid
2 retroactively.

3 (f) The number of employees eligible for health insurance within
4 the school district for the current and preceding fiscal years and the
5 amount paid for health insurance for each such employee during
6 those years.

7 (g) The rates for fringe benefits, excluding health insurance,
8 paid by the school district for its licensed employees in the
9 preceding and current fiscal years.

10 (h) The amount paid for extra duties, supervision of
11 extracurricular activities and supplemental pay and the number of
12 employees receiving that pay in the preceding and current fiscal
13 years.

14 ~~[(i) The expenditures from the account created pursuant to
15 subsection 4 of NRS 179.1187. The report must indicate the total
16 amount received by the district in the preceding fiscal year and the
17 specific amount spent on books and computer hardware and
18 software for each grade level in the district.]~~

19 2. On or before November 25 of each year, the Superintendent
20 of Public Instruction shall submit to the Department of
21 Administration and the Fiscal Analysis Division of the Legislative
22 Counsel Bureau, in a format approved by the Director of the
23 Department of Administration, a compilation of the reports made by
24 each school district pursuant to subsection 1.

25 3. In preparing the agency biennial budget request for the State
26 Distributive School Account for submission to the Department of
27 Administration, the Superintendent of Public Instruction:

28 (a) Shall compile the information from the most recent
29 compilation of reports submitted pursuant to subsection 2;

30 (b) May increase the line items of expenditures or revenues
31 based on merit salary increases and cost of living adjustments or
32 inflation, as deemed credible and reliable based upon published
33 indexes and research relevant to the specific line item of expenditure
34 or revenue;

35 (c) May adjust expenditures and revenues pursuant to paragraph
36 (b) for any year remaining before the biennium for which the budget
37 is being prepared and for the 2 years of the biennium covered by the
38 biennial budget request to project the cost of expenditures or the
39 receipt of revenues for the specific line items;

40 (d) May consider the cost of enhancements to existing programs
41 or the projected cost of proposed new educational programs,
42 regardless of whether those enhancements or new programs are
43 included in the per pupil basic support guarantee for inclusion in the
44 biennial budget request to the Department of Administration; and



1 (e) Shall obtain approval from the State Board for any
2 inflationary increase, enhancement to an existing program or
3 addition of a new program included in the agency biennial budget
4 request.

5 4. The Superintendent of Public Instruction shall, in the
6 compilation required by subsection 2, reconcile the revenues of the
7 school districts with the apportionment received by those districts
8 from the State Distributive School Account for the preceding year.

9 5. The request prepared pursuant to subsection 3 must:

10 (a) Be presented by the Superintendent of Public Instruction to
11 such standing committees of the Legislature as requested by the
12 standing committees for the purposes of developing educational
13 programs and providing appropriations for those programs; and

14 (b) Provide for a direct comparison of appropriations to the
15 proposed budget of the Governor submitted pursuant to subsection 4
16 of NRS 353.230.

17 **Sec. 47.** NRS 453.301 is hereby amended to read as follows:

18 453.301 The following are subject to forfeiture pursuant to
19 ~~NRS 179.1156 to 179.119, inclusive;~~ *sections 2 to 31, inclusive,*
20 *of this act:*

21 1. All controlled substances which have been manufactured,
22 distributed, dispensed or acquired in violation of the provisions of
23 NRS 453.011 to 453.552, inclusive, or a law of any other
24 jurisdiction which prohibits the same or similar conduct.

25 2. All raw materials, products and equipment of any kind
26 which are used, or intended for use, in manufacturing,
27 compounding, processing, delivering, importing or exporting any
28 controlled substance in violation of the provisions of NRS 453.011
29 to 453.552, inclusive, or a law of any other jurisdiction which
30 prohibits the same or similar conduct.

31 3. All property which is used, or intended for use, as a
32 container for property described in subsections 1 and 2.

33 4. All books, records and research products and materials,
34 including formulas, microfilm, tapes and data, which are used, or
35 intended for use, in violation of the provisions of NRS 453.011 to
36 453.552, inclusive, or a law of any other jurisdiction which prohibits
37 the same or similar conduct.

38 5. All conveyances, including aircraft, vehicles or vessels,
39 which are used, or intended for use, to transport, or in any manner to
40 facilitate the transportation, concealment, manufacture or protection,
41 for the purpose of sale, possession for sale or receipt of property
42 described in subsection 1 or 2.

43 6. All drug paraphernalia as defined by NRS 453.554 which
44 are used in violation of NRS 453.560, 453.562 or 453.566 or a law



1 of any other jurisdiction which prohibits the same or similar
2 conduct, or of an injunction issued pursuant to NRS 453.558.

3 7. All imitation controlled substances which have been
4 manufactured, distributed or dispensed in violation of the provisions
5 of NRS 453.332 or 453.3611 to 453.3648, inclusive, or a law of any
6 other jurisdiction which prohibits the same or similar conduct.

