

ASSEMBLY BILL NO. 373—ASSEMBLYMEN GORELOW,  
NGUYEN; ANDERSON AND TAYLOR

MARCH 22, 2023

Referred to Committee on Judiciary

**SUMMARY**—Revises provisions relating to deceptive trade practices directed toward elderly persons. (BDR 52-773)

**FISCAL NOTE:** Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.  
Effect on the State: Yes.

~

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

AN ACT relating to deceptive trade practices; increasing civil and criminal penalties for engaging in a deceptive trade practice directed toward an elderly person; revising the statute of limitations for engaging in a deceptive trade practice; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law defines activities that constitute deceptive trade practices and  
2 provides for the imposition of civil and criminal penalties against persons who  
3 engage in deceptive trade practices. (Chapter 598 of NRS) Existing law authorizes  
4 a court or the Director of the Department of Business and Industry or his or her  
5 designee, in certain actions and proceedings relating to the enforcement of the  
6 provisions prohibiting deceptive trade practices, to impose an additional maximum  
7 civil penalty of \$12,500 for each violation if the court or the Director or his or her  
8 designee finds that a person has engaged in a deceptive trade practice directed  
9 toward an elderly person or a person with a disability. (NRS 598.0973) **Section 1** of  
10 this bill increases the additional maximum civil penalty to \$25,000 if the deceptive  
11 trade practice was directed toward an elderly person.

12 Existing law establishes a tier of criminal penalties for engaging in a deceptive  
13 trade practice that is based on the value of the property or services involved in the  
14 offense and which, in general, mirror the criminal penalties for theft. (NRS  
15 205.0835, 598.0999) **Section 2** of this bill establishes a tier of criminal penalties for  
16 engaging in a deceptive trade practice directed toward an elderly person which are  
17 more severe than the criminal penalties applicable for engaging in a deceptive trade  
18 practice in general. Under **section 2**, a person who knowingly and willfully engages



19 in a deceptive trade practice directed toward an elderly person is guilty of: (1) a  
20 category C felony for an offense involving a loss of property or services valued at  
21 \$1,200 or more but less than \$5,000; (2) a category B felony punishable by  
22 imprisonment in the state prison for a minimum term of not less than 1 year and a  
23 maximum term of not more than 10 years, and by a fine of not more than \$10,000,  
24 for an offense involving a loss of property or services valued at \$5,000 or more but  
25 less than \$25,000; (3) a category B felony punishable by imprisonment in the state  
26 prison for a minimum term of not less than 3 years and a maximum term of not  
27 more than 15 years, and by a fine of not more than \$15,000, for an offense  
28 involving a loss of property or services valued at \$25,000 or more but less than  
29 \$100,000; (4) a category B felony punishable by imprisonment in the state prison  
30 for a minimum term of not less than 5 years and a maximum term of not more than  
31 20 years, and by a fine of not more than \$20,000, for an offense involving a loss of  
32 property or services valued at \$100,000 or more; and (5) a gross misdemeanor for  
33 any other offense.

34 Existing law requires an indictment for the offense of engaging in certain trade  
35 practices punishable as a felony to be found, or an information or complaint to be  
36 filed, within 4 years after the commission of the offense. (NRS 171.085) **Section 3**  
37 of this bill imposes that requirement for all offenses involving the commission of  
38 any deceptive trade practice that is punishable as a felony. **Section 4** of this bill  
39 clarifies that the amendatory provisions of **section 3** apply to an offense committed:  
40 (1) before July 1, 2023, if the applicable statute of limitations has commenced but  
41 has not yet expired; and (2) on or after July 1, 2023.

---

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

1 **Section 1.** NRS 598.0973 is hereby amended to read as  
2 follows:

3 598.0973 1. Except as otherwise provided in NRS 598.0974,  
4 in any action or proceeding brought pursuant to NRS 598.0903 to  
5 598.0999, inclusive, if the court or the Director or his or her  
6 designee finds that a person has engaged in a deceptive trade  
7 practice directed toward an elderly person or a person with a  
8 disability, the court or the Director or his or her designee may, in  
9 addition to any other civil or criminal penalty, impose a civil penalty  
10 of :

11 *(a) For a deceptive trade practice directed toward a person*  
12 *with a disability, not more than \$12,500 for each violation.*

13 *(b) For a deceptive trade practice directed toward an elderly*  
14 *person, not more than \$25,000 for each violation.*

15 2. In determining whether to impose a civil penalty pursuant to  
16 subsection 1, the court or the Director or his or her designee shall  
17 consider whether:

18 (a) The conduct of the person was in disregard of the rights of  
19 the elderly person or person with a disability;



1 (b) The person knew or should have known that his or her  
2 conduct was directed toward an elderly person or a person with a  
3 disability;

4 (c) The elderly person or person with a disability was more  
5 vulnerable to the conduct of the person because of the age, health,  
6 infirmity, impaired understanding, restricted mobility or disability of  
7 the elderly person or person with a disability;

