

SENATE BILL NO. 337—SENATOR HANSEN

MARCH 20, 2023

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing the forfeiture of property. (BDR 14-746)

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 51** of this bill repeals the
8 existing statutory scheme for the seizure, forfeiture and disposition of property and
9 proceeds. **Sections 2-27** of this bill enact a new statutory scheme, under the
10 jurisdiction of the courts presiding over criminal proceedings, governing the
11 seizure, forfeiture and disposition of property and proceeds attributable to certain
12 crimes. **Section 9** of this bill provides that property is subject to forfeiture only if
13 the underlying crime provides for such forfeiture, and there is: (1) proof of a
14 criminal conviction; (2) a plea agreement; or (3) an agreement by the parties.
15 **Section 9** also requires the State to establish that seized property is forfeitable by
16 clear and convincing evidence. **Sections 13 and 14** of this bill provide for the
17 seizure of property for which forfeiture is sought by a court order, or without a
18 court order if: (1) the seizure is pursuant to a lawful arrest; (2) the property has



19 been the subject of a prior judgment in the favor of the State; or (3) there is
20 probable cause to believe that a delay would result in the removal or destruction of
21 the property.

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

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

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.*

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

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



1 2. Increase the pecuniary loss from engaging in criminal
2 activity;

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

4 4. Ensure that only criminal forfeiture is allowed in this
5 State.

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

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

13 (a) Property the person derived directly from the commission
14 of the crime;

15 (b) Property directly traceable to property described in
16 paragraph (a); and

17 (c) Instrumentalities the person used in the commission of the
18 crime.

19 2. Property and instrumentalities subject to forfeiture are
20 limited to:

21 (a) Land, buildings, containers, conveyances, equipment,
22 materials, products, money, securities and negotiable instruments;
23 and

24 (b) Ammunition, firearms and accessories used in the
25 furtherance or commission of a violation of a law subject to
26 forfeiture.

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

32 **Sec. 9.** 1. Property is subject to forfeiture only if the
33 violation is of a law subject to forfeiture and the violation is
34 established by:

35 (a) Proof of a criminal conviction;

36 (b) Part of a plea agreement approved by the presiding
37 criminal court; or

38 (c) Agreement by the parties.

39 2. The State must establish that seized property is forfeitable
40 by clear and convincing evidence.

41 **Sec. 10.** Upon the State's motion following conviction, the
42 court may order the forfeiture of substitute property owned by the
43 defendant up to the value of unreachable property if the State
44 proves by a preponderance of the evidence that the defendant



1 *intentionally transferred, sold or deposited property with a third*
2 *party to avoid the court's jurisdiction.*

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

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

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

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

16 1. *The seizure is incident to a lawful arrest or a lawful*
17 *search;*

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

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

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

27 1. *Give an itemized receipt to the person possessing the*
28 *property; or*

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

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

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

41 **Sec. 17.** 1. *If the owner of seized property seeks its return*
42 *before the criminal trial, the owner may post bond or give*
43 *substitute property equal to the fair market value of the seized*
44 *property at the time the bond amount is determined. On the*
45 *posting of a bond or the giving of substitute property, the State*



1 shall return the seized property to the owner within a reasonable
2 period not to exceed 5 business days. The forfeiture action may
3 then proceed against the bond or substitute property.

4 2. This section does not apply to property reasonably held for
5 investigatory purposes.

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

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

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

17 (b) Extenuating circumstances justify the remission or
18 mitigation of the forfeiture.

19 **Sec. 19.** 1. After the seizure of property pursuant to NRS
20 179.1205 and sections 2 to 27, inclusive, of this act, a defendant or
21 third party has a right to a pretrial hearing to determine the
22 validity of the seizure.

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

26 3. The claimant shall file a motion establishing the validity of
27 the alleged interest in the property.

