

ASSEMBLY BILL NO. 420—COMMITTEE ON JUDICIARY

MARCH 25, 2019

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing the criminal forfeiture of property. (BDR 14-717)

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 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 2-28** 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 9** of
13 this bill provides that property is subject to forfeiture only if the underlying crime
14 provides for such forfeiture, and there is: (1) proof of a criminal conviction; (2) a
15 plea agreement; (3) an agreement by the parties; (4) clear and convincing evidence
16 the defendant would have been convicted, if the defendant died before a conviction;
17 or (5) a defendant who absconds. **Section 9** also requires the State to establish that
18 seized property is forfeitable by clear and convincing evidence. **Sections 13 and 14**



19 of this bill provide for the seizure of property for which forfeiture is sought by a
20 court order, or without a court order if: (1) the seizure is pursuant to a lawful arrest;
21 (2) the property has been the subject of a prior judgment in the favor of the State; or
22 (3) there is probable cause to believe that a delay would result in the removal or
23 destruction of the property.

24 **Sections 18, 19 and 20** of this bill authorize a person to: (1) file a petition for
25 the remission or mitigation of a forfeiture; and (2) seek a pretrial hearing to
26 determine the validity of the seizure. **Section 25** of this bill provides that the
27 property of an innocent owner may not be forfeited and sets forth a process for
28 determining whether a person is an innocent owner. **Section 26** of this bill provides
29 that any forfeited currency or property auction proceeds must only: (1) be used to
30 pay all outstanding recorded liens on the property; (2) be used to pay reasonable
31 expenses, including itemized and reasonable personnel costs; (3) be used to pay any
32 restitution; and (4) be deposited, if any funds remain, in the State Permanent School
33 Fund.

34 Existing law requires: (1) each law enforcement agency to report certain
35 information about each individual seizure and forfeiture completed by the agency
36 during the preceding year; and (2) the Office of the Attorney General to post on its
37 Internet website the reports submitted by law enforcement agencies and an
38 aggregate report of all forfeitures in this State. (NRS 179.1205) **Section 30** of this
39 bill requires each law enforcement agency to report certain additional details in the
40 annual report relating to the seizure, forfeiture and disposition of property. **Section**
41 **30** also requires the Office of the Attorney General to post the reports on its Internet
42 website in a format that provides for easy use and analysis of the information by
43 other agencies and persons, such as an electronic spreadsheet. **Sections 29-50** of
44 this bill revise existing law authorizing the forfeiture of property attributable to
45 certain crimes to incorporate references to the new procedures for forfeiture
46 pursuant to **sections 2-28**.

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 28, inclusive, of this
3 act.

4 **Sec. 2.** *As used in sections 2 to 28, inclusive, of this act,*
5 *unless the context otherwise requires, the words and terms defined*
6 *in sections 3, 4 and 5 of this act have the meanings ascribed to*
7 *them in those sections.*

8 **Sec. 3.** *“Actual knowledge” means direct and clear*
9 *awareness of information, a fact or a condition.*

10 **Sec. 4.** *“Conveyance” means a device used for transportation*
11 *and includes, without limitation, a motor vehicle, trailer,*
12 *snowmobile, airplane and vessel, and any equipment attached to it.*
13 *The term does not include property that is stolen or taken in*
14 *violation of the law.*

15 **Sec. 5.** *“Law subject to forfeiture” means a statute for*
16 *which:*



1 *1. A felony is prescribed for a violation of the statute or an*
2 *attempt to violate such a statute; or*

3 *2. Forfeiture is explicitly prescribed.*

4 **Sec. 6.** *The Legislature finds and declares that the public*
5 *policy of this State concerning forfeiture of property is to:*

6 *1. Deter criminal activity by reducing its economic incentives;*

7 *2. Increase the pecuniary loss from engaging in criminal*
8 *activity;*

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

10 *4. Ensure that only criminal forfeiture is allowed in this*
11 *State.*

12 **Sec. 7.** *The provisions of NRS 179.1205 and sections 2 to 28,*
13 *inclusive, of this act govern the seizure, forfeiture and disposition*
14 *of all property and proceeds subject to forfeiture.*

15 **Sec. 8.** *1. When a person is convicted of violating a law*
16 *subject to forfeiture, the court, consistent with the provisions of*
17 *NRS 179.1205 and sections 2 to 28, inclusive, of this act may order*
18 *the person to forfeit:*

19 *(a) Property the person derived directly from the commission*
20 *of the crime;*

21 *(b) Property directly traceable to property described in*
22 *paragraph (a); and*

23 *(c) Instrumentalities the person used in the commission of the*
24 *crime.*

25 *2. Property and instrumentalities subject to forfeiture are*
26 *limited to:*

27 *(a) Land, buildings, containers, conveyances, equipment,*
28 *materials, products, money, securities and negotiable instruments;*
29 *and*

30 *(b) Ammunition, firearms and accessories used in the*
31 *furtherance or commission of a violation of a law subject to*
32 *forfeiture.*

33 *3. As used in this section, "instrumentality" means property*
34 *otherwise lawful to possess that is used in a crime. The term*
35 *includes, without limitation, a tool, firearm, conveyance,*
36 *computer, computer software, telecommunication device, money*
37 *and any other means of exchange.*

38 **Sec. 9.** *1. Property is subject to forfeiture only if the*
39 *violation is of a law subject to forfeiture and the violation is*
40 *established by:*

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

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

44 *(c) Agreement by the parties;*



1 (d) *In the case of the death of the defendant, the State showing*
2 *by clear and convincing evidence that the defendant would have*
3 *been convicted of a violation of law subject to forfeiture; or*

4 (e) *The defendant absconding.*

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

7 **Sec. 10.** *Upon the State's motion following conviction, the*
8 *court may order the forfeiture of substitute property owned by the*
9 *defendant up to the value of unreachable property if the State*
10 *proves by a preponderance of the evidence that the defendant*
11 *intentionally transferred, sold or deposited property with a third*
12 *party to avoid the court's jurisdiction.*

