

SENATE BILL NO. 275—SENATORS ATKINSON, SEGERBLOM, PARKS,
FORD; FARLEY, RATTI AND SPEARMAN

MARCH 15, 2017

Referred to Committee on Judiciary

SUMMARY—Revises the penalties imposed for certain crimes.
(BDR 15-532)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 crimes; revising provisions relating to the crime of burglary; reclassifying certain criminal offenses from a category B felony to a category C felony; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law provides that a person who enters certain structures with the intent
2 to commit grand or petit larceny, assault or battery, any felony or to obtain money
3 by false pretenses is guilty of the crime of burglary, punishable as a category B
4 felony. However, existing law excludes the crime of petit larceny from the
5 underlying offenses which constitute burglary if the petit larceny was intended to
6 be committed in a commercial establishment during business hours and the person
7 has not: (1) twice previously been convicted of petit larceny within the previous 7
8 years; or (2) previously been convicted of a felony. (NRS 205.060) **Section 1** of
9 this bill provides that a person who enters a commercial establishment during
10 business hours with the intent to commit petit larceny is guilty of a category C
11 felony if the person has: (1) twice previously been convicted of petit larceny within
12 the previous 7 years; or (2) previously been convicted of a felony.

13 Existing law provides that the following offenses are punishable as category B
14 felonies: (1) theft of property or services if the value of the property or services
15 involved is \$3,500 or more (NRS 205.0835); (2) grand larceny if the value of the
16 property involved is \$3,500 or more (NRS 205.222); (3) grand larceny of a motor
17 vehicle if the value of the vehicle involved is \$3,500 or more (NRS 205.228); (4)
18 taking the property of another, under circumstances not amounting to robbery, with
19 the intent to steal or appropriate to one’s own use, if the value of the property
20 involved is \$3,500 or more (NRS 205.270); (5) stealing from a vending machine if
21 the value of the property stolen within 1 week is \$3,500 or more (NRS 205.2707);
22 (6) possessing, receiving or transferring a stolen vehicle if the value of the vehicle
23 involved is \$3,500 or more (NRS 205.273); (7) buying, receiving, possessing or



24 withholding stolen property if the value of the property involved is \$3,500 or more
25 (NRS 205.275); (8) obtaining by false pretense certain money, property, rent or
26 labor where the value involved is \$650 or more (NRS 205.380); (9) using a
27 scanning device or reencoder to defraud another person (NRS 205.605); (10)
28 opening or maintaining a place for the purpose of unlawfully selling, giving away
29 or using any controlled substance (NRS 453.316); (11) committing certain unlawful
30 acts related to gaming (NRS 465.088); and (12) selling a motor vehicle whose
31 odometer has been altered for the purpose of fraud (NRS 484D.335). **Sections 2-13**
32 of this bill reclassify these offenses as category C felonies, punishable by
33 imprisonment in the state prison for a minimum term of not less than 1 year and a
34 maximum term of not more than 5 years, and a fine of not more than \$10,000.

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

1 **Section 1.** NRS 205.060 is hereby amended to read as follows:
2 205.060 1. Except as otherwise provided in subsection 5, a
3 person who, by day or night, enters any house, room, apartment,
4 tenement, shop, warehouse, store, mill, barn, stable, outhouse or
5 other building, tent, vessel, vehicle, vehicle trailer, semitrailer or
6 house trailer, airplane, glider, boat or railroad car, with the intent to
7 commit grand or petit larceny, assault or battery on any person or
8 any felony, or to obtain money or property by false pretenses, is
9 guilty of burglary.
10 2. Except as otherwise provided in this section, a person
11 convicted of burglary is guilty of a category B felony and shall be
12 punished by imprisonment in the state prison for a minimum term of
13 not less than 1 year and a maximum term of not more than 10 years,
14 and may be further punished by a fine of not more than \$10,000. A
15 person who is convicted of burglary and who has previously been
16 convicted of burglary or another crime involving the forcible entry
17 or invasion of a dwelling must not be released on probation or
18 granted a suspension of sentence.
19 3. Whenever a burglary is committed on a vessel, vehicle,
20 vehicle trailer, semitrailer, house trailer, airplane, glider, boat or
21 railroad car, in motion or in rest, in this State, and it cannot with
22 reasonable certainty be ascertained in what county the crime was
23 committed, the offender may be arrested and tried in any county
24 through which the vessel, vehicle, vehicle trailer, semitrailer, house
25 trailer, airplane, glider, boat or railroad car traveled during the time
26 the burglary was committed.
27 4. A person convicted of burglary who has in his or her
28 possession or gains possession of any firearm or deadly weapon at
29 any time during the commission of the crime, at any time before
30 leaving the structure or upon leaving the structure, is guilty of a
31 category B felony and shall be punished by imprisonment in the