8 (d) The conduct of the person caused the elderly person or  
9 person with a disability to suffer actual and substantial physical,  
10 emotional or economic damage;

11 (e) The conduct of the person caused the elderly person or  
12 person with a disability to suffer:

13 (1) Mental or emotional anguish;

14 (2) The loss of the primary residence of the elderly person or  
15 person with a disability;

16 (3) The loss of the principal employment or source of income  
17 of the elderly person or person with a disability;

18 (4) The loss of money received from a pension, retirement  
19 plan or governmental program;

20 (5) The loss of property that had been set aside for retirement  
21 or for personal or family care and maintenance;

22 (6) The loss of assets which are essential to the health and  
23 welfare of the elderly person or person with a disability; or

24 (7) Any other interference with the economic well-being of  
25 the elderly person or person with a disability, including the  
26 encumbrance of his or her primary residence or principal source of  
27 income; or

28 (f) Any other factors that the court or the Director or his or her  
29 designee deems to be appropriate.

30 **Sec. 2.** NRS 598.0999 is hereby amended to read as follows:

31 598.0999 1. Except as otherwise provided in NRS 598.0974,  
32 a person who violates a court order or injunction issued pursuant to  
33 the provisions of NRS 598.0903 to 598.0999, inclusive, upon a  
34 complaint brought by the Commissioner, the Director, the district  
35 attorney of any county of this State or the Attorney General shall  
36 forfeit and pay to the State General Fund a civil penalty of not more  
37 than \$10,000 for each violation. For the purpose of this section, the  
38 court issuing the order or injunction retains jurisdiction over the  
39 action or proceeding. Such civil penalties are in addition to any  
40 other penalty or remedy available for the enforcement of the  
41 provisions of NRS 598.0903 to 598.0999, inclusive.

42 2. Except as otherwise provided in NRS 598.0974, in any  
43 action brought pursuant to the provisions of NRS 598.0903 to  
44 598.0999, inclusive, if the court finds that a person has willfully  
45 engaged in a deceptive trade practice, the Commissioner, the



1 Director, the district attorney of any county in this State or the  
2 Attorney General bringing the action may recover a civil penalty not  
3 to exceed \$5,000 for each violation. The court in any such action  
4 may, in addition to any other relief or reimbursement, award  
5 reasonable attorney's fees and costs.

6 3. ~~[A]~~ *Except as otherwise provided in subsection 4, a* natural  
7 person, firm, or any officer or managing agent of any corporation or  
8 association who knowingly and willfully engages in a deceptive  
9 trade practice:

10 (a) For an offense involving a loss of property or services valued  
11 at \$1,200 or more but less than \$5,000, is guilty of a category D  
12 felony and shall be punished as provided in NRS 193.130.

13 (b) For an offense involving a loss of property or services  
14 valued at \$5,000 or more but less than \$25,000, is guilty of a  
15 category C felony and shall be punished as provided in  
16 NRS 193.130.

17 (c) For an offense involving a loss of property or services valued  
18 at \$25,000 or more but less than \$100,000, is guilty of a category B  
19 felony and shall be punished by imprisonment in the state prison for  
20 a minimum term of not less than 1 year and a maximum term of not  
21 more than 10 years, and by a fine of not more than \$10,000.

22 (d) For an offense involving a loss of property or services  
23 valued at \$100,000 or more, is guilty of a category B felony and  
24 shall be punished by imprisonment in the state prison for a  
25 minimum term of not less than 1 year and a maximum term of not  
26 more than 20 years, and by a fine of not more than \$15,000.

27 (e) For any offense other than an offense described in  
28 paragraphs (a) to (d), inclusive, is guilty of a misdemeanor.

29 ↪ The court may require the natural person, firm, or officer or  
30 managing agent of the corporation or association to pay to the  
31 aggrieved party damages on all profits derived from the knowing  
32 and willful engagement in a deceptive trade practice and treble  
33 damages on all damages suffered by reason of the deceptive trade  
34 practice.

35 4. *A natural person, firm, or any officer or managing agent*  
36 *of any corporation or association who knowingly and willfully*  
37 *engages in a deceptive trade practice directed toward an elderly*  
38 *person:*

39 (a) *For an offense involving a loss of property or services*  
40 *valued at \$1,200 or more but less than \$5,000, is guilty of a*  
41 *category C felony and shall be punished as provided in*  
42 *NRS 193.130.*

43 (b) *For an offense involving a loss of property or services*  
44 *valued at \$5,000 or more but less than \$25,000, is guilty of a*  
45 *category B felony and shall be punished by imprisonment in the*



1 *state prison for a minimum term of not less than 1 year and a*  
2 *maximum term of not more than 10 years, and by a fine of not*  
3 *more than \$10,000.*

4 *(c) For an offense involving a loss of property or services*  
5 *valued at \$25,000 or more but less than \$100,000, is guilty of a*  
6 *category B felony and shall be punished by imprisonment in the*  
7 *state prison for a minimum term of not less than 3 years and a*  
8 *maximum term of not more than 15 years, and by a fine of not*  
9 *more than \$15,000.*