13 **Sec. 11.** *The State may not seek personal money judgments*
14 *or other remedies not provided by NRS 179.1205 and sections 2 to*
15 *28, inclusive, of this act.*

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

21 **Sec. 13.** *At the request of the State, at any time, a court may*
22 *issue an ex parte preliminary order to seize or secure property for*
23 *which forfeiture is sought and to provide for its custody.*

24 **Sec. 14.** *Property subject to forfeiture may be seized at any*
25 *time without a court order if:*

26 1. *The seizure is incident to a lawful arrest or a lawful*
27 *search;*

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

30 3. *The State has probable cause to believe that the delay*
31 *occasioned by the necessity to obtain a court order would result in*
32 *the removal or destruction of the property and that the property is*
33 *forfeitable pursuant to NRS 179.1205 and sections 2 to 28,*
34 *inclusive, of this act.*

35 **Sec. 15.** *When property is seized, the law enforcement*
36 *agency seizing the property shall:*

37 1. *Give an itemized receipt to the person possessing the*
38 *property; or*

39 2. *In the absence of a person possessing the property, leave*
40 *such a receipt in the place where the property was found, if*
41 *reasonably possible.*

42 **Sec. 16.** 1. *At the time of the seizure of property or the*
43 *entry of a restraining order relating to the property, the State*
44 *acquires provisional title to the seized property. Provisional title*
45 *authorizes the State to hold and protect the property.*



1 2. Title to the property vests with the State when the trier of
2 fact renders a final forfeiture verdict and relates back to the time
3 when the State acquired provisional title to the property. However,
4 such title is subject to claims by third parties adjudicated pursuant
5 to NRS 179.1205 and sections 2 to 28, inclusive, of this act.

6 **Sec. 17.** 1. If the owner of seized property seeks its return
7 before the criminal trial, the owner may post bond or give
8 substitute property equal to the fair market value of the seized
9 property at the time the bond amount is determined. On the
10 posting of a bond or the giving of substitute property, the State
11 shall return the seized property to the owner within a reasonable
12 period not to exceed 5 business days. The forfeiture action may
13 then proceed against the bond or substitute property.

14 2. This section does not apply to property reasonably held for
15 investigatory purposes.

16 **Sec. 18.** 1. Before the entry of a court order disposing of a
17 forfeiture action pursuant to NRS 179.1205 and sections 2 to 28,
18 inclusive, of this act, any person who has an interest in the seized
19 property may file with the Attorney General a petition for
20 remission or mitigation of the forfeiture.

21 2. The Attorney General or the Attorney General's designee
22 shall remit or mitigate the forfeiture upon reasonable terms and
23 conditions if the Attorney General or the Attorney General's
24 designee finds that:

25 (a) The petitioner did not intend to violate the law subject to
26 forfeiture; or

27 (b) Extenuating circumstances justify the remission or
28 mitigation of the forfeiture.

29 **Sec. 19.** 1. In addition to any petition filed pursuant to
30 section 18 of this act, after the seizure of property pursuant to
31 NRS 179.1205 and sections 2 to 28, inclusive, of this act, a
32 defendant has a right to a pretrial hearing to determine the
33 validity of the seizure of the property.

34 2. The defendant may claim, not less than 60 days before the
35 trial of the related crime, the right to possession of the seized
36 property by motion to the court.

37 3. If the defendant claims possession pursuant to subsection
38 2, the defendant shall file a motion to establish the validity of the
39 alleged interest in the property.

40 4. The court shall hear a motion filed pursuant to subsection
41 3 not more than 30 days after the motion is filed.

42 5. The State shall file an answer showing probable cause for
43 the seizure of the property, or cross motions, not less than 10 days
44 before the hearing.



1 6. The court shall grant a motion filed pursuant to subsection
2 3 if it finds that the seized property is the only reasonable means
3 for a defendant to pay for legal representation in the forfeiture or
4 related criminal proceeding. At the court's discretion, the court
5 may order the return of money or property sufficient to obtain
6 legal counsel, but less than the total amount seized, and require an
7 accounting. The return of money or property, pursuant to this
8 subsection, must not exceed 10 percent of the value of the seized
9 property or \$100,000, whichever is greater.

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

13 **Sec. 20.** 1. After the seizure of property pursuant to NRS
14 179.1205 and sections 2 to 28, inclusive, of this act, a third party
15 has a right to a pretrial hearing to determine the validity of the
16 seizure of the property.

17 2. The third party may claim, not less than 60 days before the
18 trial of the related crime, the right to possession of the seized
19 property by motion to the court.

20 3. The third party shall file a motion establishing the validity
21 of the alleged interest in the seized property.

22 4. The court shall hear the motion not more than 30 days
23 after the motion is filed.

24 5. The State shall file an answer showing probable cause for
25 the seizure, or cross motions, not less than 10 days before the
26 hearing.

27 6. The court shall grant the motion if it finds that it is likely
28 the final judgment will be that the State must return the property
29 to the third party.

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

33 **Sec. 21.** The local rules of practice adopted in the judicial
34 district where the action is pending, to the extent they are not
35 inconsistent with state law, apply to discovery pursuant to NRS
36 179.1205 and sections 2 to 28, inclusive, of this act.

37 **Sec. 22.** The litigation related to the forfeiture of property
38 must be held in a single proceeding following the trial of the
39 related crime.

40 **Sec. 23.** 1. At any time after a determination by the trier of
41 fact, the defendant may petition the court to determine whether the
42 forfeiture is unconstitutionally excessive under the Nevada
43 Constitution or the United States Constitution.