1 state prison for a minimum term of not less than 2 years and a
2 maximum term of not more than 15 years, and may be further
3 punished by a fine of not more than \$10,000.

4 5. The crime of burglary does not include the act of entering a
5 commercial establishment during business hours with the intent to
6 commit petit larceny unless the person has previously been
7 convicted:

8 (a) Two or more times for committing petit larceny within the
9 immediately preceding 7 years; or

10 (b) Of a felony.

11 *↪ A person who has previously been convicted two or more times*
12 *for committing petit larceny within the immediately preceding 7*
13 *years or has previously been convicted of a felony and who is*
14 *convicted of burglary pursuant to this section for entering a*
15 *commercial establishment during business hours with the intent to*
16 *commit petit larceny is guilty of a category C felony and shall be*
17 *punished as provided in NRS 193.130.*

18 **Sec. 2.** NRS 205.0835 is hereby amended to read as follows:

19 205.0835 1. Unless a greater penalty is imposed by a specific
20 statute and unless the provisions of NRS 205.08345 apply under the
21 circumstances, a person who commits theft in violation of any
22 provision of NRS 205.0821 to 205.0835, inclusive, shall be
23 punished pursuant to the provisions of this section.

24 2. If the value of the property or services involved in the theft
25 is less than \$650, the person who committed the theft is guilty of a
26 misdemeanor.

27 3. If the value of the property or services involved in the theft
28 is \$650 or more, ~~but less than \$3,500,~~ the person who committed
29 the theft is guilty of a category C felony and shall be punished as
30 provided in NRS 193.130.

31 ~~4. If the value of the property or services involved in the theft~~
32 ~~is \$3,500 or more, the person who committed the theft is guilty of a~~
33 ~~category B felony and shall be punished by imprisonment in the~~
34 ~~state prison for a minimum term of not less than 1 year and a~~
35 ~~maximum term of not more than 10 years, and by a fine of not more~~
36 ~~than \$10,000.~~

37 ~~5.~~ In addition to any other penalty, the court shall order the
38 person who committed the theft to pay restitution.

39 **Sec. 3.** NRS 205.222 is hereby amended to read as follows:

40 205.222 1. Unless a greater penalty is imposed by a specific
41 statute, a person who commits grand larceny in violation of NRS
42 205.220 ~~shall be punished pursuant to the provisions of this section.~~

43 ~~2. If the value of the property involved in the grand larceny is~~
44 ~~less than \$3,500, the person who committed the grand larceny} is~~



1 guilty of a category C felony and shall be punished as provided in
2 NRS 193.130.

3 ~~3. If the value of the property involved in the grand larceny is~~
4 ~~\$3,500 or more, the person who committed the grand larceny is~~
5 ~~guilty of a category B felony and shall be punished by imprisonment~~
6 ~~in the state prison for a minimum term of not less than 1 year and a~~
7 ~~maximum term of not more than 10 years, and by a fine of not more~~
8 ~~than \$10,000.~~

9 ~~4.1~~ 2. In addition to any other penalty, the court shall order the
10 person who committed the grand larceny to pay restitution.

11 ~~5.1~~ 3. If the grand larceny involved a sale in violation of
12 subsection 3 or 4 of NRS 205.220, all proceeds from the sale are
13 subject to forfeiture.