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

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

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

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

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

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

43 **Sec. 20.** The local rules of practice adopted in the judicial
44 district where the action is pending, to the extent they are not



1 *inconsistent with state law, apply to discovery pursuant to NRS*
2 *179.1205 and sections 2 to 27, inclusive, of this act.*

3 **Sec. 21.** *The litigation related to the forfeiture of property*
4 *must be held in a single proceeding following the trial of the*
5 *related crime.*

6 **Sec. 22.** *1. At any time after a determination by the trier of*
7 *fact, the defendant may petition the court to determine whether the*
8 *forfeiture is unconstitutionally excessive under the Nevada*
9 *Constitution or the United States Constitution.*

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

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

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

20 *(b) The extent to which the defendant participated in the*
21 *related crime;*

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

24 *(d) The sentence imposed for committing the related crime;*
25 *and*

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

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

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

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

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

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

39 **Sec. 23.** *1. A bona fide security interest in any property is*
40 *not subject to forfeiture unless the person claiming a security*
41 *interest in the property had actual knowledge that the property was*
42 *subject to forfeiture at the time that the property was seized or*
43 *restrained pursuant to NRS 179.1205 and sections 2 to 27,*
44 *inclusive, of this act.*

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



- 1 (a) *Bears the burden of production; and*
- 2 (b) *Must establish the validity of the interest by a*
- 3 *preponderance of the evidence.*

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

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

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

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

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

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

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

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

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

43 7. *As used in this section, "constructive knowledge" means*
44 *knowledge that is imputed to family or household members of a*
45 *defendant if the defendant had been adjudicated guilty three or*



1 *more times for the same or specified similar violation in the 10*
2 *years immediately preceding the alleged violation.*

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

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

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

12 4. *Any auction proceeds and forfeited currency must be used*
13 *only:*

14 (a) *To pay all outstanding recorded liens on the forfeited*
15 *property;*

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

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

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

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

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

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

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

27 (c) *Another law enforcement agency.*

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

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

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

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

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

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

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

43 **Sec. 28.** NRS 179.1152 is hereby amended to read as follows:

44 179.1152 1. If a peace officer:



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

4 (1) Has not been identified; or

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

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

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

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

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

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

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

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

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

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

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

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

43 5. As used in this section:

44 (a) "Prepaid or stored value card" means any instrument or
45 device used to access funds or monetary value represented in digital



1 electronic format, whether or not specially encrypted, and stored or
2 capable of storage on electronic media in such a way as to be
3 retrievable and transferable electronically.

4 (b) "Proceeds" ~~[has the meaning ascribed to it in NRS~~
5 ~~179.1161.]~~ *means any property, or that part of an item of property,*
6 *derived directly or indirectly from the commission or attempted*
7 *commission of a crime.*

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

9 179.1205 1. On an annual basis, each law enforcement
10 agency shall report the following information about each individual
11 seizure and forfeiture completed by the law enforcement agency
12 under state forfeiture law:

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

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

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

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

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

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

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

24 (4) Market value of the property seized;

25 (5) Disposition of the property following the seizure ~~{}~~,
26 *including, without limitation:*

27 ~~{(6) Date}~~

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

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

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

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

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

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

41 (2) Payment of reasonable expenses, except personnel costs,
42 of the seizure, storage and maintenance of custody of any forfeited
43 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 \$605,000 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 spouses, 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 [], 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 ~~[, inclusive.]~~ *and sections*
45 *2 to 27, inclusive, of this act.*



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

~~201.351 [4.] All assets derived from or relating to any violation of NRS 201.300, 201.320 or 201.395 are subject to forfeiture pursuant to NRS [179.121 and a proceeding for their forfeiture may be brought pursuant to NRS 179.1156 to 179.121, inclusive.~~

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

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

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

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

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

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

202.257 1. It is unlawful for a person who:

(a) Has a concentration of alcohol of 0.08 or more in his or her blood or breath; or

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

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

2. Any evidentiary test to determine whether a person has violated the provisions of subsection 1 must be administered in the same manner as an evidentiary test that is administered pursuant to NRS 484C.160 to 484C.250, inclusive, except that submission to



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

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

10 4. A firearm is subject to forfeiture pursuant to NRS ~~179.~~
11 ~~1156 to~~ 179.1205 ~~;~~ and sections 2 to 27, inclusive, of this act
12 only if, during the violation of subsection 1, the firearm is
13 brandished, aimed or otherwise handled by the person in a manner
14 which endangered others.