44 2. The defendant has the burden of establishing that the
45 forfeiture is grossly disproportional to the seriousness of the



1 *related crime by a preponderance of the evidence at a hearing*
2 *conducted by the court without a jury.*

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

6 (a) *The seriousness of the related crime and the extent to*
7 *which the defendant participated in the related crime;*

8 (b) *Whether the related crime occurred in connection with*
9 *other criminal activities;*

10 (c) *The degree of harm caused by the defendant in proportion*
11 *to the relative amount of the forfeiture;*

12 (d) *The sentence imposed for committing the related crime in*
13 *proportion to the relative amount of the forfeiture; and*

14 (e) *The amount of any fine imposed on the defendant in*
15 *proportion to the relative amount of the forfeiture.*

16 4. *In determining the value of the property subject to*
17 *forfeiture, the court may consider relevant factors, including,*
18 *without limitation:*

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

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

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

25 5. *The court may not consider the value of the property to the*
26 *State in determining whether the forfeiture of the property is*
27 *constitutionally excessive.*

28 6. *A petition filed pursuant to this section may be filed only to*
29 *determine whether a forfeiture is unconstitutionally excessive*
30 *under the Nevada Constitution or the United States Constitution,*
31 *not whether the search and seizure or deprivation of property was*
32 *unlawful.*

33 **Sec. 24. 1.** *A bona fide security interest in any property is*
34 *not subject to forfeiture unless the person claiming a security*
35 *interest in the property had actual knowledge that the property was*
36 *subject to forfeiture at the time that the property was seized or*
37 *restrained pursuant to NRS 179.1205 and sections 2 to 28,*
38 *inclusive, of this act.*

39 2. *A person claiming a security interest:*

40 (a) *Bears the burden of production; and*

41 (b) *Must establish the validity of the interest by a*
42 *preponderance of the evidence.*

43 **Sec. 25.** *The property of an innocent owner may not be*
44 *forfeited. The process for determining whether a person is an*
45 *innocent owner is as follows:*



1 1. A person who has any interest, including, without
2 limitation, joint tenancy, tenancy in common or tenancy by the
3 entirety, in property subject to forfeiture that existed at the time
4 the unlawful conduct giving rise to the forfeiture occurred and
5 who claims to be an innocent owner has the burden of production
6 to show that the person has a legal right, title or interest in the
7 property seized pursuant to NRS 179.1205 and sections 2 to 28,
8 inclusive, of this act.

9 2. The State shall summarily return the property subject to
10 forfeiture to a person who is an innocent owner if the property in
11 which the person has an interest is a vehicle if the equity in the
12 vehicle is less than \$15,000.

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

18 4. A person who acquired an ownership interest in property
19 after the unlawful conduct giving rise to the forfeiture occurred
20 and who claims to be an innocent owner has the burden of
21 production to show that the person has legal right, title or interest
22 in the property seized pursuant to NRS 179.1205 and sections 2 to
23 28, inclusive, of this act.

24 5. If subsection 4 is satisfied and the State seeks to proceed
25 with the forfeiture against the property, the State must prove by a
26 preponderance of the evidence that at the time the person acquired
27 the property interest, the person had actual or constructive
28 knowledge that the property was subject to forfeiture or was not a
29 bona fide purchaser without notice of any defect in title and for
30 valuable consideration.

31 6. If the State fails to meet its burden pursuant to subsection
32 3 or 5, the court shall:

33 (a) Find that the person is an innocent owner; and

34 (b) Order the State to relinquish all claims of title to the
35 property.

36 **Sec. 26.** 1. If a forfeiture is granted pursuant to section 8 of
37 this act, the court may order that the property be delivered to the
38 State Treasurer within 30 days after the order.

39 2. Upon motion, the court may order that a portion of any
40 currency seized or proceeds from public auction be used to pay
41 reasonable expenses, except personnel costs, related to the seizure,
42 storage and maintenance of custody of any forfeited items.

43 3. The State Treasurer shall dispose of all forfeited property
44 that is not currency at public auction.



1 4. Any auction proceeds and forfeited currency must be used
2 only:

3 (a) To pay all outstanding recorded liens on the forfeited
4 property;

5 (b) To comply with an order of the court to pay reasonable
6 expenses, including an itemized statement of reasonable costs for
7 personnel;

8 (c) To comply with an order of the court to pay restitution; and

9 (d) If any amounts remain after satisfying the purposes set
10 forth in paragraphs (a), (b) and (c), to be deposited into the State
11 Permanent School Fund.

12 **Sec. 27.** 1. A law enforcement agency or the State shall
13 not:

14 (a) Retain forfeited property for its own use;

15 (b) Sell forfeited property directly or indirectly to:

16 (1) An employee of the law enforcement agency or the
17 State;

18 (2) A person related to an employee of the law enforcement
19 agency or the State by blood or marriage; or

20 (3) Another law enforcement agency; or

21 (c) Request the transfer of any case to a federal court to seek
22 the forfeiture of property to intentionally avoid the jurisdiction of
23 the court.

24 2. Nothing in this section shall be construed to invalidate any
25 agreement to transfer to any federal agency property subject to
26 forfeiture or forfeited for the purpose of assisting a task force.

27 **Sec. 28.** 1. The State shall return seized property to the
28 owner within a reasonable period not more than 5 days after:

29 (a) The court finds that the owner has a bona fide security
30 interest;

31 (b) The court finds that the owner is an innocent owner
32 pursuant to section 25 of this act;

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

35 (d) The disposal of the criminal charge that is the basis of the
36 forfeiture proceedings.

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

40 **Sec. 29.** NRS 179.1152 is hereby amended to read as follows:

41 179.1152 1. If a peace officer:

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

45 (1) Has not been identified; or



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

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

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

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

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

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

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

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

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

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

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

34 (b) Must indemnify and hold harmless any person who enters
35 into a contract pursuant to this section, and any officers, employees
36 or agents of that person, for claims for actions taken at the direction
37 of a law enforcement agency in this State and within the scope of
38 the contract.

