

**REVISION OF NEVADA'S SUBSTANTIVE
CRIMINAL LAW AND PROCEDURE
IN CRIMINAL CASES**



**LEGISLATIVE COMMISSION
OF THE
LEGISLATIVE COUNSEL BUREAU
STATE OF NEVADA**

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REVISION OF NEVADA'S SUBSTANTIVE CRIMINAL LAW AND PROCEDURE IN CRIMINAL CASES

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LEGISLATIVE COMMISSION

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ASSEMBLY CONCURRENT RESOLUTION NO. 9—MR. POZZI

FEBRUARY 16, 1965

—o—
Referred to Committee on Judiciary

SUMMARY—Directs legislative commission to prepare new criminal code.
(BDR 719)



EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

ASSEMBLY CONCURRENT RESOLUTION—Directing the legislative commission to prepare a new code of substantive criminal law.

- 1 WHEREAS, The last comprehensive review by the legislature of the
2 substance of Nevada criminal law is represented by the Crimes and
3 Punishments Act of 1911; and
4 WHEREAS, Numerous additions have been made piecemeal in the ensu-
5 ing years; and
6 WHEREAS, The half century intervening since that date has brought
7 sweeping changes in the state's way of life, in the relative importance of
8 certain offenses, in the value of money and of other property, and even
9 in concepts of criminal justice; now, therefore, be it
10 *Resolved by the Assembly of the State of Nevada, the Senate concur-*
11 *ring,* That the legislative commission is directed to study the entire area
12 of substantive criminal law of the State of Nevada, and to prepare a
13 new criminal code for submission to the 54th session of the legislature.

REPORT OF THE LEGISLATIVE COMMISSION

To the Members of the 54th Session of the Nevada Legislature:

This report is submitted pursuant to the provisions of Assembly Concurrent Resolution No. 9 of the 1965 legislative session, which directs the legislative commission to study the entire area of substantive criminal law, procedure in criminal cases, and the penal and parole policies of this state, and submit the results of such study and make recommendations for specific legislation to the next regular session of the legislature in January 1967.

On May 14, 1965, the legislative commission created a subcommittee for the revision of the criminal law, composed of the following legislators: Melvin D. Close, Jr. (chairman), J. Roger Bissett, Coe Swobe, Austin H. Bowler and Art H. Olsen. This subcommittee, together with many Nevada judges and lawyers who served as subcommittee advisors, worked long and diligently in preparing its report which was presented to and accepted by the legislative commission on November 18, 1966.

The subcommittee's report and suggested draft legislation are attached for your examination.

Respectfully submitted,

LEGISLATIVE COMMISSION
State of Nevada

Carson City, Nevada
November 18, 1966

REPORT OF THE SUBCOMMITTEE FOR REVISION OF THE CRIMINAL LAW TO THE LEGISLATIVE COMMISSION

Introduction

Your subcommittee, appointed to carry out the mandate of Assembly Concurrent Resolution No. 9, has prepared and submits with this report two draft bills, dealing respectively with substantive criminal law and procedure in criminal cases. These bills are explained in the following sections of this report.

A third area, that of penal and parole policy, is prescribed in A.C.R. 9. Your subcommittee's recommendations on parole policy are included in the substantive bill, for they form part of its comprehensive scheme of punishment and rehabilitation. On October 18, 1965, the governor appointed a committee, under the chairmanship of George J. Reed, Chief Parole and Probation Officer, to develop plans for a department of corrections. Your subcommittee has therefore concentrated its attention upon the other areas proposed for study, and makes no recommendation in the area of penal administration.

Substantive Criminal Law

The first basic decision reached by the subcommittee was not to attempt any general revision of the definition of specific crimes, but to confine its attention to revising the penalties provided. The subcommittee considered that such a revision, together with the complete revision of the procedural statutes, was all that could be done well during a single legislative interim, and was the most urgent task. Revision of the several definitions can be pursued, if the legislature so directs, during a subsequent interim. In this connection it may be noted that the State of Illinois took two biennia for its complete revision, enacting its substantive revision in 1961 and its procedural revision in 1963.

The policy established for the revision of penalties is that three factors, operating successively, should govern the actual imprisonment of a particular offender upon conviction of a particular crime. First, the legislature would prescribe a range of punishment appropriate to the offense generally. Second, the trial judge would select from this range the particular punishment, expressed as a fine of definite amount, imprisonment for a definite term, or both, appropriate to the specific crime committed and the individual defendant before him. Third, if the sentence includes imprisonment in the state prison, after the expiration of a minimum period governed by the length of the definite sentence, the board of parole commissioners should have discretion to release the prisoner at a

time governed by the degree of his individual progress toward rehabilitation. The second point contemplates a determinate sentence of imprisonment, as opposed to the indeterminate sentence now provided for many crimes. Although modern penology in theory favors the indeterminate sentence, the subcommittee believes that determinate sentencing is a necessary step in moving away from the often excessive maximum sentences found in present Nevada law toward a rational sentencing procedure.

The next, necessarily interrelated decisions, were the fixing of the minimum proportion of the determinate sentence required to be served prior to eligibility for parole, and the fixing of penalty ranges for the individual crimes. In order to afford maximum flexibility to the parole board in adapting treatment to each individual case, the minimum is set at one-fourth of *the determinate sentence*, but in no event less than 1 year, less good time credits. Longer periods are provided for certain heinous crimes, such as murder, kidnapping and rape. The emphasized words are important in contrast to the pre-1965 statute which set the minimum in most cases at one-third of *the minimum term of the indeterminate sentence*, but not less than 1 year. Thus the new law would provide in most cases for a longer actual minimum. In the words of one discussion, "a quarter of beef is larger than half a lamb."

In order to select the statutory range of penalty for each crime, the staff first prepared for the subcommittee and its advisers, in chart form, a comparison of the penalties provided for related offenses, showing in each case the penalty under present Nevada law, the recommended penalty of the Model Penal Code, the penalty actually provided by the recent Illinois revision, and a recommendation based on the three preceding items plus a comparison with recommended penalties for related crimes. The goal was to grade the crimes in a related group according to the degree of fault, the damage to the victim and the danger to society as a whole. Consistent with the philosophy of a general range from which the determinate sentence would be selected, a single range was provided for all misdemeanors, and another for all gross misdemeanors. Felonies were classified generally into four grades, with terms of imprisonment ranging up to 6 years, 10 years, 15 years, and for the most serious 20 years, or life with or without possibility of parole, or the death sentence. An innovation to Nevada law is the recommendation that offenses involving the destruction of or injury to property be punished generally according to the damage done or loss caused.

This chart was carefully considered by the subcommittee in a series of meetings with its advisers, extensively revised, reissued as revised, and finally adopted with further revisions. The attached draft bill contains the necessary amendments to existing sections, and a few new sections added, to provide the recommended penalties. It will be noted that not only was Title 16 of NRS revised in the great majority of its sections,

but the many sections which provide criminal penalties in other Titles of NRS were also revised to conform to the policies adopted for Title 16.

The bill is therefore designed to provide, for every public offense punishable under NRS, a penalty appropriate to the offense and congruous with the penalties for other offenses, and for every offender both a punishment suited to the particular circumstances and the maximum opportunity for rehabilitation into society.

Procedure in Criminal Cases

The basic policy established by the subcommittee at its first meeting was to adopt in statutory form, but not as rules of court, the Federal Rules of Criminal Procedure, discarding those not applicable in state courts and retaining existing Nevada statutes concerning matters not covered by the federal rules. Nevada statutes retained were to be studied further for modification to comply with recent judicial decisions or remove practical difficulties. It was also decided that criminal procedure in the justices' courts should conform insofar as possible to the procedure prescribed for the district courts.

The first step was therefore to identify the federal rules to be discarded, the Nevada statutes superseded by the applicable federal rules, and the Nevada statutes to be retained. A first draft bill was then prepared with the adopted federal material and retained Nevada material arranged in logical sequence.

This draft was extensively revised upon consideration of the individual rules and statutes. At this point in your subcommittee's work, the Advisory Committee on Criminal Rules of the Judicial Conference of the United States completed its work and submitted to the Supreme Court a set of revisions in the federal rules, which became effective July 1, 1966. These were carefully considered by the subcommittee and its advisers and wherever consistent with other policy decisions were incorporated in the draft bill.