15 5. As used in this section, the phrase "concentration of alcohol
16 of 0.08 or more in his or her blood or breath" means 0.08 gram or
17 more of alcohol per 100 milliliters of the blood of a person or per
18 210 liters of his or her breath.

19 **Sec. 35.** NRS 205A.060 is hereby amended to read as follows:
20 205A.060 The Board shall:

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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



1 ➤ whichever is greater, as a result of the violation. The convicted
2 person may also be sentenced to pay court costs and the reasonable
3 costs of the investigation and prosecution. If property is ordered
4 forfeited pursuant to NRS ~~[207.450,]~~ *179.1205 and sections 2 to 27,*
5 *inclusive, of this act,* the value of that property must be subtracted
6 from a fine imposed pursuant to this section.

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

8 207.420 ~~[(1)]~~ If the indictment or information filed regarding
9 a violation of NRS 207.400 alleges that real or personal property
10 was derived from, realized through, or used or intended for use in
11 the course of the unlawful act and the extent of that property:

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

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

14 ➤ shall, upon a conviction, determine at a separate hearing the
15 extent of the property to be forfeited ~~[(1)]~~ *pursuant to NRS 179.1205*
16 *and sections 2 to 27, inclusive of this act.* If the indictment or
17 information does not include such an allegation, the property is not
18 subject to criminal forfeiture.

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

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

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

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

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

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

31 ~~—(2) Through which the convicted person conducted or~~
32 ~~participated in the conduct of such unlawful affairs of an enterprise;~~
33 ~~or~~

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

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

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

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

45 ~~—(a) Cannot be located;~~



- 1 ~~—(b) Has been sold to a purchaser in good faith for value;~~
- 2 ~~—(c) Has been placed beyond the jurisdiction of the court;~~
- 3 ~~—(d) Has been substantially diminished in value by the conduct of~~
- 4 ~~the defendant;~~
- 5 ~~—(e) Has been commingled with other property which cannot be~~
- 6 ~~divided without difficulty or undue injury to innocent persons; or~~
- 7 ~~—(f) Is otherwise unreachable without undue injury to innocent~~
- 8 ~~persons;~~
- 9 ~~→ the court shall order the forfeiture of other property of the~~
- 10 ~~defendant up to the value of the property that is unreachable.]~~

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

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

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

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

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

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

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

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

42 217.260 1. Money for payment of compensation as ordered
43 by the Department and for payment of salaries and other expenses
44 incurred by the Department pursuant to NRS 217.010 to 217.270,
45 inclusive, must be paid from the Fund for the Compensation of



1 Victims of Crime, which is hereby created. Money in the Fund must
2 be disbursed by the Department in the same manner as other claims
3 against the State are paid and in accordance with the rules and
4 regulations adopted pursuant to NRS 217.130. Such rules and
5 regulations must include, without limitation, the requirements that:

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

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

9 2. The Department shall prepare quarterly estimates of:

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

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

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

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

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

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

26 228.178 1. The Attorney General may:

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

28 (b) Pursue the forfeiture of property relating to a technological
29 crime in accordance with the provisions of NRS ~~[179.1211 to~~
30 ~~179.1235.]~~ *179.1205 and sections 2 to 27, inclusive [], of this act.*

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

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

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

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

39 1. Fails to keep or make any record, return, report or inventory
40 required pursuant to NRS 370.090 to 370.327, inclusive, or 370.531
41 to 370.597, inclusive;

42 2. Keeps or makes any false or fraudulent record, return, report
43 or inventory required pursuant to NRS 370.090 to 370.327,
44 inclusive, or 370.531 to 370.597, inclusive;



1 3. Refuses to pay any tax imposed pursuant to NRS 370.090 to
2 370.327, inclusive; or

3 4. Attempts in any manner to evade or defeat the requirements
4 of NRS 370.090 to 370.327, inclusive, or 370.531 to 370.597,
5 inclusive,

6 ↪ is subject to forfeiture pursuant to NRS ~~[179.1156 to]~~ 179.1205
7 ~~[]~~ and sections 2 to 27, inclusive ~~[]~~, of this act.