39 5. As used in this section:

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



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

Sec. 30. NRS 179.1205 is hereby amended to read as follows:

179.1205 1. On an annual basis, each law enforcement agency shall report the following information about each individual seizure and forfeiture completed by the law enforcement agency under state forfeiture law:

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

(1) Date that *and location from which* currency, vehicles, houses or other types of property were seized;

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

(3) Type of crime associated with the seizure of the property ~~{}~~, *including, as applicable:*

(I) The crime for which the suspect was charged;

(II) The criminal case number; and

(III) The disposition of the case at the date of reporting;

(4) Market value of the property seized;

(5) Disposition of the property following the seizure ~~{}~~ *and*

~~(6) Date}~~, *including, without limitation:*

(I) The date of the disposition of the property {};

(II) Whether the property has been disposed of pursuant to section 26 of this act or remains in custody;

(III) Whether a claim was filed for the return of the property and, if so, the name of the person who filed the claim and the disposition of the claim at the time of reporting, including the award of any attorney's fees; and

(IV) Whether an agreement was reached between the parties.

(b) Data on the use of proceeds, including, without limitation, the:

(1) Payment of all outstanding *recorded* liens on the forfeited property;

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

(3) ~~{Distribution}~~ *Deposit* of proceeds *into the State Permanent School Fund* pursuant to ~~{NRS 179.118, 179.1187, 179.1233 and 207.500.}~~ *section 26 of this act.*

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



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

4 3. Each law enforcement agency shall file with the Office of
5 the Attorney General the report required by subsection 1. A null
6 report must be filed by a law enforcement agency that did not
7 engage in a seizure or forfeiture during the reporting period. The
8 Office of the Attorney General shall compile the submissions and
9 issue an aggregate report of all forfeitures in this State.

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

12 (a) On its Internet website, the reports submitted by law
13 enforcement agencies and the aggregate report ~~in~~ *in one or more*
14 *electronic formats, one of which must provide for the easy use and*
15 *analysis of the information reported by other agencies and*
16 *persons, including, without limitation an electronic spreadsheet.*

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

19 5. The Office of the Attorney General shall include in the
20 aggregate report information on any law enforcement agencies not
21 in compliance with this section.

22 **Sec. 31.** NRS 31.840 is hereby amended to read as follows:

23 31.840 ~~[Except as provided in NRS 179.1171, the]~~ *The*
24 plaintiff in an action to recover the possession of personal property
25 may, at the time of issuing the summons, or at any time before
26 answer, claim the delivery of such property to the plaintiff as
27 provided in this chapter.

28 **Sec. 32.** NRS 115.010 is hereby amended to read as follows:

29 115.010 1. The homestead is not subject to forced sale on
30 execution or any final process from any court, except as otherwise
31 provided by subsections 2, 3 and 5, and NRS 115.090 and except as
32 otherwise required by federal law.

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

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

44 (a) Any mortgage or deed of trust thereon executed and given,
45 including, without limitation, any second or subsequent mortgage,



1 mortgage obtained through refinancing, line of credit taken against
2 the property and a home equity loan; or

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

8 ↪ by both spouses, when that relation exists.

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

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

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

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

23 5. Establishment of allodial title does not exempt the property
24 from forfeiture pursuant to NRS ~~[179.1156 to 179.121, inclusive,~~
25 ~~179.1211 to 179.1235, inclusive, or 207.350 to 207.520,]~~ **179.1205**
26 **and sections 2 to 28, inclusive [1], of this act.**

27 6. Any declaration of homestead which has been filed before
28 July 1, 2007, shall be deemed to have been amended on that date by
29 extending the homestead exemption commensurate with any
30 increase in the amount of equity held by the claimant in the property
31 selected and claimed for the exemption up to the amount permitted
32 by law on that date, but the increase does not impair the right of any
33 creditor to execute upon the property when that right existed before
34 July 1, 2007.

35 **Sec. 33.** NRS 200.760 is hereby amended to read as follows:

36 200.760 All assets derived from or relating to any violation of
37 NRS 200.366, 200.710 to 200.730, inclusive, or 201.230 are subject
38 to forfeiture. A proceeding for their forfeiture may be brought
39 pursuant to NRS ~~[179.1156 to]~~ **179.1205 [,-inclusive.] and sections**
40 **2 to 28, inclusive, of this act.**

41 **Sec. 34.** NRS 201.351 is hereby amended to read as follows:

42 201.351 ~~[1-]~~ All assets derived from or relating to any
43 violation of NRS 201.300 or 201.320 are subject to forfeiture
44 pursuant to NRS ~~[179.121 and a proceeding for their forfeiture may~~
45 ~~be brought pursuant to NRS 179.1156 to 179.121, inclusive.~~



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

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

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

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

15 ~~—4. Any proceeds derived from a forfeiture of property pursuant~~
16 ~~to this section and remaining after the distribution required by~~
17 ~~subsection 1 of NRS 179.118 must be deposited with the county~~
18 ~~treasurer and distributed to programs for the prevention of child~~
19 ~~prostitution or for services to victims which are designated to~~
20 ~~receive such distributions by the district attorney of the county.]~~
21 ~~*179.1205 and sections 2 to 28, inclusive, of this act.*~~

22 **Sec. 35.** NRS 202.257 is hereby amended to read as follows:

23 202.257 1. It is unlawful for a person who:

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

26 (b) Is under the influence of any controlled substance, or is
27 under the combined influence of intoxicating liquor and a controlled
28 substance, or any person who inhales, ingests, applies or otherwise
29 uses any chemical, poison or organic solvent, or any compound or
30 combination of any of these, to a degree which renders him or her
31 incapable of safely exercising actual physical control of a firearm,

32 ↪ to have in his or her actual physical possession any firearm. This
33 prohibition does not apply to the actual physical possession of a
34 firearm by a person who was within the person's personal residence
35 and had the firearm in his or her possession solely for self-defense.

