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SENATE BILL NO. 358—SENATORS GUSTAVSON, PARKS,  
KIECKHEFER, SEGERBLOM, FORD; AND HARRIS

MARCH 20, 2017

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JOINT SPONSORS: ASSEMBLYMEN HAMBRICK,  
HANSEN, TITUS AND WHEELER

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Referred to Committee on Judiciary

SUMMARY—Revises provisions governing the forfeiture of property. (BDR 14-48)

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.

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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 51** of this bill repeals the  
8 existing statutory scheme for the seizure, forfeiture and disposition of property and  
9 proceeds.  
10 **Sections 2-27** 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**



\* S B 3 5 8 \*

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 9** also requires the State to  
16 establish that seized property is forfeitable by clear and convincing evidence.  
17 **Sections 13 and 14** 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 18 and 19** 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 24** 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 25** provides that any forfeited currency or property auction  
27 proceeds must only: (1) be used to pay all outstanding recorded liens on the  
28 property; (2) be used to pay reasonable expenses, except personnel costs; and (3) be  
29 deposited, if any funds remain, in the State Permanent School Fund.

30 Existing law requires: (1) each law enforcement agency to report certain  
31 information about each individual seizure and forfeiture completed by the agency  
32 during the preceding year; and (2) the Office of the Attorney General to post on its  
33 Internet website the reports submitted by law enforcement agencies and an  
34 aggregate report of all forfeitures in this State. (NRS 179.1205) **Section 29** of this  
35 bill requires each law enforcement agency to report certain additional details in the  
36 annual report relating to the seizure, forfeiture and disposition of property. **Section**  
37 **29** also requires the Office of the Attorney General to post the reports on its Internet  
38 website in a format that provides for easy use and analysis of the information by  
39 other agencies and persons, such as an electronic spreadsheet. **Sections 28-49** of  
40 this bill revise existing law authorizing the forfeiture of property attributable to  
41 certain crimes to incorporate references to the new procedures for forfeiture  
42 pursuant to **sections 2-27**.

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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 27, inclusive, of this  
3 act.

4 **Sec. 2.** *As used in sections 2 to 27, 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 which*  
16 *forfeiture is prescribed for a violation of the statute.*



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

- 3     1. *Deter criminal activity by reducing its economic incentives;*  
4     2. *Increase the pecuniary loss from engaging in criminal*  
5 *activity;*  
6     3. *Protect against the wrongful forfeiture of property; and*  
7     4. *Ensure that only criminal forfeiture is allowed in this*  
8 *State.*

9     **Sec. 7.** *The provisions of NRS 179.1205 and sections 2 to 27,*  
10 *inclusive, of this act govern the seizure, forfeiture and disposition*  
11 *of all property and proceeds subject to forfeiture.*

12     **Sec. 8.** 1. *When a person is convicted of violating a law*  
13 *subject to forfeiture, the court, consistent with the provisions of*  
14 *NRS 179.1205 and sections 2 to 27, inclusive, of this act may order*  
15 *the person to forfeit:*

16     (a) *Property the person derived directly from the commission*  
17 *of the crime;*

18     (b) *Property directly traceable to property described in*  
19 *paragraph (a); and*

20     (c) *Instrumentalities the person used in the commission of the*  
21 *crime.*

22     2. *Property and instrumentalities subject to forfeiture are*  
23 *limited to:*

24     (a) *Land, buildings, containers, conveyances, equipment,*  
25 *materials, products, money, securities and negotiable instruments;*  
26 *and*

27     (b) *Ammunition, firearms and accessories used in the*  
28 *furtherance or commission of a violation of a law subject to*  
29 *forfeiture.*

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

35     **Sec. 9.** 1. *Property is subject to forfeiture only if the*  
36 *violation is of a law subject to forfeiture and the violation is*  
37 *established by:*

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

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

41     (c) *Agreement by the parties.*

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

44     **Sec. 10.** *Upon the State's motion following conviction, the*  
45 *court may order the forfeiture of substitute property owned by the*



1 *defendant up to the value of unreachable property if the State*  
2 *proves by a preponderance of the evidence that the defendant*  
3 *intentionally transferred, sold or deposited property with a third*  
4 *party to avoid the court's jurisdiction.*