8 **Sec. 44.** NRS 387.1212 is hereby amended to read as follows:

9 387.1212 1. The State Education Fund is hereby created as a
10 special revenue fund to be administered by the Superintendent of
11 Public Instruction for the purpose of supporting the operation of the
12 public schools in this State. The interest and income earned on the
13 money in the Fund, excluding the direct legislative appropriation
14 from the State General Fund required by subsection 3, must, after
15 deducting any applicable charges, be credited to the Fund.

16 2. Money which must be deposited for credit to the State
17 Education Fund includes, without limitation:

18 (a) All money derived from interest on the State Permanent
19 School Fund, as provided in NRS 387.030;

20 (b) The proceeds of the tax imposed pursuant to NRS 244.33561
21 and any applicable penalty or interest, less any amount retained by
22 the county treasurer for the actual cost of collecting and
23 administering the tax;

24 (c) The proceeds of the tax imposed pursuant to subsection 1 of
25 NRS 387.195;

26 (d) The money identified in subsection 8 of NRS 120A.610;

27 (e) ~~[The portion of the money in each special account created
28 pursuant to subsection 1 of NRS 179.1187 which is identified in
29 paragraph (d) of subsection 2 of NRS 179.1187;~~

30 ~~—(f)]~~ The money identified in paragraph (d) of subsection 6 of
31 NRS 278C.250;

32 ~~[(e)]~~ (f) The money identified in subsection 1 of NRS 328.450;

33 ~~[(h)]~~ (g) The money identified in subsection 1 of NRS 328.460;

34 ~~[(i)]~~ (h) The money identified in paragraph (a) of subsection 2 of
35 NRS 360.850;

36 ~~[(j)]~~ (i) The money identified in paragraph (a) of subsection 2 of
37 NRS 360.855;

38 ~~[(k)]~~ (j) The money required to be transferred to the State
39 Education Fund pursuant to NRS 362.100;

40 ~~[(l)]~~ (k) The money required to be paid over to the State
41 Treasurer for deposit to the credit of the State Education Fund
42 pursuant to subsection 4 of NRS 362.170;

43 ~~[(m)]~~ (l) The portion of the proceeds of the tax imposed
44 pursuant to subsection 1 of NRS 372A.290 identified in paragraph
45 (b) of subsection 4 of NRS 372A.290;



1 ~~[(m)]~~ (m) The proceeds of the tax imposed pursuant to
2 subsection 3 of NRS 372A.290;

3 ~~[(n)]~~ (n) The proceeds of the fees, taxes, interest and penalties
4 imposed pursuant to chapter 374 of NRS, as transferred pursuant to
5 subsection 3 of NRS 374.785;

6 ~~[(o)]~~ (o) The money identified in subsection 5 of
7 NRS 445B.640;

8 ~~[(p)]~~ (p) The money identified in paragraph (b) of subsection 4
9 of NRS 678B.390;

10 ~~[(q)]~~ (q) The portion of the proceeds of the excise tax imposed
11 pursuant to subsection 1 of NRS 463.385 identified in paragraph (c)
12 of subsection 5 of NRS 463.385;

13 ~~[(r)]~~ (r) The money required to be distributed to the State
14 Education Fund pursuant to subsection 3 of NRS 482.181;

15 ~~[(s)]~~ (s) The portion of the proceeds of the fee imposed pursuant
16 to NRS 488.075 identified in subsection 2 of NRS 488.075;

17 ~~[(t)]~~ (t) The portion of the net profits of the grantee of a
18 franchise, right or privilege identified in NRS 709.110;

19 ~~[(u)]~~ (u) The portion of the net profits of the grantee of a
20 franchise identified in NRS 709.230;

21 ~~[(v)]~~ (v) The portion of the net profits of the grantee of a
22 franchise identified in NRS 709.270;

23 ~~[(w)]~~ (w) The money required to be distributed to the State
24 Education Fund pursuant to NRS 363D.290; and

25 ~~[(x)]~~ (x) The direct legislative appropriation from the State
26 General Fund required by subsection 3.