14 **Sec. 4.** NRS 205.228 is hereby amended to read as follows:

15 205.228 1. A person who intentionally steals, takes and
16 carries away, drives away or otherwise removes a motor vehicle
17 owned by another person commits grand larceny of a motor vehicle.

18 2. ~~Except as otherwise provided in subsection 3, a~~ 4 person
19 who commits grand larceny of a motor vehicle is guilty of a
20 category C felony and shall be punished as provided in
21 NRS 193.130.

22 3. ~~If the prosecuting attorney proves that the value of the~~
23 ~~motor vehicle involved in the grand larceny is \$3,500 or more, the~~
24 ~~person who committed the grand larceny of the motor vehicle is~~
25 ~~guilty of a category B felony and shall be punished by imprisonment~~
26 ~~in the state prison for a minimum term of not less than 1 year and a~~
27 ~~maximum term of not more than 10 years, and by a fine of not more~~
28 ~~than \$10,000.~~

29 ~~4.1~~ In addition to any other penalty, the court shall order the
30 person who committed the grand larceny of the motor vehicle to pay
31 restitution.

32 **Sec. 5.** NRS 205.270 is hereby amended to read as follows:

33 205.270 1. A person who, under circumstances not
34 amounting to robbery, with the intent to steal or appropriate to his or
35 her own use, takes property from the person of another, without the
36 other person's consent, is guilty of ~~1:~~

37 ~~(a) If the value of the property taken is less than \$3,500, 1~~ a
38 category C felony and shall be punished as provided in NRS
39 193.130. ~~1; or~~

40 ~~(b) If the value of the property taken is \$3,500 or more, a~~
41 ~~category B felony and shall be punished by imprisonment in the~~
42 ~~state prison for a minimum term of not less than 1 year and a~~
43 ~~maximum term of not more than 10 years, and by a fine of not more~~
44 ~~than \$10,000. 1~~



1 2. In addition to any other penalty, the court shall order the
2 person to pay restitution.

3 3. The court shall not grant probation to or suspend the
4 sentence of any person convicted of violating subsection 1 if the
5 person from whom the property was taken has any infirmity caused
6 by age or other physical condition.

7 **Sec. 6.** NRS 205.2707 is hereby amended to read as follows:

8 205.2707 1. A person who intentionally steals, takes and
9 carries away property of the value of \$650 or more from vending
10 machines within a period of 1 week is guilty of ~~†~~

11 ~~—(a) If the value of the property taken is less than \$3,500,† a~~
12 ~~category C felony and shall be punished as provided in NRS~~
13 ~~193.130. † or~~

14 ~~—(b) If the value of the property taken is \$3,500 or more, a~~
15 ~~category B felony and shall be punished by imprisonment in the~~
16 ~~state prison for a minimum term of not less than 1 year and a~~
17 ~~maximum term of not more than 10 years, and by a fine of not more~~
18 ~~than \$10,000.†~~

19 2. In addition to any other penalty, the court shall order the
20 person to pay restitution.

21 3. In determining the value of the property taken, the cost of
22 repairing damaged vending machines and replacing any machine, if
23 necessary, must be added to the value of the property.

24 **Sec. 7.** NRS 205.273 is hereby amended to read as follows:

25 205.273 1. A person commits an offense involving a stolen
26 vehicle if the person:

27 (a) With the intent to procure or pass title to a motor vehicle
28 which the person knows or has reason to believe has been stolen,
29 receives or transfers possession of the vehicle from or to another
30 person; or

31 (b) Has in his or her possession a motor vehicle which the
32 person knows or has reason to believe has been stolen.

33 2. The provisions of subsection 1 do not apply to an officer of
34 the law if the officer is engaged in the performance of his or her
35 duty as an officer at the time of the receipt, transfer or possession of
36 the stolen vehicle.

37 3. ~~†Except as otherwise provided in subsection 4, a†~~ A person
38 who violates the provisions of subsection 1 is guilty of a category C
39 felony and shall be punished as provided in NRS 193.130.