7 8. All real property and mobile homes used or intended to be
8 used by any owner or tenant of the property or mobile home to
9 facilitate a violation of the provisions of NRS 453.011 to 453.552,
10 inclusive, except NRS 453.336, or used or intended to be used to
11 facilitate a violation of a law of any other jurisdiction which
12 prohibits the same or similar conduct as prohibited in NRS 453.011
13 to 453.552, inclusive, except NRS 453.336. As used in this
14 subsection, "tenant" means any person entitled, under a written or
15 oral rental agreement, to occupy real property or a mobile home to
16 the exclusion of others.

17 9. Everything of value furnished or intended to be furnished in
18 exchange for a controlled substance in violation of the provisions of
19 NRS 453.011 to 453.552, inclusive, or a law of any other
20 jurisdiction which prohibits the same or similar conduct, all
21 proceeds traceable to such an exchange, and all other property used
22 or intended to be used to facilitate a violation of the provisions of
23 NRS 453.011 to 453.552, inclusive, except NRS 453.336, or used or
24 intended to be used to facilitate a violation of a law of any other
25 jurisdiction which prohibits the same or similar conduct as
26 prohibited in NRS 453.011 to 453.552, inclusive, except NRS
27 453.336. If an amount of cash which exceeds \$300 is found in the
28 possession of a person who is arrested for a violation of NRS
29 453.337 or 453.338, then there is a rebuttable presumption that the
30 cash is traceable to an exchange for a controlled substance and is
31 subject to forfeiture pursuant to this subsection.

32 10. All firearms, as defined by NRS 202.253, which are in the
33 actual or constructive possession of a person who possesses or is
34 consuming, manufacturing, transporting, selling or under the
35 influence of any controlled substance in violation of the provisions
36 of NRS 453.011 to 453.552, inclusive, or a law of any other
37 jurisdiction which prohibits the same or similar conduct.

38 11. All computer hardware, equipment, accessories, software
39 and programs that are in the actual or constructive possession of a
40 person who owns, operates, controls, profits from or is employed or
41 paid by an illegal Internet pharmacy and who violates the provisions
42 of NRS 453.3611 to 453.3648, inclusive, or a law of any other
43 jurisdiction which prohibits the same or similar conduct.



1 **Sec. 48.** NRS 453.305 is hereby amended to read as follows:

2 453.305 1. Whenever a person is arrested for violating any of
3 the provisions of NRS 453.011 to 453.552, inclusive, except NRS
4 453.336, and real property or a mobile home occupied by the person
5 as a tenant has been used to facilitate the violation, the prosecuting
6 attorney responsible for the case shall cause to be delivered to the
7 owner of the property or mobile home a written notice of the arrest.

8 2. Whenever a person is convicted of violating any of the
9 provisions of NRS 453.011 to 453.552, inclusive, except NRS
10 453.336, and real property or a mobile home occupied by the person
11 as a tenant has been used to facilitate the violation, the prosecuting
12 attorney responsible for the case shall cause to be delivered to the
13 owner of the property or mobile home a written notice of the
14 conviction.

15 3. The notices required by this section must:

16 (a) Be written in language which is easily understood;

17 (b) Be sent by certified or registered mail, return receipt
18 requested, to the owner at the owner's last known address;

19 (c) Be sent within 15 days after the arrest occurs or judgment of
20 conviction is entered against the tenant, as the case may be;

21 (d) Identify the tenant involved and the offense for which the
22 tenant has been arrested or convicted; and

23 (e) Advise the owner that:

24 (1) The property or mobile home is subject to forfeiture
25 pursuant to ~~NRS 179.1156 to 179.119, inclusive,~~ *sections 2 to 31,*
26 *inclusive, of this act* and *NRS* 453.301 unless the tenant, if
27 convicted, is evicted;

28 (2) Any similar violation by the same tenant in the future
29 may also result in the forfeiture of the property unless the tenant has
30 been evicted;

31 (3) In any proceeding for forfeiture based upon such a
32 violation the owner will, by reason of the notice, be deemed to have
33 known of and consented to the unlawful use of the property or
34 mobile home; and

35 (4) The provisions of NRS 40.2514 and 40.254 authorize the
36 supplemental remedy of summary eviction to facilitate the owner's
37 recovery of the property or mobile home upon such a violation and
38 provide for the recovery of any reasonable attorney's fees the owner
39 incurs in doing so.

40 4. Nothing in this section shall be deemed to preclude the
41 commencement of a proceeding for forfeiture or the forfeiture of the
42 property or mobile home, whether or not the notices required by this
43 section are given as required, if the proceeding and forfeiture are
44 otherwise authorized pursuant to ~~NRS 179.1156 to 179.119,~~
45 *inclusive,* *sections 2 to 31, inclusive, of this act* and *NRS* 453.301.



1 5. As used in this section, “tenant” means any person entitled
2 under a written or oral rental agreement to occupy real property or a
3 mobile home to the exclusion of others.