10 *(d) For an offense involving a loss of property or services*  
11 *valued at \$100,000 or more, is guilty of a category B felony and*  
12 *shall be punished by imprisonment in the state prison for a*  
13 *minimum term of not less than 5 years and a maximum term of*  
14 *not more than 20 years, and by a fine of not more than \$20,000.*

15 *(e) For any offense other than an offense described in*  
16 *paragraphs (a) to (d), inclusive, is guilty of a gross misdemeanor.*

17 *↳ The court may require the natural person, firm or officer or*  
18 *corporation agent of the corporation or association to pay to the*  
19 *aggrieved party damages on all profits derived from the knowing*  
20 *and willful engagement in a deceptive trade practice and treble*  
21 *damages on all damages suffered by reason of the deceptive trade*  
22 *practice.*

23 **5.** If a person violates any provision of NRS 598.0903 to  
24 598.0999, inclusive, 598.100 to 598.2801, inclusive, 598.405 to  
25 598.525, inclusive, 598.741 to 598.787, inclusive, 598.840  
26 to 598.966, inclusive, or 598.9701 to 598.9718, inclusive, fails to  
27 comply with a judgment or order of any court in this State  
28 concerning a violation of such a provision, or fails to comply with  
29 an assurance of discontinuance or other agreement concerning an  
30 alleged violation of such a provision, the Commissioner or the  
31 district attorney of any county may bring an action in the name of  
32 the State of Nevada seeking:

33 (a) The suspension of the person's privilege to conduct business  
34 within this State; or

35 (b) If the defendant is a corporation, dissolution of the  
36 corporation.

37 *↳ The court may grant or deny the relief sought or may order other*  
38 *appropriate relief.*

39 ~~5.1~~ **6.** If a person violates any provision of NRS 228.500 to  
40 228.640, inclusive, fails to comply with a judgment or order of any  
41 court in this State concerning a violation of such a provision, or fails  
42 to comply with an assurance of discontinuance or other agreement  
43 concerning an alleged violation of such a provision, the Attorney  
44 General may bring an action in the name of the State of Nevada  
45 seeking:



1 (a) The suspension of the person’s privilege to conduct business  
2 within this State; or

3 (b) If the defendant is a corporation, dissolution of the  
4 corporation.

5 ↪ The court may grant or deny the relief sought or may order other  
6 appropriate relief.

7 ~~6.7~~ 7. In an action brought by the Commissioner or the  
8 Attorney General pursuant to subsection ~~4 or~~ 5 ~~7~~ or 6, process  
9 may be served by an employee of the Consumer Affairs Unit of the  
10 Department of Business and Industry or an employee of the  
11 Attorney General.

12 ~~7.7~~ 8. As used in this section:

13 (a) “Property” has the meaning ascribed to it in NRS 193.0225.

14 (b) “Services” has the meaning ascribed to it in NRS 205.0829.

15 (c) “Value” means the fair market value of the property or  
16 services at the time the deceptive trade practice occurred. The value  
17 of a written instrument which does not have a readily ascertainable  
18 market value is the greater of the face amount of the instrument less  
19 the portion satisfied or the amount of economic loss to the owner of  
20 the instrument resulting from the deprivation of the instrument. The  
21 trier of fact shall determine the value of all other property whose  
22 value is not readily ascertainable, and may, in making that  
23 determination, consider all relevant evidence, including evidence of  
24 the value of the property to its owner.

25 **Sec. 3.** NRS 171.085 is hereby amended to read as follows:

26 171.085 Except as otherwise provided in NRS 171.080 to  
27 171.084, inclusive, and 171.095, an indictment for:

28 1. Theft, robbery, burglary, forgery, arson, a violation of NRS  
29 90.570, a violation punishable pursuant to ~~paragraph (c)~~  
30 *paragraphs (a) to (d), inclusive, of subsection 3 or paragraphs (a)*  
31 *to (d), inclusive, of subsection 4* of NRS 598.0999 or a violation of  
32 NRS 205.377 must be found, or an information or complaint filed,  
33 within 4 years after the commission of the offense.

34 2. Sexual assault must be found, or an information or  
35 complaint filed, within 20 years after the commission of the offense.

36 3. Sex trafficking must be found, or an information or  
37 complaint filed, within 6 years after the commission of the offense.

38 4. Any felony other than the felonies listed in subsections 1, 2  
39 and 3 must be found, or an information or complaint filed, within 3  
40 years after the commission of the offense.

41 **Sec. 4.** The amendatory provisions of section 3 of this act  
42 apply to an offense committed:

43 1. Before July 1, 2023, if the applicable statute of limitations  
44 has commenced but has not expired on July 1, 2023.

45 2. On or after July 1, 2023.



1      **Sec. 5.** This act becomes effective on July 1, 2023.

⑩