40 4. ~~†If the prosecuting attorney proves that the value of the~~
41 ~~vehicle involved is \$3,500 or more, the person who violated the~~
42 ~~provisions of subsection 1 is guilty of a category B felony and shall~~
43 ~~be punished by imprisonment in the state prison for a minimum~~
44 ~~term of not less than 1 year and a maximum term of not more than~~
45 ~~10 years, and by a fine of not more than \$10,000.~~



1 ~~—5.]~~ In addition to any other penalty, the court shall order the
2 person to pay restitution.

3 ~~[6.—For the purposes of this section, the value of a vehicle shall~~
4 ~~be deemed to be the highest value attributable to the vehicle by any~~
5 ~~reasonable standard.]~~

6 **Sec. 8.** NRS 205.275 is hereby amended to read as follows:

7 205.275 1. Except as otherwise provided in NRS 501.3765, a
8 person commits an offense involving stolen property if the person,
9 for his or her own gain or to prevent the owner from again
10 possessing the owner's property, buys, receives, possesses or
11 withholds the property:

12 (a) Knowing that it is stolen property; or

13 (b) Under such circumstances as should have caused a
14 reasonable person to know that it is stolen property.

15 2. A person who commits an offense involving stolen property
16 in violation of subsection 1:

17 (a) If the value of the property is less than \$650, is guilty of a
18 misdemeanor;

19 (b) If the value of the property is \$650 or more, ~~but less than~~
20 ~~\$3,500,]~~ is guilty of a category C felony and shall be punished as
21 provided in NRS 193.130; or

22 (c) If ~~the value of the property is \$3,500 or more or if]~~ the
23 property is a firearm, is guilty of a category B felony and shall be
24 punished by imprisonment in the state prison for a minimum term of
25 not less than 1 year and a maximum term of not more than 10 years,
26 and by a fine of not more than \$10,000.

27 3. In addition to any other penalty, the court shall order the
28 person to pay restitution.

29 4. A person may be prosecuted and convicted pursuant to this
30 section whether or not the principal is or has been prosecuted or
31 convicted.

32 5. Possession by any person of three or more items of the same
33 or a similar class or type of personal property on which a
34 permanently affixed manufacturer's serial number or manufacturer's
35 identification number has been removed, altered or defaced, is prima
36 facie evidence that the person has violated this section.

37 6. For the purposes of this section, the value of the property
38 involved shall be deemed to be the highest value attributable to the
39 property by any reasonable standard.

40 7. As used in this section, "stolen property" means property
41 that has been taken from its owner by larceny, robbery, burglary,
42 embezzlement, theft or any other offense that is a crime against
43 property, whether or not the person who committed the taking is or
44 has been prosecuted or convicted for the offense.



1 **Sec. 9.** NRS 205.380 is hereby amended to read as follows:

2 205.380 1. A person who knowingly and designedly by any
3 false pretense obtains from any other person any chose in action,
4 money, goods, wares, chattels, effects or other valuable thing,
5 including rent or the labor of another person not his or her
6 employee, with the intent to cheat or defraud the other person, is a
7 cheat, and, unless otherwise prescribed by law, shall be punished:

8 (a) If the value of the thing or labor fraudulently obtained was
9 \$650 or more, for a category ~~(B)~~ C felony ~~{by imprisonment in the~~
10 ~~state prison for a minimum term of not less than 1 year and a~~
11 ~~maximum term of not more than 6 years, or by a fine of not more~~
12 ~~than \$10,000, or by both fine and imprisonment.}~~ *as provided in*
13 *NRS 193.130.* In addition to any other penalty, the court shall order
14 the person to pay restitution.

15 (b) If the value of the thing or labor fraudulently obtained was
16 less than \$650, for a misdemeanor, and must be sentenced to restore
17 the property fraudulently obtained, if it can be done, or tender
18 payment for rent or labor.