Appellate procedure was simplified, following the practice of the United States Supreme Court and Courts of Appeals. For the first time, provision was made for post-conviction remedies. This is an area into which the federal courts have recently intruded, and in which federal reexamination of state convictions can only be avoided by the state's providing a procedure which meets federal standards. The procedure adopted is that of the Uniform Post-Conviction Procedure Act, which had been carefully revised by its drafters in the light of recent Supreme Court decisions. However, because the remedy of habeas corpus enjoys constitutional standing in Nevada and because it was desired to offer but one remedy, this remedy has been designated as habeas corpus.

The attached draft bill, therefore, is designed to embody a complete revision of Titles 14 and 15 of NRS to constitute a unified system of

criminal procedure based upon the federal rules and consistent with the latest court decisions.

Acknowledgment

In concluding its report, your subcommittee wishes to express its thanks to the distinguished judges and lawyers who served as its advisors. These gentlemen spent many hours in reviewing the various proposals, and freely offered to the legislative members the benefit of their extensive knowledge and experience. Prominent among them were supreme court justices Gordon Thompson and Jon Collins; district judges John Barrett, William Compton and Taylor Wines; chief parole and probation officer George Reed; and attorneys Herbert Ahlswede and Jerry Whitehead. Other members of the bench and bar were generous with their suggestions and constructive criticism.

MELVIN D. CLOSE, JR., *Chairman*

J. ROGER BISSETT

AUSTIN H. BOWLER

ART H. OLSEN

COE SWOBE

SUMMARY—Revises criminal penalties and provides for
determinate sentences. (BDR 16-44)



EXPLANATION—Matter in *italics* is new; matter in brackets [] is
material to be omitted.

AN ACT relating to crimes and punishments; to harmonize the penalties provided
according to the nature of the offense; and providing other matters properly
relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly,
do enact as follows:*

1 SECTION 1. NRS 193.050 is hereby amended to read as follows:

2 193.050 **[**The provisions of the common law relating to the com-
3 mission of crime and the punishment thereof, insofar as not inconsistent
4 with the institutions and statutes of this state, shall supplement all penal
5 statutes of this state, and all persons offending against the same shall be
6 tried in the district courts of this state.**]** *1. No conduct constitutes a*
7 *crime unless prohibited by some statute of this state or by some ordi-*
8 *nance or like enactment of a political subdivision of this state.*

9 *2. An act which is declared to be unlawful by any statute, ordinance*
10 *or like enactment is prohibited within the meaning of this section and of*
11 *NRS 193.170.*

12 *3. The provisions of the common law relating to the definition of*
13 *public offenses apply to any public offense which is so prohibited but is*
14 *not defined, or which is so prohibited but is incompletely defined.*

15 *4. This section does not affect the power of a court to punish for*
16 *contempt or to employ any sanction authorized by law for the enforce-*
17 *ment of an order or a civil judgment or decree.*

18 SEC. 2. NRS 193.130 is hereby amended to read as follows:

19 193.130 Every person convicted of a felony: **[**for which no punish-
20 ment is specially prescribed by any statutory provision in force at the
21 time of conviction and sentence shall be punished by imprisonment in
22 the state prison for not less than 1 year nor more than 10 years, or by
23 a fine of not less than \$500 nor more than \$5,000, or by both.**]** *1. For*

1 which a term of imprisonment is provided by statute, shall be sentenced
2 to a definite term of imprisonment which shall be within the limits pre-
3 scribed by the applicable statute, unless the statute in force at the time of
4 commission of such felony prescribed a different penalty.

5 2. For which no punishment is specially prescribed by statute, shall
6 be punished by imprisonment in the state prison for not less than 1 year
7 nor more than 6 years, or by a fine of not more than \$5,000, or by both
8 fine and imprisonment.

9 SEC. 3. NRS 193.140 is hereby amended to read as follows:

10 193.140 Every person convicted of a gross misdemeanor [for which
11 no punishment is prescribed in any statute in force at the time of convic-
12 tion and sentence] shall be punished by imprisonment in the county jail
13 for not [less than 6 months nor] more than 1 year, or by a fine of not
14 [less than \$500 nor] more than \$1,000, or by both [.] fine and impris-
15 onment, unless the statute in force at the time of commission of such
16 gross misdemeanor prescribed a different penalty.

17 SEC. 4. NRS 193.150 is hereby amended to read as follows:

18 193.150 Every person convicted of a misdemeanor [for which no
19 punishment is prescribed by any statute in force at the time of conviction
20 and sentence] shall be punished by imprisonment in the county jail for
21 not more than 6 months, or by a fine of not more than \$500, or by
22 both [.] fine and imprisonment, unless the statute in force at the time of
23 commission of such misdemeanor prescribed a different penalty.

24 SEC. 5. Chapter 193 of NRS is hereby amended by adding thereto
25 the provisions set forth as sections 6 to 8, inclusive, of this act.

26 SEC. 6. As used in Title 16 of NRS, "substantial bodily harm"
27 means:

28 1. Bodily injury which creates a substantial risk of death or which
29 causes serious, permanent disfigurement or protracted loss or impairment
30 of the function of any bodily member or organ; or

31 2. Prolonged physical pain.

32 SEC. 7. Wherever it is provided in any section of this Title that a
33 repeated conviction constitutes an element of an offense or aggravates an
34 offense and affects the determination of penalty, it is immaterial whether
35 such former conviction was obtained in Nevada or elsewhere.

36 SEC. 8. Every person who is guilty of a public offense proportionate
37 to the value of the property affected or the loss resulting from such
38 offense shall be punished as follows:

39 1. Where the value of such loss is \$5,000 or more or where the dam-
40 age results in impairment of public communication, transportation or
41 police and fire protection, by imprisonment in the state prison for not less
42 than 1 year nor more than 5 years, or by a fine of not more than \$5,000,
43 or by both fine and imprisonment.

44 2. Where the value of such loss is \$250 or more but less than \$5,000,
45 for a gross misdemeanor.

46 3. Where the value of such loss is \$25 or more but less than \$250,
47 for a misdemeanor.

48 4. Where the value of such loss is less than \$25, by a fine of not more
49 than \$500.

50 SEC. 9. NRS 196.010 is hereby amended to read as follows:

1 196.010 1. Treason against the people of the state consists in:

2 (a) Levying war against the people of the state; or

3 (b) Adhering to its enemies; or

4 (c) Giving them aid and comfort.

5 2. Treason is punishable by death **[.]**, *or by imprisonment in the*
6 *state prison for a term of not less than 10 years which may extend to life.*

7 3. No person shall be convicted for treason unless upon the testi-
8 mony of two witnesses to the same overt act or by confession in open
9 court.

10 SEC. 10. NRS 196.030 is hereby amended to read as follows:

11 196.030 Every person having knowledge of the commission of trea-
12 son, who conceals the same, and does not, as soon as may be, disclose
13 such treason to the governor or a justice of the supreme court or a judge
14 of the district court, shall be guilty of misprision of treason and punished
15 **[by a fine of not more than \$1,000, or]** by imprisonment in the state
16 prison for *not less than 1 year nor more than [5]* 3 years. **[or in a county**
17 **jail for not more than 1 year.]**

18 SEC. 11. NRS 197.010 is hereby amended to read as follows:

19 197.010 Every person who shall give, offer or promise, directly or
20 indirectly, any compensation, gratuity or reward to any executive or
21 administrative officer of the state, with intent to influence him with
22 respect to any act, decision, vote, opinion or other proceeding, as such
23 officer, shall be punished by imprisonment in the state prison for *not less*
24 *than 1 year nor more than 10 years, [or] and may be further punished*
25 *by a fine of not more than \$5,000. [, or by both.]*

26 SEC. 12. NRS 197.020 is hereby amended to read as follows:

27 197.020 Every person who shall give, offer or promise, directly or
28 indirectly, any compensation, gratuity or reward to a person executing
29 any of the functions of a public officer other than as specified in NRS
30 197.010, 199.010 and 218.590, with intent to influence him with respect
31 to any act, decision, vote or other proceeding in the exercise of his
32 powers or functions, shall be punished by imprisonment in the state
33 prison for *not less than 1 year nor more than 10 years, [or] and may be*
34 *further punished by a fine of not more than \$5,000. [, or by both.]*