5 **Sec. 11.** *The State may not seek personal money judgments*  
6 *or other remedies not provided by NRS 179.1205 and sections 2 to*  
7 *27, inclusive, of this act.*

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

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

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

18 *1. The seizure is incident to a lawful arrest or a lawful*  
19 *search;*

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

22 *3. The State has probable cause to believe that the delay*  
23 *occasioned by the necessity to obtain a court order would result in*  
24 *the removal or destruction of the property and that the property is*  
25 *forfeitable pursuant to NRS 179.1205 and sections 2 to 27,*  
26 *inclusive, of this act.*

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

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

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

34 **Sec. 16.** *1. At the time of the seizure of property or the*  
35 *entry of a restraining order relating to the property, the State*  
36 *acquires provisional title to the seized property. Provisional title*  
37 *authorizes the State to hold and protect the property.*

38 *2. Title to the property vests with the State when the trier of*  
39 *fact renders a final forfeiture verdict and relates back to the time*  
40 *when the State acquired provisional title to the property. However,*  
41 *such title is subject to claims by third parties adjudicated pursuant*  
42 *to NRS 179.1205 and sections 2 to 27, inclusive, of this act.*

43 **Sec. 17.** *1. If the owner of seized property seeks its return*  
44 *before the criminal trial, the owner may post bond or give*  
45 *substitute property equal to the fair market value of the seized*



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

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

8 **Sec. 18.** *1. Before the entry of a court order disposing of a*  
9 *forfeiture action pursuant to NRS 179.1205 and sections 2 to 27,*  
10 *inclusive, of this act, any person who has an interest in seized*  
11 *property may file with the Attorney General a petition for*  
12 *remission or mitigation of the forfeiture.*

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

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

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

21 **Sec. 19.** *1. After the seizure of property pursuant to NRS*  
22 *179.1205 and sections 2 to 27, inclusive, of this act, a defendant or*  
23 *third party has a right to a pretrial hearing to determine the*  
24 *validity of the seizure.*

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

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

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

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

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

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

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

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



1       **Sec. 20.** *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 NRS*  
4 *179.1205 and sections 2 to 27, inclusive, of this act.*

5       **Sec. 21.** *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. 22.** *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. 23.** *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*



1 *restrained pursuant to NRS 179.1205 and sections 2 to 27,*  
2 *inclusive, of this act.*

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

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

5 (b) *Must establish the validity of the interest by a*  
6 *preponderance of the evidence.*

7 **Sec. 24.** *The property of an innocent owner may not be*  
8 *forfeited. The process for determining whether a person is an*  
9 *innocent owner is as follows:*

10 1. *A person who has any interest, including, without*  
11 *limitation, joint tenancy, tenancy in common or tenancy by the*  
12 *entirety, in property subject to forfeiture that existed at the time*  
13 *the unlawful conduct giving rise to the forfeiture occurred and*  
14 *who claims to be an innocent owner has the burden of production*  
15 *to show that the person has a legal right, title or interest in the*  
16 *property seized pursuant to NRS 179.1205 and sections 2 to 27,*  
17 *inclusive, of this act.*

18 2. *The State shall summarily return the property subject to*  
19 *forfeiture to a person who is an innocent owner if the property in*  
20 *which the person has an interest is a:*

21 (a) *Homestead declared pursuant to chapter 115 of NRS; or*

22 (b) *Vehicle if the equity in the vehicle is less than \$15,000.*

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

28 4. *A person who acquired an ownership interest in property*  
29 *after the unlawful conduct giving rise to the forfeiture occurred*  
30 *and who claims to be an innocent owner has the burden of*  
31 *production to show that the person has legal right, title or interest*  
32 *in the property seized pursuant to NRS 179.1205 and sections 2 to*  
33 *27, inclusive, of this act.*

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

41 6. *If the State fails to meet its burden pursuant to subsection*  
42 *3 or 5, the court shall:*

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

44 (b) *Order the State to relinquish all claims of title to the*  
45 *property.*