19 2. For the purposes of this section, it is prima facie evidence of
20 an intent to defraud if the drawer of a check or other instrument
21 given in payment for:

22 (a) Property which can be returned in the same condition in
23 which it was originally received;

24 (b) Rent; or

25 (c) Labor performed in a workmanlike manner whenever a
26 written estimate was furnished before the labor was performed and
27 the actual cost of the labor does not exceed the estimate,
28 ↳ stops payment on that instrument and fails to return or offer to
29 return the property in that condition, or to specify in what way the
30 labor was deficient within 5 days after receiving notice from the
31 payee that the instrument has not been paid by the drawee.

32 3. The notice must be sent to the drawer by certified mail,
33 return receipt requested, at the address shown on the instrument.
34 The notice must include a statement of the penalties set forth in this
35 section. Return of the notice because of nondelivery to the drawer
36 raises a rebuttable presumption of the intent to defraud.

37 4. A notice in boldface type clearly legible and in substantially
38 the following form must be posted in a conspicuous place in every
39 principal and branch office of every bank and in every place of
40 business in which retail selling is conducted or labor is performed
41 for the public and must be furnished in written form by a landlord to
42 a tenant:

43
44 The stopping of payment on a check or other instrument
45 given in payment for property which can be returned in the



1 same condition in which it was originally received, rent or
2 labor which was completed in a workmanlike manner, and the
3 failure to return or offer to return the property in that
4 condition or to specify in what way the labor was deficient
5 within 5 days after receiving notice of nonpayment is
6 punishable:

7 1. If the value of the property, rent or labor fraudulently
8 obtained was \$650 or more, as a category ~~†B†~~ C felony by
9 imprisonment in the state prison for a minimum term of not
10 less than 1 year and a maximum term of not more than ~~†6†~~ 5
11 years ~~†, or†~~ and by a fine of not more than \$10,000. ~~†, or by~~
12 ~~both fine and imprisonment.†~~

13 2. If the value of the property, rent or labor so
14 fraudulently obtained was less than \$650, as a misdemeanor
15 by imprisonment in the county jail for not more than 6
16 months, or by a fine of not more than \$1,000, or by both fine
17 and imprisonment.

18 **Sec. 10.** NRS 205.605 is hereby amended to read as follows:
19 205.605 1. A person shall not:

20 (a) Use a scanning device to access, read, obtain, memorize or
21 store, temporarily or permanently, information encoded on the
22 magnetic strip or stripe of a payment card:

23 (1) Without the permission of the authorized user of the
24 payment card; and

25 (2) With the intent to defraud the authorized user, the issuer
26 of the payment card or any other person.

27 (b) Use a reencoder to place information encoded on the
28 magnetic strip or stripe of a payment card onto the magnetic strip or
29 stripe of a different card:

30 (1) Without the permission of the authorized user of the card
31 from which the information is being reencoded; and

32 (2) With the intent to defraud the authorized user, the issuer
33 of the payment card or any other person.

34 2. A person who violates any provision of this section is guilty
35 of a category ~~†B†~~ C felony and shall be punished ~~†by imprisonment~~
36 ~~in the state prison for a minimum term of not less than 1 year and a~~
37 ~~maximum term of not more than 20 years, and may be further~~
38 ~~punished by a fine of not more than \$100,000.†~~ *as provided in*
39 *NRS 193.130.*

40 3. In addition to any other penalty, the court shall order a
41 person who violates any provision of this section to pay restitution,
42 including, without limitation, any attorney's fees and costs incurred
43 to:

44 (a) Repair the credit history or rating of each person who is a
45 victim of the violation; and



1 (b) Satisfy a debt, lien or other obligation incurred by each
2 person who is a victim of the violation.

3 **Sec. 11.** NRS 453.316 is hereby amended to read as follows:

4 453.316 1. A person who opens or maintains any place for
5 the purpose of unlawfully selling, giving away or using any
6 controlled substance is guilty of a category ~~B~~ C felony and shall be
7 punished ~~by imprisonment in the state prison for a minimum term~~
8 ~~of not less than 1 year and a maximum term of not more than 6~~
9 ~~years, and may be further punished by a fine of not more than~~
10 ~~\$10,000.~~ *as provided in NRS 193.130*, except as otherwise
11 provided in subsection 2.