27 3. In addition to money from any other source provided by law,
28 support for the State Education Fund must be provided by direct
29 legislative appropriation from the State General Fund in an amount
30 determined by the Legislature to be sufficient to fund the operation
31 of the public schools in this State for kindergarten through grade 12
32 for the next ensuing biennium for the population reasonably
33 estimated for that biennium. Money in the State Education Fund
34 does not revert to the State General Fund at the end of a fiscal year,
35 and the balance in the State Education Fund must be carried forward
36 to the next fiscal year.

37 4. Money in the Fund must be paid out on claims as other
38 claims against the State are paid.

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

40 453.301 The following are subject to forfeiture pursuant to
41 NRS ~~[(179.1156 to)]~~ 179.1205 ~~[(and)]~~ and sections 2 to 27, inclusive ~~[(of)]~~,
42 *of this act*:

43 1. All controlled substances which have been manufactured,
44 distributed, dispensed or acquired in violation of the provisions of



1 NRS 453.011 to 453.552, inclusive, or a law of any other
2 jurisdiction which prohibits the same or similar conduct.

3 2. All raw materials, products and equipment of any kind
4 which are used, or intended for use, in manufacturing,
5 compounding, processing, delivering, importing or exporting any
6 controlled substance in violation of the provisions of NRS 453.011
7 to 453.552, inclusive, or a law of any other jurisdiction which
8 prohibits the same or similar conduct.

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

11 4. All books, records and research products and materials,
12 including formulas, microfilm, tapes and data, which are used, or
13 intended for use, in violation of the provisions of NRS 453.011 to
14 453.552, inclusive, or a law of any other jurisdiction which prohibits
15 the same or similar conduct.

16 5. All conveyances, including aircraft, vehicles or vessels,
17 which are used, or intended for use, to transport, or in any manner to
18 facilitate the transportation, concealment, manufacture or protection,
19 for the purpose of sale, possession for sale or receipt of property
20 described in subsection 1 or 2.

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

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

29 8. All real property and mobile homes used or intended to be
30 used by any owner or tenant of the property or mobile home to
31 facilitate a violation of the provisions of NRS 453.011 to 453.552,
32 inclusive, except NRS 453.336, or used or intended to be used to
33 facilitate a violation of a law of any other jurisdiction which
34 prohibits the same or similar conduct as prohibited in NRS 453.011
35 to 453.552, inclusive, except NRS 453.336. As used in this
36 subsection, "tenant" means any person entitled, under a written or
37 oral rental agreement, to occupy real property or a mobile home to
38 the exclusion of others.

39 9. Everything of value furnished or intended to be furnished in
40 exchange for a controlled substance in violation of the provisions of
41 NRS 453.011 to 453.552, inclusive, or a law of any other
42 jurisdiction which prohibits the same or similar conduct, all
43 proceeds traceable to such an exchange, and all other property used
44 or intended to be used to facilitate a violation of the provisions of
45 NRS 453.011 to 453.552, inclusive, except NRS 453.336, or used or



1 intended to be used to facilitate a violation of a law of any other
2 jurisdiction which prohibits the same or similar conduct as
3 prohibited in NRS 453.011 to 453.552, inclusive, except NRS
4 453.336. If an amount of cash which exceeds \$300 is found in the
5 possession of a person who is arrested for a violation of NRS
6 453.337 or 453.338, then there is a rebuttable presumption that the
7 cash is traceable to an exchange for a controlled substance and is
8 subject to forfeiture pursuant to this subsection.

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

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

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

22 453.305 1. Whenever a person is arrested for violating any of
23 the provisions of NRS 453.011 to 453.552, inclusive, except NRS
24 453.336, and real property or a mobile home occupied by the person
25 as a tenant has been used to facilitate the violation, the prosecuting
26 attorney responsible for the case shall cause to be delivered to the
27 owner of the property or mobile home a written notice of the arrest.

28 2. Whenever a person is convicted of violating any of the
29 provisions of NRS 453.011 to 453.552, inclusive, except NRS
30 453.336, and real property or a mobile home occupied by the person
31 as a tenant has been used to facilitate the violation, the prosecuting
32 attorney responsible for the case shall cause to be delivered to the
33 owner of the property or mobile home a written notice of the
34 conviction.