35 SEC. 13. NRS 197.030 is hereby amended to read as follows:

36 197.030 Every executive or administrative officer or person elected
37 or appointed to an executive or administrative office who shall ask or
38 receive, directly or indirectly, any compensation, gratuity or reward, or
39 any promise thereof, upon an agreement or understanding that his vote,
40 opinion or action upon any matter then pending, or which may by law
41 be brought before him in his official capacity, shall be influenced thereby,
42 shall be punished by imprisonment in the state prison for *not less than 1*
43 *year nor more than 10 years, [or] and may be further punished by a fine*
44 *of not more than \$5,000. [, or by both.]*

45 SEC. 14. NRS 197.040 is hereby amended to read as follows:

46 197.040 Every person who executes any of the functions of a public
47 office not specified in NRS 197.030, 199.020 or 218.600, and every
48 person employed by or acting for the state or for any public officer in the
49 business of the state, who shall ask or receive, directly or indirectly, any

1 compensation, gratuity or reward, or any promise thereof, upon an agree-
2 ment or understanding that his vote, opinion, judgment, action, decision
3 or other official proceeding shall be influenced thereby, or that he will do
4 or omit any act or proceeding or in any way neglect or violate any official
5 duty, shall be punished by imprisonment in the state prison for not *less*
6 *than 1 year nor* more than 10 years, **[or]** *and may be further punished*
7 by a fine of not more than \$5,000. **[, or by both.]**

8 SEC. 15. NRS 197.050 is hereby amended to read as follows:

9 197.050 1. It shall be unlawful for any state, county or municipal
10 officer to offer or agree to appoint, or for any person whatever to offer
11 to procure, or to offer to aid in procuring, the appointment of any deputy
12 officer or attaché of the state, county or municipal government of this
13 state, for any consideration contemplating any division or rebate of the
14 salary of such deputy or attaché during his term of office, or for any mon-
15 etary or other valuable consideration whatsoever, or, after such appoint-
16 ment is made, to receive or to accept any portion of the salary of such
17 deputy or attaché, or to receive any money or other valuable reward
18 whatsoever, as a consideration for retaining such deputy or attaché, or as
19 a consideration for procuring, or for aid in obtaining the procuring of, the
20 retention of such deputy or attaché in any position to which he may be or
21 shall have been appointed, or for any purpose whatsoever except in pay-
22 ment of a bona fide debt as provided in NRS 197.070.

23 2. Any person violating any of the provisions of subsection 1 **[shall**
24 **be deemed guilty of]** *commits* bribery, and shall be punished by a fine of
25 not **[less than \$1,000 nor]** more than \$5,000, or by imprisonment in the
26 state prison for not less than 1 nor more than **[7]** 6 years, or by both
27 **[.]** *fine and imprisonment.*

28 SEC. 16. NRS 197.060 is hereby amended to read as follows:

29 197.060 1. It shall be unlawful for any deputy officer or attaché of
30 the state, county or municipal government of this state to rebate, refund,
31 pay or divide, to or with his principal or to or with any person whatever,
32 any part or portion of his salary or compensation now fixed, or that may
33 hereafter be fixed or established, by law, as a consideration either for the
34 making or for the procuring of such appointment, or for aid in procuring
35 the same, or for the retention, or for the procuring or aid in procuring the
36 retention, of such an appointment as deputy or attaché, or to make any
37 division or payment out of his salary to this end, except in payment of a
38 bona fide debt as provided in NRS 197.070.

39 2. Any person violating any of the provisions of subsection 1 **[shall**
40 **be deemed guilty of]** *commits* bribery, and shall be punished by a fine of
41 not **[less than \$1,000 nor]** more than \$5,000, or by imprisonment in the
42 state prison for not less than 1 year nor more than **[7]** 6 years, or by
43 both **[.]** *fine and imprisonment.*

44 SEC. 17. NRS 197.150 is hereby amended to read as follows:

45 197.150 Every public officer, or person holding or discharging the
46 duties of any public office or place of trust under the state or in any
47 county, town or city, a part of whose duty it is to audit, allow or pay, or
48 take part in auditing, allowing or paying, claims or demands upon the
49 state or such county, town or city, who shall knowingly audit, allow or
50 pay, or, directly or indirectly, consent to or in any way connive at the

1 auditing, allowance or payment of any claim or demand against the state
2 or such county, town or city, which is false or fraudulent or contains any
3 charge, item or claim which is false or fraudulent, shall be [guilty of a
4 gross misdemeanor.] *punished:*

5 1. *Where the amount of such false or fraudulent charge, claim, item*
6 *or demand is \$250 or more, by imprisonment in the state prison for not*
7 *less than 1 year nor more than 10 years, or by a fine of not more than*
8 *\$5,000, or by both fine and imprisonment.*

9 2. *Where the amount of such fraudulent charge, claim, item or*
10 *demand is less than \$250, for a gross misdemeanor.*

11 SEC. 18. NRS 197.170 is hereby amended to read as follows:

12 197.170 Every public officer who shall ask or receive, or agree to
13 receive a fee or other compensation for his official service, either:

14 1. In excess of the fee or compensation allowed to him by statute
15 therefor; or

16 2. Where no fee or compensation is allowed to him by statute there-
17 for,

18 commits extortion [.] and [is guilty of a misdemeanor.] *shall be pun-*
19 *ished by imprisonment in the state prison for not less than 1 year nor*
20 *more than 10 years, or by a fine of not more than \$5,000, or by both fine*
21 *and imprisonment.*

22 SEC. 19. NRS 197.180 is hereby amended to read as follows:

23 197.180 [If any person shall willfully take] *Any person who will-*
24 *fully takes upon himself to exercise or officiate in any office or place of*
25 *another, without being lawfully authorized thereto, [he shall, upon con-*
26 *viction, be fined in any sum not exceeding \$1,000.] is guilty of a gross*
27 *misdemeanor.*

28 SEC. 20. NRS 197.190 is hereby amended to read as follows:

29 197.190 Every person who, after due notice, shall refuse or neglect
30 to make or furnish any statement, report or information lawfully required
31 of him by any public officer, or who, in such statement, report or infor-
32 mation shall make any willfully untrue, misleading or exaggerated state-
33 ment, or who shall willfully hinder, delay or obstruct any public officer
34 in the discharge of his official powers or duties, shall, where no other pro-
35 vision of law applies, be guilty of a *gross misdemeanor.*

36 SEC. 21. 197.200 is hereby amended to read as follows:

37 197.200 1. Every officer, or person pretending to be such, who
38 unlawfully and maliciously, under pretense or color of official authority
39 shall:

40 [1.] (a) Arrest another or detain him against his will; or

41 [2.] (b) Seize or levy upon another's property; or

42 [3.] (c) Dispossess another of any lands or tenements; or

43 [4.] (d) Do any act whereby another person shall be injured in his
44 person, property or rights,

45 commits oppression. [and shall be guilty of a gross misdemeanor.]

46 2. *Every officer or person committing any such act of oppression*
47 *shall be punished:*

48 (a) *Where physical force or the immediate threat of such force is used,*
49 *by imprisonment in the state prison for not less than 1 year nor more*

1 *than 6 years, or by a fine of not more than \$5,000, or by both fine and*
2 *imprisonment.*

3 *(b) Where no physical force or immediate threat of such force is used,*
4 *for a gross misdemeanor.*

5 SEC. 22. NRS 197.210 is hereby amended to read as follows:

6 197.210 Every officer who shall fraudulently appropriate to his own
7 use or to the use of another person, or secrete with intent to appropriate
8 to such use, any money, evidence of debt or other property entrusted to
9 him by virtue of his office, shall be punished: [by imprisonment in the
10 state prison for not more than 10 years, or by a fine of not more than
11 \$5,000, or by both.]