1       7. *As used in this section, “constructive knowledge” means*  
2 *knowledge that is imputed to family or household members of a*  
3 *defendant if the defendant had been adjudicated guilty three or*  
4 *more times for the same or specified similar violation in the 10*  
5 *years immediately preceding the alleged violation.*

6       **Sec. 25. 1.** *If a forfeiture is granted pursuant to section 8 of*  
7 *this act, the court may order that the property be delivered to the*  
8 *State Treasurer within 30 days after the order.*

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

13       3. *The State Treasurer shall dispose of all forfeited property*  
14 *that is not currency at public auction.*

15       4. *Any auction proceeds and forfeited currency must be used*  
16 *only:*

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

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

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

24       **Sec. 26.** *A law enforcement agency shall not:*

25       1. *Retain forfeited property for its own use; or*

26       2. *Sell forfeited property directly or indirectly to:*

27       (a) *An employee of the law enforcement agency;*

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

30       (c) *Another law enforcement agency.*

31       3. *Enter into an agreement to transfer or refer to any federal*  
32 *agency property subject to forfeiture or forfeited.*

33       **Sec. 27. 1.** *The State shall return seized property to the*  
34 *owner within a reasonable period not to exceed 5 days after:*

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

37       (b) *The court finds that the owner was an innocent owner*  
38 *pursuant to section 24 of this act;*

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

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

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





1       **Sec. 28.** NRS 179.1152 is hereby amended to read as follows:  
2       179.1152 1. If a peace officer:

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

6           (1) Has not been identified; or

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

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

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

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

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

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

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

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

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

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

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

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

45       5. As used in this section:



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

6 (b) "Proceeds" ~~has the meaning ascribed to it in NRS~~  
7 ~~179.1161.~~ *means any property, or that part of an item of property,*  
8 *derived directly or indirectly from the commission or attempted*  
9 *commission of a crime.*

10 **Sec. 29.** NRS 179.1205 is hereby amended to read as follows:

11 179.1205 1. On an annual basis, each law enforcement  
12 agency shall report the following information about each individual  
13 seizure and forfeiture completed by the law enforcement agency  
14 under state forfeiture law:

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

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

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

21 (3) Type of crime associated with the seizure of the property  
22 ~~†~~, *including, as applicable:*

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

24 *(II) The criminal case number; and*

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

26 (4) Market value of the property seized;

27 (5) Disposition of the property following the seizure ~~†~~ ,  
28 *including, without limitation:*

29 ~~†(6) Date†~~

30 *(I) The date of the disposition of the property †;*

31 *(II) Whether the property has been disposed of pursuant*  
32 *to section 25 of this act or remains in custody;*

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

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

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

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

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



1 (3) ~~Distribution~~ *Deposit* of proceeds *into the State*  
2 *Permanent School Fund* pursuant to ~~NRS 179.118, 179.1187,~~  
3 ~~179.1233 and 207.500.~~ *section 25 of this act.*

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

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

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

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

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

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

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

27 **Sec. 30.** NRS 31.840 is hereby amended to read as follows:

28 31.840 ~~Except as provided in NRS 179.1171, the~~ *The*  
29 plaintiff in an action to recover the possession of personal property  
30 may, at the time of issuing the summons, or at any time before  
31 answer, claim the delivery of such property to the plaintiff as  
32 provided in this chapter.

33 **Sec. 31.** NRS 115.010 is hereby amended to read as follows:

34 115.010 1. The homestead is not subject to forced sale on  
35 execution or any final process from any court, except as otherwise  
36 provided by subsections 2, 3 and 5, and NRS 115.090 and except as  
37 otherwise required by federal law.

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

44 3. Except as otherwise provided in subsection 4, the exemption  
45 provided in subsection 1 does not extend to process to enforce the



1 payment of obligations contracted for the purchase of the property,  
2 or for improvements made thereon, including any mechanic's lien  
3 lawfully obtained, or for legal taxes, or for:

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

8 (b) Any lien to which 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 ↪ by both husband and wife, when that relation exists.