35 3. The notices required by this section must:

- 36 (a) Be written in language which is easily understood;
37 (b) Be sent by certified or registered mail, return receipt
38 requested, to the owner at the owner's last known address;
39 (c) Be sent within 15 days after the arrest occurs or judgment of
40 conviction is entered against the tenant, as the case may be;
41 (d) Identify the tenant involved and the offense for which the
42 tenant has been arrested or convicted; and
43 (e) Advise the owner that:

44 (1) The property or mobile home is subject to forfeiture
45 pursuant to NRS ~~[179.1156 to]~~ 179.1205 ~~[, inclusive,]~~ *and sections*



1 **2 to 27, inclusive, of this act** and **NRS** 453.301 unless the tenant, if
2 convicted, is evicted;

3 (2) Any similar violation by the same tenant in the future
4 may also result in the forfeiture of the property unless the tenant has
5 been evicted;

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

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

15 4. Nothing in this section shall be deemed to preclude the
16 commencement of a proceeding for forfeiture or the forfeiture of the
17 property or mobile home, whether or not the notices required by this
18 section are given as required, if the proceeding and forfeiture are
19 otherwise authorized pursuant to NRS ~~[179.1156 to]~~ 179.1205 ~~[~~
20 ~~inclusive,]~~ **and sections 2 to 27, inclusive, of this act** and
21 **NRS** 453.301.

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

25 **Sec. 47.** NRS 501.3857 is hereby amended to read as follows:

26 501.3857 Any gun, ammunition, trap, snare, vessel, vehicle,
27 aircraft or other device or equipment used, or intended for use:

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

30 2. To hunt or kill a big game mammal by using information
31 obtained as a result of the commission of an act prohibited by NRS
32 503.010 or a regulation of the Commission which prohibits the
33 location of big game mammals for the purpose of hunting or killing
34 by the use of:

35 (a) A manned or unmanned aircraft, including, without
36 limitation, any unmanned aerial vehicle, as defined in NRS 493.020,
37 or any other device that is used for navigation of, or flight in, the air;

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

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

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

44 ↪ is subject to forfeiture pursuant to NRS ~~[179.1156 to]~~ 179.1205
45 ~~[]~~ **and sections 2 to 27, inclusive [], of this act.**



1 **Sec. 48.** NRS 599B.255 is hereby amended to read as follows:
2 599B.255 1. Except as otherwise provided in NRS 599B.213,
3 the Attorney General or the district attorney of any county in this
4 state may prosecute a person who willfully violates, either directly
5 or indirectly, the provisions of this chapter. Except as otherwise
6 provided in subsection 3, such a person:

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

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

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

15 2. Any offense which occurs within 10 years immediately
16 preceding the date of the principal offense or after the principal
17 offense constitutes a prior offense for the purposes of subsection 1
18 when evidenced by a conviction, without regard to the sequence of
19 the offenses and convictions.

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

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

28 **Sec. 49.** NRS 678C.610 is hereby amended to read as follows:

29 678C.610 1. If a law enforcement agency legally and justly
30 seizes evidence from a medical cannabis establishment on a basis
31 that, in consideration of due process and viewed in the manner most
32 favorable to the establishment, would lead a reasonable person to
33 believe that a crime has been committed, the relevant provisions of
34 NRS ~~[179.1156 to 179.121.]~~ *179.1205 and sections 2 to 27,*
35 *inclusive, of this act,* apply insofar as they do not conflict with the
36 provisions of this chapter.

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

39 **Sec. 50.** The amendatory provisions of this act apply to
40 property that is seized on or after October 1, 2023.

41 **Sec. 51.** NRS 179.1156, 179.1157, 179.1158, 179.1159,
42 179.1161, 179.1162, 179.1163, 179.11635, 179.1164, 179.1165,
43 179.1169, 179.1171, 179.1173, 179.1175, 179.118, 179.1185,
44 179.1187, 179.119, 179.121, 179.1211, 179.1213, 179.1215,
45 179.1217, 179.1219, 179.1221, 179.1223, 179.1225, 179.1227,



1 179.1229, 179.1231, 179.1233, 179.1235, 207.415, 207.430,
2 207.440, 207.450, 207.460, 207.490, 207.500 and 207.510 are
3 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.