12 1. *Where the amount of such money or the actual value of such prop-*
13 *erty fraudulently appropriated or secreted with intent to appropriate is*
14 *\$250 or more, by imprisonment in the state prison for not less than 1*
15 *year nor more than 10 years, or by a fine of not more than \$5,000, or by*
16 *both fine and imprisonment.*

17 2. *Where the amount of such money or the actual value of such*
18 *property fraudulently appropriated or secreted with intent to appropriate*
19 *is less than \$250, for a gross misdemeanor.*

20 SEC. 23. NRS 198.010 is hereby amended to read as follows:

21 198.010 Every person who obtains or seeks to obtain money or other
22 thing of value from another person upon a pretense, claim or representa-
23 tion that he can or will improperly influence in any manner the action of
24 any member of a legislative body in regard to any vote or legislative
25 action, is guilty of a [felony, and upon conviction thereof shall be pun-
26 ished by imprisonment in the state prison for a period of not less than 2
27 nor more than 10 years.] *gross misdemeanor.*

28 SEC. 24. NRS 199.010 is hereby amended to read as follows:

29 199.010 Every person who shall give, offer or promise, directly or
30 indirectly, any compensation, gratuity or reward to a judicial officer,
31 juror, referee, arbitrator, appraiser, assessor or other person authorized
32 by law to hear or determine any question, matter, cause, proceeding or
33 controversy, with intent to influence his action, vote, opinion or decision
34 thereupon, shall be punished by imprisonment in the state prison for not
35 less than 1 year nor more than 10 years, [or] *and may be further pun-*
36 *ished by a fine of not more than \$5,000. [or, by both.]*

37 SEC. 25. NRS 199.020 is hereby amended to read as follows:

38 199.020 Every judicial officer who shall ask or receive, directly or
39 indirectly, any compensation, gratuity or reward, or any promise thereof,
40 upon an agreement or understanding that his vote, opinion, judgment,
41 action, decision or other official proceeding shall be influenced thereby, or
42 that he will do or omit any act or proceeding or in any way neglect or vio-
43 late any official duty, shall be punished by imprisonment in the state
44 prison for not less than 1 year nor more than 10 years, [or] *and may be*
45 *further punished by a fine of not more than \$5,000. [, or both.]*

46 SEC. 26. NRS 199.030 is hereby amended to read as follows:

47 199.030 Every juror, referee, arbitrator, appraiser, assessor or other
48 person authorized by law to hear or determine any question, matter,
49 cause, controversy or proceeding, who shall ask or receive, directly or
50 indirectly, any compensation, gratuity or reward, or any promise thereof,

1 upon an agreement or understanding that his vote, opinion, action, judg-
2 ment or decision shall be influenced thereby, shall be punished by impris-
3 onment in the state prison for not less than 1 year nor more than 10
4 years, [or] and may be further punished by a fine of not more than
5 \$5,000. [or by both.]

6 SEC. 27. NRS 199.060 is hereby amended to read as follows:

7 199.060 Every person charged by law with the preparation of any
8 jury list or list of names from which any jury is to be drawn, and every
9 person authorized by law to assist at the drawing of a grand or petit jury
10 to attend a court or to try any cause or issue, who shall:

11 1. Place in any such list any name at the request or solicitation, direct
12 or indirect, of any person; or

13 2. Designedly put upon the list of jurors, as having been drawn, any
14 name which was not lawfully drawn for that purpose; or

15 3. Designedly omit to place upon such list any name which was law-
16 fully drawn; or

17 4. Designedly sign or certify a list of such jurors as having been
18 drawn which were not lawfully drawn; or

19 5. Designedly and wrongfully withdraw from the box or other recep-
20 tacle for the ballots containing the names of such jurors any paper or bal-
21 lot lawfully placed or belonging there and containing the name of a juror,
22 or omit to place therein any name lawfully drawn or designated or place
23 therein a paper or ballot containing the name of a person not lawfully
24 drawn and designated as a juror; or

25 6. In drawing or impaneling such jury, do any act which is unfair,
26 partial or improper in any respect,
27 shall be guilty of a [felony.] gross misdemeanor.

28 SEC. 28. NRS 199.100 is hereby amended to read as follows:

29 199.100 1. Every person who shall, by force or fraud, rescue from
30 lawful custody, or from an officer or person having him in lawful custody,
31 a prisoner held upon a charge, arrest, commitment, conviction or sentence
32 for felony shall be [guilty of a felony.] punished by imprisonment in the
33 state prison for not less than 1 year nor more than 10 years.

34 2. Every person who shall rescue a prisoner held upon a charge,
35 arrest, commitment, conviction or sentence for a gross misdemeanor or
36 misdemeanor shall be [guilty of a misdemeanor.] punished:

37 (a) Where a dangerous weapon is used in the course of the rescue, by
38 imprisonment in the state prison for not less than 1 year nor more than 6
39 years.

40 (b) Where no dangerous weapon is so used, for a gross misdemeanor.

41 SEC. 29. NRS 199.110 is hereby amended to read as follows:

42 199.110 Every person who shall take from the custody of any officer
43 or other person any personal property in his charge under any process of
44 law, or who shall willfully injure or destroy such property, shall be guilty
45 of a gross misdemeanor.

46 SEC. 30. NRS 199.120 is hereby amended to read as follows:

47 199.120 Every person having taken a lawful oath, or made affirma-
48 tion in a judicial proceeding, or in any other matter where, by law, an
49 oath or affirmation is required, who shall willfully and corruptly make an
50 unqualified statement of that which he does not know to be true, or who

1 shall swear or affirm willfully, corruptly and falsely, in a matter material
2 to the issue or point in question, or who shall suborn any other person to
3 make such unqualified statement, or to swear or affirm, as aforesaid, shall
4 be deemed guilty of perjury, or subornation of perjury, as the case may
5 be, and, upon conviction thereof, shall be punished by imprisonment in
6 the state prison for [any term] not less than 1 year nor more than [14]
7 10 years. [, or in the discretion of the court may be sentenced to a term
8 of not exceeding 1 year in the county jail. In the event a county jail sen-
9 tence is imposed, as above provided, the offense for all purposes shall be
10 deemed a gross misdemeanor.]

11 SEC. 31. NRS 199.130 is hereby amended to read as follows:

12 199.130 1. Every person who shall make, execute or sign, or shall
13 cause to be made, executed or signed, any false or fictitious affidavit,
14 complaint, deposition, or other instrument in writing before any officer or
15 person authorized to administer oaths, for the purpose or with the intent
16 of securing a warrant for the arrest of any other person or persons, or for
17 the purpose of securing a warrant for the searching of the premises,
18 goods, chattels or effects, or of seizing the goods, chattels or effects, or of
19 seizing anything in the possession of any other person, shall be guilty of
20 perjury.

21 2. Any person convicted of a violation of any of the acts or offenses
22 defined or set out in subsection 1 shall, upon conviction thereof, be pun-
23 ished by imprisonment in the state prison for a term of not less than 1
24 year nor more than [14] 10 years.

25 SEC. 32. NRS 199.140 is hereby amended to read as follows:

26 199.140 1. Any person who shall make, execute or sign, or shall
27 cause to be made, executed or signed, any affidavit, complaint or other
28 instrument, in writing, before any United States officer or person, or
29 before any state officer or person, authorized to administer oaths, for the
30 purpose or with the intent of securing a warrant for the arrest of any
31 other person or persons, or for the purpose of securing a warrant for the
32 searching of the premises, goods, chattels or effects, or of seizing the
33 goods, chattels or effects, or of seizing anything in the possession of any
34 other person, and shall sign the same by any other name than his or her
35 true name, shall be guilty of perjury.

36 2. Any person convicted of a violation of any of the acts or offenses
37 defined or set out in subsection 1 shall, upon conviction thereof, be pun-
38 ished by imprisonment in the state prison for a term of not less than 1
39 year nor more than [14] 10 years.