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

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

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

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

28 5. Establishment of allodial title does not exempt the property  
29 from forfeiture pursuant to NRS ~~179.1156 to 179.121, inclusive,~~  
30 ~~179.1211 to 179.1235, inclusive, or 207.350 to 207.520,~~ **179.1205**  
31 **and sections 2 to 27, inclusive** ~~179.1205~~, **of this act.**

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

40 **Sec. 32.** NRS 200.760 is hereby amended to read as follows:

41 200.760 All assets derived from or relating to any violation of  
42 NRS 200.366, 200.710 to 200.730, inclusive, or 201.230 are subject  
43 to forfeiture. A proceeding for their forfeiture may be brought  
44 pursuant to NRS ~~179.1156 to~~ 179.1205 ~~179.1205, inclusive,~~ **and sections**  
45 **2 to 27, inclusive, of this act.**



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

2       201.351 ~~[[~~ All assets derived from or relating to any  
3 violation of NRS 201.300 or 201.320 are subject to forfeiture  
4 pursuant to NRS ~~179.121 and a proceeding for their forfeiture may~~  
5 ~~be brought pursuant to NRS 179.1156 to 179.121, inclusive.~~

6       ~~— 2. — In any proceeding for forfeiture brought pursuant to NRS~~  
7 ~~179.1156 to 179.121, inclusive, the plaintiff may apply for, and a~~  
8 ~~court may issue without notice or hearing, a temporary restraining~~  
9 ~~order to preserve property which would be subject to forfeiture~~  
10 ~~pursuant to this section if:~~

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

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

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

20       ~~— 4. — Any proceeds derived from a forfeiture of property pursuant~~  
21 ~~to this section and remaining after the distribution required by~~  
22 ~~subsection 1 of NRS 179.118 must be deposited with the county~~  
23 ~~treasurer and distributed to programs for the prevention of child~~  
24 ~~prostitution or for services to victims which are designated to~~  
25 ~~receive such distributions by the district attorney of the county.]~~  
26 *179.1205 and sections 2 to 27, inclusive, of this act.*

27       **Sec. 34.** NRS 202.257 is hereby amended to read as follows:

28       202.257 1. It is unlawful for a person who:

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

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

37       ➤ to have in his or her actual physical possession any firearm. This  
38 prohibition does not apply to the actual physical possession of a  
39 firearm by a person who was within the person's personal residence  
40 and had the firearm in his or her possession solely for self-defense.

41       2. Any evidentiary test to determine whether a person has  
42 violated the provisions of subsection 1 must be administered in the  
43 same manner as an evidentiary test that is administered pursuant to  
44 NRS 484C.160 to 484C.250, inclusive, except that submission to  
45 the evidentiary test is required of any person who is requested by a



1 police officer to submit to the test. If a person to be tested fails to  
2 submit to a required test as requested by a police officer, the officer  
3 may apply for a warrant or court order directing that reasonable  
4 force be used to the extent necessary to obtain the samples of blood  
5 from the person to be tested, if the officer has reasonable cause to  
6 believe that the person to be tested was in violation of this section.

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

9 4. A firearm is subject to forfeiture pursuant to NRS ~~179.1156~~  
10 ~~to~~ 179.1205 ~~and sections 2 to 27~~, inclusive, *of this act* only if,  
11 during the violation of subsection 1, the firearm is brandished,  
12 aimed or otherwise handled by the person in a manner which  
13 endangered others.

14 5. As used in this section, the phrase “concentration of alcohol  
15 of 0.10 or more in his or her blood or breath” means 0.10 gram or  
16 more of alcohol per 100 milliliters of the blood of a person or per  
17 210 liters of his or her breath.

18 **Sec. 35.** NRS 205A.060 is hereby amended to read as follows:  
19 205A.060 The Board shall:

20 1. Facilitate cooperation between state, local and federal  
21 officers in detecting, investigating and prosecuting technological  
22 crimes.

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

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

33 4. Assist the Division of Enterprise Information Technology  
34 Services of the Department of Administration in securing  
35 governmental information systems against illegal intrusions and  
36 other criminal activities.

37 5. Evaluate and recommend changes to the existing civil and  
38 criminal laws relating to technological crimes in response to current  
39 and projected changes in technology and law enforcement  
40 techniques.