12 2. If a person convicted of violating this section has previously
13 been convicted of violating this section, or if, in the case of a first
14 conviction of violating this section, the person has been convicted of
15 an offense under the laws of the United States or any state, territory
16 or district which, if committed in this State, would amount to a
17 felony under this section, the person is guilty of a category B felony
18 and shall be punished by imprisonment in the state prison for a
19 minimum term of not less than 2 years and a maximum term of not
20 more than 10 years, and may be further punished by a fine of not
21 more than \$20,000. The court shall not grant probation to or suspend
22 the sentence of a person convicted of violating this section if the
23 person has been previously convicted under this section or of any
24 other offense described in this subsection.

25 3. This section does not apply to any rehabilitation clinic
26 established or licensed by the Division of Public and Behavioral
27 Health of the Department.

28 **Sec. 12.** NRS 465.088 is hereby amended to read as follows:

29 465.088 1. A person who violates any provision of NRS
30 465.070 to 465.086, inclusive : ~~is guilty of a category B felony~~
31 ~~and shall be punished.~~

32 (a) For the first offense, ~~by imprisonment in the state prison for~~
33 ~~a minimum term of not less than 1 year and a maximum term of not~~
34 ~~more than 6 years, or by a fine of not more than \$10,000, or by both~~
35 ~~fine and imprisonment.~~ *is guilty of a category C felony and shall*
36 *be punished as provided in NRS 193.130.*

37 (b) For a second or subsequent violation of any of these
38 provisions, *is guilty of a category B felony and shall be punished*
39 *by imprisonment in the state prison for a minimum term of not less*
40 *than 1 year and a maximum term of not more than 6 years, and may*
41 *be further punished by a fine of not more than \$10,000. The court*
42 *shall not suspend a sentence of imprisonment imposed pursuant to*
43 *this paragraph, or grant probation to the person convicted.*

44 2. A person who attempts, or two or more persons who
45 conspire, to violate any provision of NRS 465.070 to 465.086,



1 inclusive, each is guilty of a category ~~HB~~ C felony and shall be
2 punished by imposing the penalty provided in subsection 1 for the
3 completed crime, whether or not he or she personally played any
4 gambling game or used any prohibited device.

5 **Sec. 13.** NRS 484D.335 is hereby amended to read as follows:

6 484D.335 1. A person is guilty of a category ~~HB~~ C felony
7 and shall be punished ~~by imprisonment in the state prison for a~~
8 ~~minimum term of not less than 1 year and a maximum term of not~~
9 ~~more than 6 years, or by a fine of not more than \$10,000, or by both~~
10 ~~fine and imprisonment.] as provided in NRS 193.130~~ if the person
11 knowingly sells a motor vehicle whose odometer has been altered
12 for the purpose of fraud.

13 2. Except as otherwise provided in subsection 1, any person
14 who violates the provisions of NRS 484D.300 to 484D.345,
15 inclusive, is guilty of a misdemeanor.

16 **Sec. 14.** NRS 612.445 is hereby amended to read as follows:

17 612.445 1. A person shall not make a false statement or
18 representation, knowing it to be false, or knowingly fail to disclose a
19 material fact in order to obtain or increase any benefit or other
20 payment under this chapter, including, without limitation, by:

21 (a) Failing to properly report earnings;

22 (b) Filing a claim for benefits using the social security number,
23 name or other personal identifying information of another person; or

24 (c) Filing a claim for or receiving benefits and failing to
25 disclose, at the time he or she files the claim or receives the benefits,
26 any compensation for a temporary total disability or a temporary
27 partial disability or money for rehabilitative services pursuant to
28 chapters 616A to 616D, inclusive, or 617 of NRS received by the
29 person or for which a claim has been submitted pursuant to those
30 chapters.

31 ➤ A person who violates the provisions of this subsection commits
32 unemployment insurance fraud.