40 SEC. 33. NRS 199.230 is hereby amended to read as follows:

41 199.230 Every person who shall willfully prevent or attempt to pre-
42 vent, by persuasion, threats or otherwise, any person from appearing
43 before any court, or officer authorized to subpoena witnesses, as a witness
44 in any action, proceeding or investigation, with intent thereby to obstruct
45 the course of justice, shall be [guilty of a gross misdemeanor.] *punished:*

46 1. *Where physical force or the immediate threat of such force is*
47 *used, by imprisonment in the state prison for not less than 1 year nor*
48 *more than 6 years.*

49 2. *Where no physical force or immediate threat of such force is used,*
50 *for a gross misdemeanor.*

1 SEC. 34. NRS 199.240 is hereby amended to read as follows:

2 199.240 Every person who shall give, offer or promise, directly or
3 indirectly any compensation, gratuity or reward to any witness or person
4 who may be called as a witness, upon an agreement or understanding that
5 the testimony of such witness shall be thereby influenced, or who shall
6 willfully attempt by any other means to induce any witness or person who
7 may be called as a witness to give false testimony, or to withhold true tes-
8 timony, shall be punished by imprisonment in the state prison for not *less*
9 *than 1 year nor more than 10 years*, **[or]** *and may be further punished*
10 *by a fine of not more than \$5,000. [, or by both.]*

11 SEC. 35. NRS 199.250 is hereby amended to read as follows:

12 199.250 Every person who is or may be a witness upon a trial, hear-
13 ing, investigation or other proceeding before any court, tribunal or officer
14 authorized to hear evidence or take testimony, who shall ask or receive,
15 directly or indirectly, any compensation, gratuity or reward, or any prom-
16 ise thereof, upon an agreement or understanding that his testimony shall
17 be influenced thereby, or that he will absent himself from the trial, hear-
18 ing or other proceeding, shall be punished by imprisonment in the state
19 prison for not *less than 1 year nor more than 10 years*, **[or]** *and may be*
20 *further punished by a fine of not more than \$5,000. [, or by both.]*

21 SEC. 36. NRS 199.280 is hereby amended to read as follows:

22 199.280 Every person who, in any case or under any circumstances
23 not otherwise specially provided for, shall willfully resist, delay or
24 obstruct a public officer in discharging or attempting to discharge any
25 legal duty of his office shall be **[guilty of a misdemeanor.]** *punished:*

26 1. *Where a dangerous weapon is used in the course of such resist-*
27 *ance, obstruction or delay, by imprisonment in the state prison for not*
28 *less than 1 year nor more than 6 years.*

29 2. *Where no dangerous weapon is used in the course of such resist-*
30 *ance, obstruction or delay, for a gross misdemeanor.*

31 SEC. 37. NRS 199.290 is hereby amended to read as follows:

32 199.290 1. Every person who shall ask or receive, directly or indi-
33 rectly, any compensation, gratuity or reward, or any promise thereof,
34 upon an agreement or understanding that he will compound or conceal a
35 crime or violation of a statute, or abstain from testifying thereto, delay a
36 prosecution therefor or withhold any evidence thereof, except in a case
37 where a compromise is allowed by law, shall be **[guilty:]** *punished:*

38 (a) **[Of a felony and punished by]** *By imprisonment in the state prison*
39 *for not less than 1 year nor more than [5] 6 years where the agreement*
40 *or understanding relates to a felony.*

41 (b) **[Of a]** *For a gross misdemeanor, where the agreement or under-*
42 *standing relates to a gross misdemeanor or misdemeanor, or to a violation*
43 *of statute for which a pecuniary penalty or forfeiture is prescribed.*

44 2. In any proceeding against a person for compounding a crime, it
45 shall not be necessary to prove that any person has been convicted of the
46 crime or violation of statute in relation to which an agreement or under-
47 standing herein prohibited was made.

48 SEC. 38. NRS 199.300 is hereby amended to read as follows:

49 199.300 Every person who shall, directly or indirectly, address any
50 threat or intimidation to a public officer or to a juror, referee, arbitrator,

1 appraiser or assessor, or to any other person authorized by law to hear or
2 determine any controversy or matter, with intent to induce him, contrary
3 to his duty to do or make or to omit or delay any act, decision or deter-
4 mination, shall be [guilty of a misdemeanor.] *punished:*

5 1. *Where physical force or the immediate threat of such force is used*
6 *in the course of such intimidation or in the making of such threat, by*
7 *imprisonment in the state prison for not less than 1 year nor more than 6*
8 *years.*

9 2. *Where no physical force or immediate threat of such force is used*
10 *in the course of such intimidation or in the making of such threat, for a*
11 *gross misdemeanor.*

12 SEC. 39. NRS 199.310 is hereby amended to read as follows:

13 199.310 Every person who shall maliciously and without probable
14 cause therefor, cause or attempt to cause another to be arrested or pro-
15 ceeded against for any crime of which he is innocent:

16 1. If such crime be a felony, shall be punished by imprisonment in the
17 state prison for not less than 1 year nor more than [5] 6 years; and

18 2. If such crime be a gross misdemeanor or misdemeanor, shall be
19 guilty of a misdemeanor.

20 SEC. 40. NRS 199.440 is hereby amended to read as follows:

21 199.440 Whoever shall maliciously, and without probable cause, pro-
22 cure a search warrant to be issued and executed shall be deemed guilty
23 of a gross misdemeanor. [, and on conviction thereof, shall be fined in
24 a sum not exceeding \$5,000, or imprisoned not exceeding 6 months.]

25 SEC. 41. NRS 199.450 is hereby amended to read as follows:

26 199.450 A peace officer who, in executing a search warrant, shall
27 willfully exceed his authority, or exercise it with unnecessary severity,
28 shall be deemed guilty of a gross misdemeanor. [and on conviction
29 thereof shall be fined in a sum not exceeding \$5,000, or imprisoned not
30 exceeding 6 months.]

31 SEC. 42. NRS 199.460 is hereby amended to read as follows:

32 199.460 1. No officer or person having the custody and control of
33 the body or liberty of any person under arrest shall refuse permission to
34 such arrested person to communicate with his friends or with an attorney,
35 nor subject any person under arrest to any form of personal violence,
36 intimidation, indignity or threats for the purpose of extorting from such
37 person incriminating statements or a confession.

38 2. Any person violating the provisions of this section shall be [guilty
39 of a misdemeanor.] *punished:*

40 (a) *Where physical force or the immediate threat of such force is used*
41 *in the course of extorting such statements or confession, or where sub-*
42 *stantial bodily harm to the arrested person results from such violence,*
43 *intimidation or indignity, by imprisonment in the state prison for not less*
44 *than 1 year nor more than 6 years.*

45 (b) *Where no physical force or immediate threat of such force is used*
46 *in the course of extorting such statements or confession, or where no sub-*
47 *stantial bodily harm results to the arrested person from such violence,*
48 *intimidation or indignity, for a gross misdemeanor.*

49 SEC. 43. NRS 200.030 is hereby amended to read as follows:

1 200.030 1. All murder which shall be perpetrated by means of poi-
2 son, or lying in wait, torture, or by any other kind of willful, deliberate
3 and premeditated killing, or which shall be committed in the perpetra-
4 tion, or attempt to perpetrate, any arson, rape, robbery or burglary, or
5 which shall be committed by a convict in the state prison serving a sen-
6 tence of life imprisonment, shall be deemed murder of the first degree;
7 and all other kinds of murder shall be deemed murder of the second
8 degree.

9 2. The jury before whom any person indicted for murder shall be
10 tried shall, if they find such person guilty thereof, designate by their ver-
11 dict whether it be murder of the first or second degree.

12 3. Upon a plea of guilty which specifies a degree lower than murder
13 in the first degree, the district judge before whom such plea was made
14 shall give sentence accordingly. If any person is convicted of murder on
15 his confession in open court without a jury, or upon a plea of guilty with-
16 out specification of a degree, the supreme court shall appoint two district
17 judges from judicial districts other than the district in which the confes-
18 sion or plea is made, who shall, with the district judge before whom such
19 confession or plea was made, or his successor in office, by examination
20 of witnesses, determine the degree of the crime and give sentence accord-
21 ingly. Such determination shall be by unanimous vote of the three district
22 judges.

23 4. If the jury shall find the defendant guilty of murder in the first
24 degree, then the jury by its verdict shall fix the penalty at death or impris-
25 onment in the state prison for life with or without possibility of parole,
26 except that if the murder was committed by a convict in the state prison
27 serving a sentence of life imprisonment, the jury shall fix the penalty at
28 death or imprisonment in the state prison for life without possibility of
29 parole. Upon a plea of guilty the court, as provided in subsection 3, shall
30 determine the same. [; and every person convicted of murder of the sec-
31 ond degree shall suffer imprisonment in the state prison for a term of
32 not less than 10 years, which term may be extended to life.] *If the pen-*
33 *alty is fixed at life imprisonment with possibility of parole, eligibility for*
34 *parole begins when a minimum of 10 years has been served.*

35 5. *Every person convicted of murder of the second degree shall be*
36 *punished by imprisonment in the state prison for life or for a definite term*
37 *of not less than 5 years. Under either sentence, eligibility for parole*
38 *begins when a minimum of 5 years has been served.*

39 SEC. 44. NRS 200.090 is hereby amended to read as follows:

40 200.090 [1.] Every person convicted of involuntary manslaughter
41 shall be punished by imprisonment in the state prison for [a term] not
42 less than 1 year [and not to exceed 5 years, or by imprisonment in the
43 county jail for a term not to exceed 1 year, or by fine not to exceed
44 \$1,000, or] *nor more than 6 years, or by a fine of not more than \$5,000,*
45 *or by both fine and [jail] imprisonment.*

46 [2. If imprisonment in the county jail, or fine, or both, shall be pre-
47 scribed for the punishment of involuntary manslaughter, the crime shall
48 for all purposes be deemed a gross misdemeanor.]