41 6. ~~{}Distribute money deposited pursuant to NRS 179.1233 into~~  
42 ~~the Account for the Technological Crime Advisory Board in~~  
43 ~~accordance with the provisions of NRS 205A.090.~~

44 ~~—7.{}~~ Authorize the payment of expenses incurred by the Board  
45 in carrying out its duties pursuant to this chapter.



1       **Sec. 36.** NRS 205A.090 is hereby amended to read as follows:

2       205A.090 1. The Account for the Technological Crime  
3 Advisory Board is hereby created in the State General Fund. The  
4 Board shall administer the Account.

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

10       3. ~~For each criminal or civil forfeiture carried out pursuant to~~  
11 ~~NRS 179.1211 to 179.1235, inclusive, the Board shall distribute the~~  
12 ~~money deposited into the Account pursuant to NRS 179.1233 in the~~  
13 ~~following manner:~~

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

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

26 ~~—4.} Claims against the Account must be paid as other claims~~  
27 ~~against the State are paid.~~

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

35       **Sec. 37.** NRS 207.410 is hereby amended to read as follows:

36       207.410 In lieu of the fine which may be imposed for a  
37 violation of NRS 207.400, the convicted person may be sentenced to  
38 pay a fine which does not exceed three times:

- 39       1. Any gross pecuniary value the convicted person gained; or  
40       2. Any gross loss the convicted person caused, including  
41 property damage and personal injury but excluding any pain and  
42 suffering,

43       ↳ whichever is greater, as a result of the violation. The convicted  
44 person may also be sentenced to pay court costs and the reasonable  
45 costs of the investigation and prosecution. If property is ordered



1 forfeited pursuant to NRS ~~207.450,~~ *179.1205 and sections 2 to 27,*  
2 *inclusive, of this act,* the value of that property must be subtracted  
3 from a fine imposed pursuant to this section.

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

5 207.420 ~~11-~~ If the indictment or information filed regarding  
6 a violation of NRS 207.400 alleges that real or personal property  
7 was derived from, realized through, or used or intended for use in  
8 the course of the unlawful act and the extent of that property:

9 ~~1(a)~~ 1. The jury; or

10 ~~1(b)~~ 2. If the trial is without a jury, the court,

11 ~~1~~ shall, upon a conviction, determine at a separate hearing the  
12 extent of the property to be forfeited ~~11-~~ *pursuant to NRS 179.1205*  
13 *and sections 2 to 27, inclusive of this act.* If the indictment or  
14 information does not include such an allegation, the property is not  
15 subject to criminal forfeiture.

16 ~~12. The property subject to criminal forfeiture pursuant to~~  
17 ~~subsection 1 includes:~~

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

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

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

24 ~~—(d) Any position, office, appointment, tenure or contract of~~  
25 ~~employment;~~

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

28 ~~—(2) Through which the convicted person conducted or~~  
29 ~~participated in the conduct of such unlawful affairs of an enterprise;~~  
30 ~~or~~

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

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

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

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

42 ~~—(a) Cannot be located;~~

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

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





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

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

5 ~~—(f) Is otherwise unreachable without undue injury to innocent~~  
6 ~~persons;~~

7 ~~the court shall order the forfeiture of other property of the~~  
8 ~~defendant up to the value of the property that is unreachable.]~~

9 **Sec. 39.** NRS 207.470 is hereby amended to read as follows:

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

23 2. A final judgment or decree rendered in favor of the State in  
24 any criminal proceeding under NRS 205.322 or 207.400 estops the  
25 defendant in any subsequent civil action or proceeding from denying  
26 the essential allegations of the criminal offense.

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

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

34 **Sec. 40.** NRS 207.480 is hereby amended to read as follows:

35 207.480 A district court may, following a determination of  
36 civil liability under NRS 207.470 , ~~or 207.490,]~~ take such actions  
37 as it deems proper, including ordering the defendant to pay all costs  
38 and expenses of the proceedings.