36 2. Any evidentiary test to determine whether a person has
37 violated the provisions of subsection 1 must be administered in the
38 same manner as an evidentiary test that is administered pursuant to
39 NRS 484C.160 to 484C.250, inclusive, except that submission to
40 the evidentiary test is required of any person who is requested by a
41 police officer to submit to the test. If a person to be tested fails to
42 submit to a required test as requested by a police officer, the officer
43 may apply for a warrant or court order directing that reasonable
44 force be used to the extent necessary to obtain the samples of blood



1 from the person to be tested, if the officer has reasonable cause to
2 believe that the person to be tested was in violation of this section.

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

5 4. A firearm is subject to forfeiture pursuant to NRS ~~179.1156~~
6 ~~to~~ 179.1205 ~~and~~ *sections 2 to 28*, inclusive, *of this act* only if,
7 during the violation of subsection 1, the firearm is brandished,
8 aimed or otherwise handled by the person in a manner which
9 endangered others.

10 5. As used in this section, the phrase “concentration of alcohol
11 of 0.10 or more in his or her blood or breath” means 0.10 gram or
12 more of alcohol per 100 milliliters of the blood of a person or per
13 210 liters of his or her breath.

14 **Sec. 36.** NRS 205A.060 is hereby amended to read as follows:
15 205A.060 The Board shall:

16 1. Facilitate cooperation between state, local and federal
17 officers in detecting, investigating and prosecuting technological
18 crimes.

19 2. Establish, support and assist in the coordination of activities
20 between two multiagency task forces on technological crime, one
21 based in Reno and one based in Las Vegas, consisting of
22 investigators and forensic examiners who are specifically trained to
23 investigate technological crimes.

24 3. Coordinate and provide training and education for members
25 of the general public, private industry and governmental agencies,
26 including, without limitation, law enforcement agencies, concerning
27 the statistics and methods of technological crimes and how to
28 prevent, detect and investigate technological crimes.

29 4. Assist the Division of Enterprise Information Technology
30 Services of the Department of Administration in securing
31 governmental information systems against illegal intrusions and
32 other criminal activities.

33 5. Evaluate and recommend changes to the existing civil and
34 criminal laws relating to technological crimes in response to current
35 and projected changes in technology and law enforcement
36 techniques.

37 6. ~~Distribute money deposited pursuant to NRS 179.1233 into~~
38 ~~the Account for the Technological Crime Advisory Board in~~
39 ~~accordance with the provisions of NRS 205A.090.~~

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

42 **Sec. 37.** NRS 205A.090 is hereby amended to read as follows:

43 205A.090 1. The Account for the Technological Crime
44 Advisory Board is hereby created in the State General Fund. The
45 Board shall administer the Account.



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

6 3. ~~For each criminal or civil forfeiture carried out pursuant to~~
7 ~~NRS 179.1211 to 179.1235, inclusive, the Board shall distribute the~~
8 ~~money deposited into the Account pursuant to NRS 179.1233 in the~~
9 ~~following manner:~~

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

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

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

24 ~~[5.]~~ 4. The money in the Account that is provided from
25 sources other than the State General Fund or the State Highway
26 Fund must remain in the Account and must not revert to the State
27 General Fund at the end of any fiscal year. Money in the Account
28 that is appropriated or allocated from the State General Fund or the
29 State Highway Fund must revert as provided in the legislation that
30 authorizes the appropriation or the allocation.

31 **Sec. 38.** NRS 207.410 is hereby amended to read as follows:

32 207.410 In lieu of the fine which may be imposed for a
33 violation of NRS 207.400, the convicted person may be sentenced to
34 pay a fine which does not exceed three times:

35 1. Any gross pecuniary value the convicted person gained; or

36 2. Any gross loss the convicted person caused, including
37 property damage and personal injury but excluding any pain and
38 suffering,

39 ↪ whichever is greater, as a result of the violation. The convicted
40 person may also be sentenced to pay court costs and the reasonable
41 costs of the investigation and prosecution. If property is ordered
42 forfeited pursuant to NRS ~~[207.450.]~~ 179.1205 and sections 2 to 28,
43 *inclusive, of this act*, the value of that property must be subtracted
44 from a fine imposed pursuant to this section.



1 **Sec. 39.** NRS 207.420 is hereby amended to read as follows:
2 207.420 ~~[(a)]~~ If the indictment or information filed regarding
3 a violation of NRS 207.400 alleges that real or personal property
4 was derived from, realized through, or used or intended for use in
5 the course of the unlawful act and the extent of that property:

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

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

8 ↪ shall, upon a conviction, determine at a separate hearing the
9 extent of the property to be forfeited ~~[(a)]~~ *pursuant to NRS 179.1205*
10 *and sections 2 to 28, inclusive of this act.* If the indictment or
11 information does not include such an allegation, the property is not
12 subject to criminal forfeiture.

13 ~~[(2)]~~ ~~The property subject to criminal forfeiture pursuant to~~
14 ~~subsection 1 includes:~~

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

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

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

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

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

25 ~~—(2) Through which the convicted person conducted or~~
26 ~~participated in the conduct of such unlawful affairs of an enterprise;~~
27 ~~or~~

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

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

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

37 ~~3. If property which is ordered to be criminally forfeited~~
38 ~~pursuant to subsection 1:~~

39 ~~—(a) Cannot be located;~~

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

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

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

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



1 ~~—(f) Is otherwise unreachable without undue injury to innocent~~
2 ~~persons;~~
3 ~~→ the court shall order the forfeiture of other property of the~~
4 ~~defendant up to the value of the property that is unreachable.]~~

5 **Sec. 40.** NRS 207.470 is hereby amended to read as follows:

6 207.470 1. Any person who is injured in his or her business
7 or property by reason of any violation of NRS 207.400 has a cause
8 of action against a person causing such injury for three times the
9 actual damages sustained. An injured person may also recover
10 attorney's fees in the trial and appellate courts and costs of
11 investigation and litigation reasonably incurred. The defendant or
12 any injured person in the action may demand a trial by jury in any
13 civil action brought pursuant to this section. Any injured person has
14 a claim to forfeited property or the proceeds derived therefrom and
15 this claim is superior to any claim the State may have to the same
16 property or proceeds if the injured person's claim is asserted before
17 a final decree is issued which grants forfeiture of the property or
18 proceeds to the State.