49 SEC. 45. NRS 200.210 is hereby amended to read as follows:

50 200.210 [The willful killing of] *Any person who willfully kills an*

1 unborn quick child, by any injury committed upon the mother of such
2 child, [is manslaughter.] *commits manslaughter and shall be punished by*
3 *imprisonment in the state prison for not less than 1 year nor more than*
4 *10 years.*

5 SEC. 46. NRS 200.220 is hereby amended to read as follows:

6 200.220 Every woman quick with child who shall take or use, or
7 submit to the use of, any drug, medicine or substance, or any instrument
8 or other means, with intent to procure her own miscarriage, unless the
9 same is necessary to preserve her own life or that of the child whereof
10 she is pregnant, and thereby causes the death of such child, [shall be
11 guilty of] *commits manslaughter [.] and shall be punished by imprison-*
12 *ment in the state prison for not less than 1 year nor more than 10 years.*

13 SEC. 47. NRS 200.230 is hereby amended to read as follows:

14 200.230 Every person navigating a vessel for gain who shall willfully
15 or negligently receive so many passengers or such a quantity of other
16 lading on board that by means thereof such vessel shall sink, be upset
17 or injured, and thereby a human being shall be drowned or otherwise
18 killed, [shall be guilty of] *commits manslaughter [.] and shall be pun-*
19 *ished by imprisonment in the state prison for not less than 1 year nor*
20 *more than 10 years.*

21 SEC. 48. NRS 200.240 is hereby amended to read as follows:

22 200.240 If the owner or custodian of any vicious or dangerous ani-
23 mal, knowing its propensities, shall willfully or negligently allow it to go
24 at large, and such animal while at large shall kill a human being not him-
25 self in fault, such owner or custodian [shall be guilty of] *commits man-*
26 *slaughter [.] and shall be punished by imprisonment in the state prison*
27 *for not less than 1 year nor more than 6 years, or by a fine of not more*
28 *than \$5,000, or by both fine and imprisonment.*

29 SEC. 49. NRS 200.260 is hereby amended to read as follows:

30 200.260 Every person who shall make or keep gunpowder or any
31 other explosive substance in a city or village in any quantity or manner
32 prohibited by law or by ordinance of such municipality [shall be guilty
33 of] *commits manslaughter if an explosion thereof shall occur whereby*
34 *the death of a human being is occasioned [.] , and shall be punished by*
35 *imprisonment in the state prison for not less than 1 year nor more than 6*
36 *years, or by a fine of not more than \$5,000, or by both fine and imprison-*
37 *ment.*

38 SEC. 50. NRS 200.280 is hereby amended to read as follows:

39 200.280 1. Mayhem consists of unlawfully depriving a human being
40 of a member of his body, or disfiguring or rendering it useless. If any
41 person shall cut out or disable the tongue, put out an eye, slit the nose,
42 ear or lip, or disable any limb or member of another, or shall voluntarily,
43 or of purpose, put out an eye or eyes, every such person shall be guilty
44 of mayhem.

45 2. The crime of mayhem shall be punishable by imprisonment in the
46 state prison for [a term not exceeding 14 years.] *not less than 1 year nor*
47 *more than 10 years.*

48 SEC. 51. NRS 200.320 is hereby amended to read as follows:

49 200.320 Every person convicted of kidnaping in the first degree [, if]
50 *shall be punished:*

1 1. Where the kidnaped person shall suffer *substantial* bodily harm
2 during the act of kidnaping or the subsequent detention and confinement
3 or in attempted escape or escape therefrom, [shall suffer] *with* death or
4 [shall be punished] by imprisonment in the state prison for life [at the
5 discretion of] *without possibility of parole, or by life imprisonment in*
6 *the state prison with the possibility of parole, eligibility for which begins*
7 *when a minimum of 10 years has been served, such sentence to be deter-*
8 *mined by the jury convicting the person so found guilty. [; or, if]*

9 2. Where the kidnaped person shall have suffered no [bodily injury]
10 *substantial bodily harm* by reason of such kidnaping, the person found
11 guilty of such kidnaping shall be punished by imprisonment in the state
12 prison for life [.] *or for a definite term of not less than 5 years. Under*
13 *either sentence, eligibility for parole begins when a minimum of 5 years*
14 *has been served.*

15 SEC. 52. NRS 200.330 is hereby amended to read as follows:

16 200.330 Every person convicted of kidnaping in the second degree
17 shall be imprisoned in the state prison for [a term of] not less than [10
18 years which may be extended to life imprisonment.] *1 year nor more*
19 *than 15 years.*

20 SEC. 53. NRS 200.340 is hereby amended to read as follows:

21 200.340 1. Every person who shall aid and abet kidnaping in the
22 first degree shall be [imprisoned in the state prison for a term of not less
23 than 20 years which may be extended to life imprisonment.] *punished*
24 *for kidnaping in the first degree.*

25 2. Every person who shall aid and abet kidnaping in the second
26 degree shall be [imprisoned in the state prison for a term of not less than
27 1 year and not more than 10 years.] *punished for kidnaping in the sec-*
28 *ond degree.*

29 SEC. 54. Chapter 200 of NRS is hereby amended by adding thereto
30 the provisions set forth as sections 55 to 58, inclusive, of this act.

31 SEC. 55. 1. *Forcible rape is the carnal knowledge of a female against*
32 *her will. A person convicted of forcible rape shall be punished:*

33 (a) *If substantial bodily harm results:*

34 (1) *By death; or*

35 (2) *By imprisonment for life without possibility of parole; or*

36 (3) *By imprisonment for life with the possibility of parole, eligibility*
37 *for which begins when a minimum of 10 years has been served.*

38 (b) *If no substantial bodily harm results:*

39 (1) *By imprisonment for life; or*

40 (2) *By imprisonment for a definite term of not less than 5 years.*

41 *Under either sentence eligibility for parole begins when a minimum of 5*
42 *years has been served.*

43 2. *Whether substantial bodily harm has resulted and, if so, the pun-*
44 *ishment to be inflicted shall be determined:*

45 (a) *Upon a plea of not guilty, by the jury.*

46 (b) *Upon a plea of guilty or a confession in open court without a jury,*
47 *by the court in the manner prescribed for murder by NRS 200.030.*

48 SEC. 56. *Statutory rape is the carnal knowledge of a female under the*
49 *age of 16 years, with her consent, by a male person of the age of 18 years*
50 *or over. A person convicted of statutory rape shall be punished:*

1 1. Where the male is under the age of 21 years, for a gross misde-
2 meanor.

3 2. Where the male is of the age of 21 years or older, by imprison-
4 ment in the state prison for not less than 1 year nor more than 10 years.

5 SEC. 57. A husband may not be convicted of the rape of his wife
6 unless he is an accomplice or accessory to the rape of his wife by a third
7 person.

8 SEC. 58. No person convicted of forcible rape may, if the victim was
9 a child under the age of 14 years, be paroled unless a board consisting of
10 the superintendent of the Nevada state hospital, the warden of the Nevada
11 state prison and a physician authorized to practice medicine in Nevada
12 who is also a qualified psychiatrist certifies that such person was under
13 observation while confined in the Nevada state prison and is not a men-
14 ace to the health, safety or morals of others.

15 SEC. 59. NRS 200.380 is hereby amended to read as follows:

16 200.380 1. Robbery is the unlawful taking of personal property
17 from the person of another, or in his presence, against his will, by means
18 of force or violence or fear of injury, immediate or future, to his person
19 or property, or the person or property of a member of his family, or of
20 anyone in his company at the time of the robbery. Such force or fear
21 must be used to obtain or retain possession of the property, or to prevent
22 or overcome resistance to the taking, in either of which cases the degree
23 of force is immaterial. If used merely as a means of escape, it does not
24 constitute robbery. Such taking constitutes robbery whenever it appears
25 that, although the taking was fully completed without the knowledge of
26 the person from whom taken, such knowledge was prevented by the use
27 of force or fear.