39 **Sec. 41.** NRS 217.260 is hereby amended to read as follows:

40 217.260 1. Money for payment of compensation as ordered  
41 by the Board and for payment of salaries and other expenses  
42 incurred by the Department of Administration pursuant to NRS  
43 217.010 to 217.270, inclusive, must be paid from the Fund for the  
44 Compensation of Victims of Crime, which is hereby created. Money  
45 in the Fund must be disbursed on the order of the Board in the same



1 manner as other claims against the State are paid and in accordance  
2 with the rules and regulations adopted by the Board pursuant to  
3 NRS 217.130. Such rules and regulations must include, without  
4 limitation, the requirements that:

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

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

8 2. The Board shall estimate quarterly:

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

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

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

17 ~~4.~~ The interest and income earned on the money in the Fund  
18 for the Compensation of Victims of Crime, after deducting any  
19 applicable charges, must be credited to the Fund.

20 ~~5.~~ 4. Any money remaining in the Fund for the  
21 Compensation of Victims of Crime at the end of each fiscal year  
22 does not revert to the State General Fund and must be carried over  
23 into the next fiscal year.

24 **Sec. 42.** NRS 228.178 is hereby amended to read as follows:

25 228.178 1. The Attorney General may:

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

27 (b) Pursue the forfeiture of property relating to a technological  
28 crime in accordance with the provisions of NRS ~~179.1211 to~~  
29 ~~179.1235.~~ **179.1205 and sections 2 to 27, inclusive ~~179.1205~~, of this act.**

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

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

34 **Sec. 43.** NRS 370.419 is hereby amended to read as follows:

35 370.419 All fixtures, equipment and other materials and  
36 personal property on the premises of any wholesale or retail dealer  
37 who, with intent to defraud the State:

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

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

43 3. Refuses to pay any tax imposed pursuant to NRS 370.080 to  
44 370.327, inclusive; or



1 4. Attempts in any manner to evade or defeat the requirements  
2 of NRS 370.080 to 370.327, inclusive,  
3 ↪ is subject to forfeiture pursuant to NRS ~~179.1156 to~~ 179.1205  
4 ~~179.1156 to~~ *and sections 2 to 27*, inclusive ~~179.1156 to~~, *of this act*.

5 **Sec. 44.** NRS 387.303 is hereby amended to read as follows:

6 387.303 1. Not later than November 1 of each year, the board  
7 of trustees of each school district shall submit to the Superintendent  
8 of Public Instruction and the Department of Taxation a report which  
9 includes the following information:

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

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

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

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

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

42 (f) The number of employees eligible for health insurance within  
43 the school district for the current and preceding fiscal years and the  
44 amount paid for health insurance for each such employee during  
45 those years.



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

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

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

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

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

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

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

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

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

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

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

44 (a) Be presented by the Superintendent of Public Instruction to  
45 such standing committees of the Legislature as requested by the



1 standing committees for the purposes of developing educational  
2 programs and providing appropriations for those programs; and

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

6 **Sec. 45.** NRS 453.301 is hereby amended to read as follows:

7 453.301 The following are subject to forfeiture pursuant to  
8 NRS ~~179.1156 to~~ 179.1205 ~~and sections 2 to 27~~, inclusive ~~and~~,  
9 *of this act*:

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

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

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

22 4. All books, records and research products and materials,  
23 including formulas, microfilm, tapes and data, which are used, or  
24 intended for use, in violation of the provisions of NRS 453.011 to  
25 453.552, inclusive, or a law of any other jurisdiction which prohibits  
26 the same or similar conduct.

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

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

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

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



1 to 453.552, inclusive, except NRS 453.336. As used in this  
2 subsection, "tenant" means any person entitled, under a written or  
3 oral rental agreement, to occupy real property or a mobile home to  
4 the exclusion of others.