4 **Sec. 49.** NRS 453A.410 is hereby amended to read as follows:

5 453A.410 1. If a law enforcement agency legally and justly
6 seizes evidence from a medical marijuana establishment on a basis
7 that, in consideration of due process and viewed in the manner most
8 favorable to the establishment, would lead a reasonable person to
9 believe that a crime has been committed, the relevant provisions of
10 ~~[NRS 179.1156 to 179.121, inclusive.]~~ *sections 2 to 31, inclusive,*
11 *of this act* apply insofar as they do not conflict with the provisions
12 of this chapter.

13 2. As used in this section, “law enforcement agency” has the
14 meaning ascribed to it in NRS 239C.065.

15 **Sec. 50.** NRS 501.3857 is hereby amended to read as follows:

16 501.3857 Any gun, ammunition, trap, snare, vessel, vehicle,
17 aircraft or other device or equipment used, or intended for use:

18 1. To facilitate the unlawful and intentional killing or
19 possession of any big game mammal;

20 2. To hunt or kill a big game mammal by using information
21 obtained as a result of the commission of an act prohibited by NRS
22 503.010 or a regulation of the Commission which prohibits the
23 location of big game mammals for the purpose of hunting or killing
24 by the use of:

25 (a) An aircraft, including, without limitation, any device that is
26 used for navigation of, or flight in, the air;

27 (b) A hot air balloon or any other device that is lighter than air;
28 or

29 (c) A satellite or any other device that orbits the earth and is
30 equipped to produce images, or other similar devices; or

31 3. Knowingly to transport, sell, receive, acquire or purchase
32 any big game mammal which is unlawfully killed or possessed,

33 ↪ is subject to forfeiture pursuant to ~~[NRS 179.1156 to 179.119,~~
34 ~~inclusive.]~~ *sections 2 to 31, inclusive, of this act.*

35 **Sec. 51.** NRS 599B.255 is hereby amended to read as follows:

36 599B.255 1. Except as otherwise provided in NRS 599B.213,
37 the Attorney General or the district attorney of any county in this
38 state may prosecute a person who willfully violates, either directly
39 or indirectly, the provisions of this chapter. Except as otherwise
40 provided in subsection 3, such a person:

41 (a) For the first offense within 10 years, is guilty of a
42 misdemeanor.

43 (b) For the second offense within 10 years, is guilty of a gross
44 misdemeanor.



1 (c) For the third and all subsequent offenses within 10 years, is
2 guilty of a category D felony and shall be punished as provided in
3 NRS 193.130, or by a fine of not more than \$50,000, or by both fine
4 and the punishment provided in NRS 193.130.

5 2. Any offense which occurs within 10 years immediately
6 preceding the date of the principal offense or after the principal
7 offense constitutes a prior offense for the purposes of subsection 1
8 when evidenced by a conviction, without regard to the sequence of
9 the offenses and convictions.

10 3. A person who violates any provision of NRS 599B.080 is
11 guilty of a category D felony and shall be punished as provided in
12 NRS 193.130, or by a fine of not more than \$50,000, or by both fine
13 and the punishment provided in NRS 193.130.

14 4. Property or proceeds attributable to any violation pursuant to
15 the provisions of this section are subject to forfeiture in the manner
16 provided by ~~[NRS 179.1156 to 179.121, inclusive.]~~ *sections 2 to 31,*
17 *inclusive, of this act.*

18 **Sec. 52.** NRS 179.1156, 179.1157, 179.1158, 179.1159,
19 179.1161, 179.1162, 179.1163, 179.11635, 179.1164, 179.1165,
20 179.1169, 179.1171, 179.1173, 179.1175, 179.118, 179.1185,
21 179.1187, 179.119, 179.121, 179.1211, 179.1213, 179.1215,
22 179.1217, 179.1219, 179.1221, 179.1223, 179.1225, 179.1227,
23 179.1229, 179.1231, 179.1233, 179.1235, 207.415, 207.430,
24 207.440, 207.450, 207.460, 207.490, 207.500 and 207.510 are
25 hereby repealed.

LEADLINES OF REPEALED SECTIONS

- 179.1156** Scope.
- 179.1157** Definitions.
- 179.1158** "Claimant" defined.
- 179.1159** "Plaintiff" defined.
- 179.1161** "Proceeds" defined.
- 179.1162** "Property" defined.
- 179.1163** "Protected interest" defined.
- 179.11635** "Willful blindness" defined.
- 179.1164** Property subject to seizure and forfeiture;
exceptions.
- 179.1165** Seizure of property: Requirement of process.
- 179.1169** Title in property; transfer.
- 179.1171** Proceedings for forfeiture: Rules of practice;
complaint; service of summons and complaint; answer; parties.



179.1173 Proceedings for forfeiture: Priority over other civil matters; motion to stay; standard of proof; conviction of claimant not required; confidentiality of informants; return of property to claimant.

179.1175 Disposition of property after seizure and forfeiture.

179.118 Distribution of proceeds from forfeited property.

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