28 2. Every person who shall commit robbery shall be punished by
29 imprisonment in the state prison for not less than [5 years.] 1 year nor
30 more than 15 years.

31 SEC. 60. NRS 200.390 is hereby amended to read as follows:

32 200.390 Every person who shall willfully and maliciously administer,
33 or cause to be administered to or taken by any person, any poison, or
34 other noxious or destructive substance or liquid, with the intention to
35 cause the death of such person, and being thereof duly convicted, shall be
36 punished by imprisonment in the state prison for a term not less than [10
37 years, and which may extend to life.] 1 year nor more than 20 years.

38 SEC. 61. NRS 200.400 is hereby amended to read as follows:

39 200.400 1. An assault with intent to kill, commit rape, the infamous
40 crime against nature, mayhem, robbery or grand larceny shall subject the
41 offender to imprisonment in the state prison for a term not less than 1
42 year nor more than [14] 10 years; but if an assault with intent to commit
43 rape be made, and if such crime [be] is accompanied with acts of
44 [extreme cruelty and great bodily injury inflicted,] violence and substan-
45 tial bodily harm results, the person guilty thereof shall be punished by
46 imprisonment in the state prison for [a term of not less than 14 years,]
47 life, with or without possibility of parole, or he shall suffer death, if the
48 jury by their verdict affix the death penalty. If the penalty is fixed at life
49 imprisonment with the possibility of parole, eligibility for parole begins
50 when a minimum of 10 years has been served.

1 2. An assault with a deadly weapon, instrument or other thing, with
2 an intent to inflict upon the person of another a bodily injury, where no
3 considerable provocation appears, or where the circumstances of the
4 assault show an abandoned and malignant heart, shall subject the offender
5 to imprisonment in the state prison not less than 1 year [or exceeding 2]
6 *nor more than 6 years*, or to a fine [not less than \$1,000, nor exceeding]
7 *of not more than \$5,000*, or to both fine and imprisonment.

8 SEC. 62. NRS 200.420 is hereby amended to read as follows:

9 200.420 Any person who shall engage in a duel with any deadly
10 weapon, although no homicide ensue, or shall challenge another to fight
11 such duel, or shall send or deliver any verbal or written message purport-
12 ing or intending to be such challenge, although no duel ensue, shall be
13 punished by imprisonment in the state prison not less than [2] *1 year*
14 *nor more than 10 years*, and shall be incapable of voting or holding any
15 office of trust or profit under the laws of this state.

16 SEC. 63. NRS 200.440 is hereby amended to read as follows:

17 200.440 If any person posts another, or in writing, print or orally
18 uses any reproachable or contemptuous language to or concerning
19 another, for not fighting a duel, or for not sending or accepting a chal-
20 lenge, he [shall be imprisoned in the county jail for a term not less than
21 6 months nor more than 1 year, and fined in any sum not less than \$500
22 nor exceeding \$1,000.] *is guilty of a gross misdemeanor.*

23 SEC. 64. NRS 200.450 is hereby amended to read as follows:

24 200.450 1. If any person or persons, with or without deadly weap-
25 ons, upon previous concert and agreement, fight one with the other or
26 give or send, or authorize any other person to give or send, a challenge
27 verbally or in writing, to fight any other person, the person or persons
28 giving, sending or accepting a challenge to fight any other person, with or
29 without weapons, upon conviction thereof shall be punished by imprison-
30 ment in the state prison not less than [2 years,] *1 year* nor more than
31 [5] *6 years.*

32 2. Every person who shall act for another in giving, sending, or
33 accepting, either verbally or in writing, a challenge to fight any other per-
34 son, upon conviction thereof, they, or either or any of them, shall be pun-
35 ished by imprisonment in the state prison not less than [2 years] *1 year*
36 *nor more than [5] 6 years.*

37 3. Should death ensue to any person in such fight, or should any per-
38 son die from any injuries received in such fight within a year and a day,
39 the person or persons causing or having any agency in causing such
40 death, either by fighting or by giving or sending for himself or for any
41 other person, or in receiving for himself or for any other person, such
42 challenge to fight, shall be [deemed guilty of manslaughter, and punished
43 accordingly.] *punished by imprisonment in the state prison for not less*
44 *than 1 year nor more than 10 years.*

45 SEC. 65. NRS 200.460 is hereby amended to read as follows:

46 200.460 1. False imprisonment is an unlawful violation of the per-
47 sonal liberty of another, and consists in confinement or detention without
48 sufficient legal authority.

49 2. Any person convicted of false imprisonment shall pay all damages
50 sustained by the person so imprisoned, and [be fined in any sum not

1 exceeding \$5,000 or imprisoned in the state prison for a term not exceed-
2 ing 1 year.】 *shall be punished for a gross misdemeanor.*

3 SEC. 66. NRS 200.470 is hereby amended to read as follows:

4 200.470 An assault is an unlawful attempt, coupled with a present
5 ability, to commit a violent injury on the person of another, and every
6 person convicted thereof shall be punished: 【by imprisonment in the
7 county jail for not more than 6 months, or by a fine of not more than
8 \$500, or by both fine and imprisonment.】

9 1. *If such assault is made with the use of a deadly weapon, for a*
10 *gross misdemeanor.*

11 2. *If such assault is made without the use of a deadly weapon, for a*
12 *misdemeanor.*

13 SEC. 67. NRS 200.480 is hereby amended to read as follows:

14 200.480 Assault and battery is any willful and unlawful use of force
15 or violence upon the person of another, and a person duly convicted
16 thereof 【shall be punished by imprisonment in the county jail for not
17 more than 6 months, or by a fine of not more than \$500, or by both fine
18 and imprisonment.】 *is guilty of a gross misdemeanor.*

19 SEC. 68. NRS 200.490 is hereby amended to read as follows:

20 200.490 Every person who shall, by word, sign or gesture, willfully
21 provoke, or attempt to provoke, another person to commit an assault
22 shall be 【guilty of a misdemeanor.】 *punished by a fine of not more than*
23 *\$500.*

24 SEC. 69. NRS 200.500 is hereby amended to read as follows:

25 200.500 If any person shall assault and beat another with a cow-
26 hide, stick or whip, having at the time in his possession a pistol or other
27 deadly weapon, with intent to intimidate and prevent the person assaulted
28 from defending himself, such person shall 【, on conviction thereof, be
29 imprisoned in the state prison not less than 1 nor more than 10 years.】 *be*
30 *punished:*

31 1. *If permanent bodily injury results from such assault and beating,*
32 *by imprisonment in the state prison for not less than 1 year nor more*
33 *than 10 years.*

34 2. *If no permanent bodily injury results, by imprisonment in the*
35 *state prison for not less than 1 year nor more than 6 years.*

36 SEC. 70. NRS 200.510 is hereby amended to read as follows:

37 200.510 1. A libel is a malicious defamation, expressed by printing,
38 writing, signs, pictures or the like, tending to blacken the memory of the
39 dead, or to impeach the honesty, integrity, virtue, or reputation, or to
40 publish the natural defects of a living person or persons, or community of
41 persons, or association of persons, and thereby to expose them to public
42 hatred, contempt or ridicule.

43 2. Every person, whether the writer or publisher, convicted of the
44 offense 【, shall be fined in a sum not exceeding \$5,000, or imprisoned
45 in the county jail not exceeding 1 year, or in the state prison not exceed-
46 ing 5 years.】 *is guilty of a gross misdemeanor.*

47 3. In all prosecutions for libel the truth may be given in evidence to
48 the jury, and, if it shall appear to the jury that the matter charged as
49 libelous is true and was published for good motive and for justifiable

1 ends, the party shall be acquitted, and the jury shall have the right to
2 determine the law and the fact.

3 SEC. 71. NRS 200.570 is hereby amended to read as follows:

4 200.570 1. If in any newspaper or other periodical published or
5 circulated within this state any matter is published regarding a person
6 named or otherwise designated in such a manner as to be identified
7 therein, the editor, publisher or proprietor shall, subject to the provisions
8 of subsection 2, publish gratuitously any denial or correction of the mat-
9 ter so published that may be received from the person so named or desig-
10 nated when the denial or correction is signed by the person so making
11 the same.

12 2. The denial or correction shall be made and presented by mail or
13 otherwise to such editor, publisher or proprietor within 1 week after the
14 original publication in the case of daily newspapers published in this
15 state, or 30 days in case of other periodicals.