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

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

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

32 **Sec. 46.** NRS 453.305 is hereby amended to read as follows:

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

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



- 1        3. The notices required by this section must:
- 2        (a) Be written in language which is easily understood;
- 3        (b) Be sent by certified or registered mail, return receipt
- 4 requested, to the owner at the owner's last known address;
- 5        (c) Be sent within 15 days after the arrest occurs or judgment of
- 6 conviction is entered against the tenant, as the case may be;
- 7        (d) Identify the tenant involved and the offense for which the
- 8 tenant has been arrested or convicted; and
- 9        (e) Advise the owner that:
- 10        (1) The property or mobile home is subject to forfeiture
- 11 pursuant to NRS ~~179.1156 to~~ 179.1205 ~~;~~ **inclusive,** **and sections**
- 12 **2 to 27, inclusive, of this act** and **NRS** 453.301 unless the tenant, if
- 13 convicted, is evicted;
- 14        (2) Any similar violation by the same tenant in the future
- 15 may also result in the forfeiture of the property unless the tenant has
- 16 been evicted;
- 17        (3) In any proceeding for forfeiture based upon such a
- 18 violation the owner will, by reason of the notice, be deemed to have
- 19 known of and consented to the unlawful use of the property or
- 20 mobile home; and
- 21        (4) The provisions of NRS 40.2514 and 40.254 authorize the
- 22 supplemental remedy of summary eviction to facilitate the owner's
- 23 recovery of the property or mobile home upon such a violation and
- 24 provide for the recovery of any reasonable attorney's fees the owner
- 25 incurs in doing so.
- 26        4. Nothing in this section shall be deemed to preclude the
- 27 commencement of a proceeding for forfeiture or the forfeiture of the
- 28 property or mobile home, whether or not the notices required by this
- 29 section are given as required, if the proceeding and forfeiture are
- 30 otherwise authorized pursuant to NRS ~~179.1156 to~~ 179.1205 ~~;~~
- 31 **inclusive,** **and sections 2 to 27, inclusive, of this act** and
- 32 **NRS** 453.301.
- 33        5. As used in this section, "tenant" means any person entitled
- 34 under a written or oral rental agreement to occupy real property or a
- 35 mobile home to the exclusion of others.
- 36        **Sec. 47.** NRS 453A.410 is hereby amended to read as follows:
- 37        453A.410 1. If a law enforcement agency legally and justly
- 38 seizes evidence from a medical marijuana establishment on a basis
- 39 that, in consideration of due process and viewed in the manner most
- 40 favorable to the establishment, would lead a reasonable person to
- 41 believe that a crime has been committed, the relevant provisions of
- 42 NRS ~~179.1156 to 179.121,~~ **179.1205 and sections 2 to 27,**
- 43 **inclusive, of this act** apply insofar as they do not conflict with the
- 44 provisions of this chapter.



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

3 **Sec. 48.** NRS 501.3857 is hereby amended to read as follows:

4 501.3857 Any gun, ammunition, trap, snare, vessel, vehicle,  
5 aircraft or other device or equipment used, or intended for use:

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

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

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

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

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

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

21 is subject to forfeiture pursuant to NRS ~~179.1156 to~~ 179.1205  
22 ~~and sections 2 to 27~~, inclusive ~~of this act~~.

23 **Sec. 49.** NRS 599B.255 is hereby amended to read as follows:

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

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

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

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

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

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





1 4. Property or proceeds attributable to any violation pursuant to  
2 the provisions of this section are subject to forfeiture in the manner  
3 provided by NRS ~~179.1156 to 179.121~~, **179.1205 and sections 2**  
4 **to 27, inclusive** ~~179.1156 to 179.121~~, **of this act.**

5 **Sec. 50.** The amendatory provisions of this act apply to  
6 property that is seized on or after October 1, 2017.

7 **Sec. 51.** NRS 179.1156, 179.1157, 179.1158, 179.1159,  
8 179.1161, 179.1162, 179.1163, 179.11635, 179.1164, 179.1165,  
9 179.1169, 179.1171, 179.1173, 179.1175, 179.118, 179.1185,  
10 179.1187, 179.119, 179.121, 179.1211, 179.1213, 179.1215,  
11 179.1217, 179.1219, 179.1221, 179.1223, 179.1225, 179.1227,  
12 179.1229, 179.1231, 179.1233, 179.1235, 207.415, 207.430,  
13 207.440, 207.450, 207.460, 207.490, 207.500 and 207.510 are  
14 hereby repealed.

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### LEADLINES OF REPEALED SECTIONS

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- 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.**