19 2. A final judgment or decree rendered in favor of the State in
20 any criminal proceeding under NRS 205.322 or 207.400 estops the
21 defendant in any subsequent civil action or proceeding from denying
22 the essential allegations of the criminal offense.

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

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

30 **Sec. 41.** NRS 207.480 is hereby amended to read as follows:

31 207.480 A district court may, following a determination of
32 civil liability under NRS 207.470 , ~~[or 207.490.]~~ take such actions
33 as it deems proper, including ordering the defendant to pay all costs
34 and expenses of the proceedings.

35 **Sec. 42.** NRS 217.260 is hereby amended to read as follows:

36 217.260 1. Money for payment of compensation as ordered
37 by the Board and for payment of salaries and other expenses
38 incurred by the Department pursuant to NRS 217.010 to 217.270,
39 inclusive, must be paid from the Fund for the Compensation of
40 Victims of Crime, which is hereby created. Money in the Fund must
41 be disbursed on the order of the Board in the same manner as other
42 claims against the State are paid and in accordance with the rules
43 and regulations adopted pursuant to NRS 217.130. Such rules and
44 regulations must include, without limitation, the requirements that:

45 (a) Claims be categorized as to their priority; and



1 (b) Claims categorized as the highest priority be paid, in whole
2 or in part, before other claims.

3 2. The Department shall prepare and submit quarterly to the
4 Board, for its approval, estimates of:

5 (a) The revenue in the Fund which is available for the payment
6 of compensation; and

7 (b) The anticipated expenses for the next quarter.

8 3. ~~Money deposited in the Fund which is recovered from a~~
9 ~~forfeiture of assets pursuant to NRS 200.760 and the interest and~~
10 ~~income earned on that money must be used for the counseling and~~
11 ~~medical treatment of victims of crimes committed in violation of~~
12 ~~NRS 200.366, 200.710, 200.720, 200.725, 200.730 or 201.230.~~

13 ~~—4.]~~ The interest and income earned on the money in the Fund
14 for the Compensation of Victims of Crime, after deducting any
15 applicable charges, must be credited to the Fund.

16 ~~5.]~~ 4. Any money remaining in the Fund for the
17 Compensation of Victims of Crime at the end of each fiscal year
18 does not revert to the State General Fund and must be carried over
19 into the next fiscal year.

20 **Sec. 43.** NRS 228.178 is hereby amended to read as follows:

21 228.178 1. The Attorney General may:

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

23 (b) Pursue the forfeiture of property relating to a technological
24 crime in accordance with the provisions of NRS ~~[179.1211 to~~
25 ~~179.1235.]~~ 179.1205 and sections 2 to 28, inclusive ~~[,]~~, of this act.

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

28 2. As used in this section, “technological crime” has the
29 meaning ascribed to it in NRS 205A.030.

30 **Sec. 44.** NRS 370.419 is hereby amended to read as follows:

31 370.419 All fixtures, equipment and other materials and
32 personal property on the premises of any wholesale or retail dealer
33 who, with intent to defraud the State:

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

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

39 3. Refuses to pay any tax imposed pursuant to NRS 370.080 to
40 370.327, inclusive; or

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

43 ➔ is subject to forfeiture pursuant to NRS ~~[179.1156 to]~~ 179.1205
44 ~~[,]~~ and sections 2 to 28, inclusive ~~[,]~~, of this act.



1 **Sec. 45.** NRS 387.303 is hereby amended to read as follows:

2 387.303 1. Not later than November 1 of each year, the board
3 of trustees of each school district shall submit to the Superintendent
4 of Public Instruction and the Department of Taxation a report which
5 includes the following information:

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

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

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

21 (d) The schedule of salaries for licensed employees in the
22 current school year and a statement of whether the negotiations
23 regarding salaries for the current school year have been completed.
24 If the negotiations have not been completed at the time the schedule
25 of salaries is submitted, the board of trustees shall submit a
26 supplemental report to the Superintendent of Public Instruction upon
27 completion of negotiations or the determination of an arbitrator
28 concerning the negotiations that includes the schedule of salaries
29 agreed to or required by the arbitrator.

30 (e) The number of employees who received an increase in salary
31 pursuant to NRS 391.161, 391.162 or 391.163 for the current and
32 preceding fiscal years. If the board of trustees is required to pay an
33 increase in salary retroactively pursuant to NRS 391.161, the board
34 of trustees shall submit a supplemental report to the Superintendent
35 of Public Instruction not later than February 15 of the year in which
36 the retroactive payment was made that includes the number of
37 teachers to whom an increase in salary was paid retroactively.

38 (f) The number of employees eligible for health insurance within
39 the school district for the current and preceding fiscal years and the
40 amount paid for health insurance for each such employee during
41 those years.

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



1 (h) The amount paid for extra duties, supervision of
2 extracurricular activities and supplemental pay and the number of
3 employees receiving that pay in the preceding and current fiscal
4 years.

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

10 2. On or before November 25 of each year, the Superintendent
11 of Public Instruction shall submit to the Office of Finance and the
12 Fiscal Analysis Division of the Legislative Counsel Bureau, in a
13 format approved by the Director of the Department of
14 Administration, a compilation of the reports made by each school
15 district pursuant to subsection 1.