33 2. When the Administrator finds that a person has committed
34 unemployment insurance fraud pursuant to subsection 1, the person
35 shall repay to the Administrator for deposit in the Fund a sum equal
36 to all of the benefits received by or paid to the person for each week
37 with respect to which the false statement or representation was made
38 or to which the person failed to disclose a material fact in addition to
39 any interest, penalties and costs related to that sum. Except as
40 otherwise provided in subsection 3 of NRS 612.480, the
41 Administrator may make an initial determination finding that a
42 person has committed unemployment insurance fraud pursuant to
43 subsection 1 at any time within 4 years after the first day of the
44 benefit year in which the person committed the unemployment
45 insurance fraud.



1 3. Except as otherwise provided in this subsection and
2 subsection 8, the person is disqualified from receiving
3 unemployment compensation benefits under this chapter:

4 (a) For a period beginning with the week in which the
5 Administrator issues a finding that the person has committed
6 unemployment insurance fraud pursuant to subsection 1 and ending
7 not more than 52 consecutive weeks after the week in which it is
8 determined that a claim was filed in violation of subsection 1; or

9 (b) Until the sum described in subsection 2, in addition to any
10 interest, penalties or costs related to that sum, is repaid to the
11 Administrator,

12 ↪ whichever is longer. The Administrator shall fix the period of
13 disqualification according to the circumstances in each case.

14 4. It is a violation of subsection 1 for a person to file a claim,
15 or to cause or allow a claim to be filed on his or her behalf, if:

16 (a) The person is incarcerated in the state prison or any county
17 or city jail or detention facility or other correctional facility in this
18 State; and

19 (b) The claim does not expressly disclose his or her
20 incarceration.

21 5. A person who obtains benefits of \$650 or more in violation
22 of subsection 1 shall be punished in the same manner as theft
23 pursuant to subsection 3 ~~for 4~~ of NRS 205.0835.

24 6. In addition to the repayment of benefits required pursuant to
25 subsection 2, the Administrator:

26 (a) Shall impose a penalty equal to 15 percent of the total
27 amount of benefits received by the person in violation of subsection
28 1. Money recovered by the Administrator pursuant to this paragraph
29 must be deposited in the Unemployment Trust Fund in accordance
30 with the provisions of NRS 612.590.

31 (b) May impose a penalty equal to not more than:

32 (1) If the amount of such benefits is greater than \$25 but not
33 greater than \$1,000, 5 percent;

34 (2) If the amount of such benefits is greater than \$1,000 but
35 not greater than \$2,500, 10 percent; or

36 (3) If the amount of such benefits is greater than \$2,500, 35
37 percent,

38 ↪ of the total amount of benefits received by the person in violation
39 of subsection 1 or any other provision of this chapter. Money
40 recovered by the Administrator pursuant to this paragraph must be
41 deposited in the Employment Security Fund in accordance with the
42 provisions of NRS 612.615.

43 7. Except as otherwise provided in subsection 8, a person may
44 not pay benefits as required pursuant to subsection 2 by using



1 benefits which would otherwise be due and payable to the person if
2 he or she was not disqualified.

3 8. The Administrator may waive the period of disqualification
4 prescribed in subsection 3 for good cause shown or if the person
5 adheres to a repayment schedule authorized by the Administrator
6 that is designed to fully repay benefits received from an improper
7 claim, in addition to any related interest, penalties and costs, within
8 18 months. If the Administrator waives the period of
9 disqualification pursuant to this subsection, the person may repay
10 benefits as required pursuant to subsection 2 by using any benefits
11 which are due and payable to the person, except that benefits which
12 are due and payable to the person may not be used to repay any
13 related interest, penalties and costs.

14 9. The Administrator may recover any money required to be
15 paid pursuant to this section in accordance with the provisions of
16 NRS 612.365 and may collect interest on any such money in
17 accordance with the provisions of NRS 612.620.

18 **Sec. 15.** The amendatory provisions of this act apply to an
19 offense committed on or after October 1, 2017.