16 3. In preparing the agency biennial budget request for the State
17 Distributive School Account for submission to the Office of
18 Finance, the Superintendent of Public Instruction:

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

21 (b) May increase the line items of expenditures or revenues
22 based on merit salary increases and cost of living adjustments or
23 inflation, as deemed credible and reliable based upon published
24 indexes and research relevant to the specific line item of expenditure
25 or revenue;

26 (c) May adjust expenditures and revenues pursuant to paragraph
27 (b) for any year remaining before the biennium for which the budget
28 is being prepared and for the 2 years of the biennium covered by the
29 biennial budget request to project the cost of expenditures or the
30 receipt of revenues for the specific line items; and

31 (d) May consider the cost of enhancements to existing programs
32 or the projected cost of proposed new educational programs,
33 regardless of whether those enhancements or new programs are
34 included in the per pupil basic support guarantee for inclusion in the
35 biennial budget request to the Office of Finance.

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

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

41 (a) Be presented by the Superintendent of Public Instruction to
42 such standing committees of the Legislature as requested by the
43 standing committees for the purposes of developing educational
44 programs and providing appropriations for those programs; and



1 (b) Provide for a direct comparison of appropriations to the
2 proposed budget of the Governor submitted pursuant to subsection 4
3 of NRS 353.230.

4 **Sec. 46.** NRS 453.301 is hereby amended to read as follows:

5 453.301 The following are subject to forfeiture pursuant to
6 NRS ~~479.1156 to~~ 179.1205 ~~;~~ and sections 2 to 28, inclusive ~~;~~,
7 of this act:

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

12 2. All raw materials, products and equipment of any kind
13 which are used, or intended for use, in manufacturing,
14 compounding, processing, delivering, importing or exporting any
15 controlled substance in violation of the provisions of NRS 453.011
16 to 453.552, inclusive, or a law of any other jurisdiction which
17 prohibits the same or similar conduct.

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

20 4. All books, records and research products and materials,
21 including formulas, microfilm, tapes and data, which are used, or
22 intended for use, in violation of the provisions of NRS 453.011 to
23 453.552, inclusive, or a law of any other jurisdiction which prohibits
24 the same or similar conduct.

25 5. All conveyances, including aircraft, vehicles or vessels,
26 which are used, or intended for use, to transport, or in any manner to
27 facilitate the transportation, concealment, manufacture or protection,
28 for the purpose of sale, possession for sale or receipt of property
29 described in subsection 1 or 2.

30 6. All drug paraphernalia as defined by NRS 453.554 which
31 are used in violation of NRS 453.560, 453.562 or 453.566 or a law
32 of any other jurisdiction which prohibits the same or similar
33 conduct, or of an injunction issued pursuant to NRS 453.558.

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

38 8. All real property and mobile homes used or intended to be
39 used by any owner or tenant of the property or mobile home to
40 facilitate a violation of the provisions of NRS 453.011 to 453.552,
41 inclusive, except NRS 453.336, or used or intended to be used to
42 facilitate a violation of a law of any other jurisdiction which
43 prohibits the same or similar conduct as prohibited in NRS 453.011
44 to 453.552, inclusive, except NRS 453.336. As used in this
45 subsection, "tenant" means any person entitled, under a written or



1 oral rental agreement, to occupy real property or a mobile home to
2 the exclusion of others.

3 9. Everything of value furnished or intended to be furnished in
4 exchange for a controlled substance in violation of the provisions of
5 NRS 453.011 to 453.552, inclusive, or a law of any other
6 jurisdiction which prohibits the same or similar conduct, all
7 proceeds traceable to such an exchange, and all other property used
8 or intended to be used to facilitate a violation of the provisions of
9 NRS 453.011 to 453.552, inclusive, except NRS 453.336, or used or
10 intended to be used to facilitate a violation of a law of any other
11 jurisdiction which prohibits the same or similar conduct as
12 prohibited in NRS 453.011 to 453.552, inclusive, except NRS
13 453.336. If an amount of cash which exceeds \$300 is found in the
14 possession of a person who is arrested for a violation of NRS
15 453.337 or 453.338, then there is a rebuttable presumption that the
16 cash is traceable to an exchange for a controlled substance and is
17 subject to forfeiture pursuant to this subsection.

18 10. All firearms, as defined by NRS 202.253, which are in the
19 actual or constructive possession of a person who possesses or is
20 consuming, manufacturing, transporting, selling or under the
21 influence of any controlled substance in violation of the provisions
22 of NRS 453.011 to 453.552, inclusive, or a law of any other
23 jurisdiction which prohibits the same or similar conduct.

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

30 **Sec. 47.** NRS 453.305 is hereby amended to read as follows:

31 453.305 1. Whenever a person is arrested for violating any of
32 the provisions of NRS 453.011 to 453.552, inclusive, except NRS
33 453.336, and real property or a mobile home occupied by the person
34 as a tenant has been used to facilitate the violation, the prosecuting
35 attorney responsible for the case shall cause to be delivered to the
36 owner of the property or mobile home a written notice of the arrest.

37 2. Whenever a person is convicted of violating any of the
38 provisions of NRS 453.011 to 453.552, inclusive, except NRS
39 453.336, and real property or a mobile home occupied by the person
40 as a tenant has been used to facilitate the violation, the prosecuting
41 attorney responsible for the case shall cause to be delivered to the
42 owner of the property or mobile home a written notice of the
43 conviction.

44 3. The notices required by this section must:

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



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

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

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

7 (e) Advise the owner that:

8 (1) The property or mobile home is subject to forfeiture
9 pursuant to NRS ~~[179.1156 to]~~ 179.1205 ~~[, inclusive,]~~ *and sections*
10 *2 to 28, inclusive, of this act* and NRS 453.301 unless the tenant, if
11 convicted, is evicted;

12 (2) Any similar violation by the same tenant in the future
13 may also result in the forfeiture of the property unless the tenant has
14 been evicted;

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

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

24 4. Nothing in this section shall be deemed to preclude the
25 commencement of a proceeding for forfeiture or the forfeiture of the
26 property or mobile home, whether or not the notices required by this
27 section are given as required, if the proceeding and forfeiture are
28 otherwise authorized pursuant to NRS ~~[179.1156 to]~~ 179.1205 ~~[,~~
29 ~~inclusive,]~~ *and sections 2 to 28, inclusive, of this act* and
30 NRS 453.301.

31 5. As used in this section, "tenant" means any person entitled
32 under a written or oral rental agreement to occupy real property or a
33 mobile home to the exclusion of others.

34 **Sec. 48.** NRS 453A.410 is hereby amended to read as follows:

35 453A.410 1. If a law enforcement agency legally and justly
36 seizes evidence from a medical marijuana establishment on a basis
37 that, in consideration of due process and viewed in the manner most
38 favorable to the establishment, would lead a reasonable person to
39 believe that a crime has been committed, the relevant provisions of
40 NRS ~~[179.1156 to 179.121,]~~ *179.1205 and sections 2 to 28,*
41 *inclusive, of this act* apply insofar as they do not conflict with the
42 provisions of this chapter.

43 2. As used in this section, "law enforcement agency" has the
44 meaning ascribed to it in NRS 239C.065.



1 **Sec. 49.** NRS 501.3857 is hereby amended to read as follows:
2 501.3857 Any gun, ammunition, trap, snare, vessel, vehicle,
3 aircraft or other device or equipment used, or intended for use:

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

6 2. To hunt or kill a big game mammal by using information
7 obtained as a result of the commission of an act prohibited by NRS
8 503.010 or a regulation of the Commission which prohibits the
9 location of big game mammals for the purpose of hunting or killing
10 by the use of:

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

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

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

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

19 ↪ is subject to forfeiture pursuant to NRS ~~[179.1156 to]~~ 179.1205
20 ~~[]~~ and sections 2 to 28, inclusive ~~[]~~, of this act.

21 **Sec. 50.** NRS 599B.255 is hereby amended to read as follows:

22 599B.255 1. Except as otherwise provided in NRS 599B.213,
23 the Attorney General or the district attorney of any county in this
24 state may prosecute a person who willfully violates, either directly
25 or indirectly, the provisions of this chapter. Except as otherwise
26 provided in subsection 3, such a person:

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

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

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

35 2. Any offense which occurs within 10 years immediately
36 preceding the date of the principal offense or after the principal
37 offense constitutes a prior offense for the purposes of subsection 1
38 when evidenced by a conviction, without regard to the sequence of
39 the offenses and convictions.

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

44 4. Property or proceeds attributable to any violation pursuant to
45 the provisions of this section are subject to forfeiture in the manner



1 provided by NRS ~~[179.1156 to 179.121,]~~ **179.1205 and sections 2**
2 **to 28**, inclusive ~~[,]~~, **of this act.**

3 **Sec. 51.** The amendatory provisions of this act apply to
4 property that is seized on or after October 1, 2019.

5 **Sec. 52.** NRS 179.1156, 179.1157, 179.1158, 179.1159,
6 179.1161, 179.1162, 179.1163, 179.11635, 179.1164, 179.1165,
7 179.1169, 179.1171, 179.1173, 179.1175, 179.118, 179.1185,
8 179.1187, 179.119, 179.121, 179.1211, 179.1213, 179.1215,
9 179.1217, 179.1219, 179.1221, 179.1223, 179.1225, 179.1227,
10 179.1229, 179.1231, 179.1233, 179.1235, 207.415, 207.430,
11 207.440, 207.450, 207.460, 207.490, 207.500 and 207.510 are
12 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; order to stay; standard of proof; conviction of
claimant not required; confidentiality of informants; return of
property to claimant; forfeiture as part of plea or stipulated
agreement.
- 179.1175 Disposition of property after seizure and
forfeiture.
- 179.118 Distribution of proceeds from forfeited property.
- 179.1185 Issuance of certificate of title for forfeited vehicle
or other conveyance.
- 179.1187 Establishment of account for proceeds from
forfeited property; restrictions on use of money in account;
distribution of certain amount to school district; duties of school



district and chief administrative officer of law enforcement agency.

179.119 Quarterly reports by law enforcement agencies that receive forfeited property or related proceeds; inclusion of such anticipated revenue in budget prohibited.

179.121 Forfeiture of personal property and conveyances used in commission of crime.

179.1211 Definitions.

179.1213 "Proceeds" defined.

179.1215 "Property" defined.

179.1217 "Technological crime" defined.

179.1219 Property subject to forfeiture; substitution for unreachable property.

179.1221 Forfeiture as part of plea agreement.

179.1223 Temporary restraining order to preserve property.

179.1225 Orders to secure property.

179.1227 Order of forfeiture; order to protect interests of State.

179.1229 Property subject to civil forfeiture; required proof; where action must be instituted.

179.1231 Seizure of property before forfeiture and final disposition; institution of proceedings; intercession by district attorney or Attorney General; interlocutory actions by court; order of forfeiture.

179.1233 Sale of forfeited property; use of proceeds; deposit of balance of proceeds in Account for the Technological Crime Advisory Board; payment of certain encumbrances.

179.1235 Limitation of actions.

207.415 Account for Prosecution of Racketeering created; use and distribution of money by Attorney General; reimbursement of Account.

207.430 Criminal forfeiture: Temporary restraining order to preserve property.

207.440 Criminal forfeiture: Orders to secure property.

207.450 Criminal forfeiture: Order of forfeiture; protection of property.

207.460 Civil forfeiture: Property subject to forfeiture.

207.490 Criminal and civil forfeiture: Seizure of property before forfeiture and final disposition; order of forfeiture; intercession by Attorney General; interlocutory actions by court.



207.500 Use, sale and other disposal of forfeited property by State, county or city; payment of certain encumbrances.

207.510 Parties to proceedings for forfeiture of property.



* A B 4 2 0 R 1 *