16 3. Such denial or correction shall be published in the next issue after
17 the receipt thereof or, if presented less than 2 days prior to the next
18 issue, shall be published in either the next or the succeeding one, and
19 shall be given a like position and space and as much display as had the
20 statement which provoked it; but if the denial or correction exceed the
21 length of the original article, the charge for publishing the excess shall
22 be computed and paid for in advance at the regular advertising rates for
23 the periodical in question.

24 4. Failure to comply with the provisions of this section by any editor,
25 publisher or proprietor of any newspaper or periodical [shall be punished
26 by a fine of not less than \$100 nor more than \$1,000, or by imprison-
27 ment in the county jail not exceeding 6 months.] *is a misdemeanor.*

28 SEC. 72. NRS 200.690 is hereby amended to read as follows:

29 200.690 Any person who willfully and knowingly violates NRS
30 200.620, 200.630, 200.640, 200.650 or 200.670 [shall be] *is guilty of*
31 *a [felony.] gross misdemeanor.*

32 SEC. 73. NRS 201.020 is hereby amended to read as follows:

33 201.020 Any husband who shall, without just cause, desert or will-
34 fully neglect or refuse to provide for the support and maintenance of his
35 wife in destitute or necessitous circumstances; or any parent who shall,
36 without lawful excuse, desert or willfully neglect or refuse to provide for
37 the support and maintenance of his or her legitimate or illegitimate minor
38 child or children or any parent who shall without lawful excuse desert
39 or willfully neglect or refuse to provide for the support and maintenance
40 of his or her legitimate or illegitimate minor child or children who upon
41 arriving at the age of majority are unable to provide themselves with
42 support and maintenance due to infirmity, incompetency or other legal
43 disability contracted prior to their reaching the age of majority, shall be
44 [guilty of a crime, and, on conviction thereof, shall be punished by a
45 fine not exceeding \$500, or imprisonment in the county jail not exceeding
46 6 months, or both fine and imprisonment; and on conviction of a second
47 offense shall be punished by a fine not exceeding \$1,000, or imprison-
48 ment in the state prison for not less than 1 year nor more than 5 years,
49 or by both such fine and imprisonment.] *punished:*

50 1. *For the first offense, for a misdemeanor.*

2. *For any subsequent offense by imprisonment in the state prison for not less than 1 year nor more than 6 years, or by a fine of not more than \$1,000, or by both fine and imprisonment.*

SEC. 74. NRS 201.110 is hereby amended to read as follows:

201.110 Any person who commits any act or omits the performance of any duty, which act or omission causes or tends to cause or encourage any person under the age of 18 to become a "dependent child" or "delinquent child," as defined in NRS 201.090 to 201.110, inclusive, or which act or omission contributes thereto, or any person who, by any act or omission, or by threats, command or persuasion, induces or endeavors to induce any person under the age of 18 to perform any act or to follow any course of conduct or to so live as would cause or manifestly tend to cause any such person to become or to remain a person who is a "dependent child" or "delinquent child," as defined in NRS 201.090 to 201.110, inclusive, shall be guilty of contributory dependency or contributory delinquency. [, and upon conviction thereof shall be punished by a fine not to exceed \$500 or by imprisonment in the county jail for a period not to exceed 6 months, or by both fine and imprisonment.] *Contributory dependency or contributory delinquency is a misdemeanor.*

SEC. 75. NRS 201.120 is hereby amended to read as follows:

201.120 Every person who, with intent thereby to produce the miscarriage of a woman, unless the same is necessary to preserve her life or that of the child whereof she is pregnant, shall:

1. Prescribe, supply or administer to a woman, whether pregnant or not, or advise or cause her to take any medicine, drug or substance; or

2. Use, or cause to be used, any instrument or other means; shall be guilty of abortion, and punished by imprisonment in the state prison for not [more than 5 years, or in the county jail for not more than 1 year.] *less than 1 year nor more than 10 years.*

SEC. 76. NRS 201.160 is hereby amended to read as follows:

201.160 1. Bigamy consists in the having of two wives or two husbands at one and the same time, knowing that the former husband or wife is still alive.

2. If any person or persons within this state being married, or who shall hereafter marry, do at any time marry any person or persons, the former husband or wife being alive, the person so offending shall, on conviction thereof, be punished by a fine not exceeding \$1,000, [and be imprisoned] *or by imprisonment in the state prison for not less than 1 year nor more than [5] 6 years [.] , or by both fine and imprisonment.*

3. It shall not be necessary to prove either of the marriages by the register and certificate thereof, or other record evidence, but the same may be proved by such evidence as is admissible to prove a marriage in other cases; and when such second marriage shall have taken place without this state, cohabitation in this state after such second marriage shall be deemed the commission of the crime of bigamy.

4. Nothing herein contained shall extend:

(a) To any person or persons whose husband or wife shall have been continually absent from such person or persons for the space of 5 years together prior to the second marriage, and he or she not knowing such husband or wife to be living within that time.

(b) To any person that is or shall be, at the time of such second marriage, divorced by lawful authority from the bonds of such former marriage, or to any person where the former marriage has been by lawful authority declared void.

SEC. 77. NRS 201.170 is hereby amended to read as follows:

201.170 If any man or woman, being unmarried, shall knowingly marry the husband or wife of another, such man or woman shall, on conviction, be **[fined not less]** *punished by a fine of not more than \$1,000 or [imprisoned] by imprisonment in the state prison for not less than 1 year nor more than [2] 6 years [.]*, or by both fine and imprisonment.

SEC. 78. NRS 201.190 is hereby amended to read as follows:

201.190 1. **[The infamous crime against nature, either with man or beast, shall subject the offender to be punished by imprisonment in the state prison for a term not less than 1 year, and which may extend to life.**

2.] *Except as provided in subsection 2, every person of full age who commits the infamous crime against nature shall be punished:*

(a) *Where physical force or the immediate threat of such force is used by the defendant to compel another person to participate in such offense, or where such offense is committed upon the person of one who is under the age of 18 years, by imprisonment in the state prison for life with possibility of parole, eligibility for which begins, unless further restricted by subsection 3, when a minimum of 5 years has been served.*

(b) *Otherwise, by imprisonment in the state prison for not less than 1 year nor more than 6 years.*

2. *No person who is compelled by another, through physical force or the immediate threat of such force, to participate in the infamous crime against nature is thereby guilty of any public offense.*

3. No person convicted of violating the provisions of subsection 1 of this section may, if the victim was a child under the age of 14 years, be:

(a) Paroled unless a board consisting of the superintendent of the Nevada state hospital, the warden of the Nevada state prison and a physician authorized to practice medicine in Nevada who is also a qualified psychiatrist certifies that such person was under observation while confined in the state prison and is not a menace to the health, safety or morals of others.

(b) Released on probation unless a psychiatrist licensed to practice medicine in the State of Nevada certifies that such person is not a menace to the health, safety and morals of others.

SEC. 79. NRS 201.210 is hereby amended to read as follows:

201.210 1. Every person who **[shall be guilty]** *commits any act of open or gross lewdness [shall be guilty of either a gross misdemeanor or a felony, depending on the gravity of the offense as determined by the verdict of the jury or judgment of the court.] is guilty:*

(a) *For the first offense, of a gross misdemeanor.*

(b) *For any subsequent offense, of a felony, and upon conviction shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years.*

2. No person convicted of violating the provisions of subsection 1 of this section may be:

(a) Paroled unless a board consisting of the superintendent of the

1 Nevada state hospital, the warden of the Nevada state prison and a physician authorized to practice medicine in Nevada who is also a qualified psychiatrist certify that such person was under observation while confined in the state prison and is not a menace to the health, safety or morals of others.

2 (b) Released on probation unless a psychiatrist licensed to practice medicine in the State of Nevada certifies that such person is not a menace to the health, safety or morals of others.

3 SEC. 80. NRS 201.220 is hereby amended to read as follows:

4 201.220 1. Every person who **[shall make]** *makes* any open and indecent or obscene exposure of his person, or of the person of another, **[shall be guilty of either a gross misdemeanor or a felony, depending on the gravity of the offense as determined by the verdict of the jury or judgment of the court.]** *is guilty:*

5 (a) *For the first offense, of a gross misdemeanor.*

6 (b) *For any subsequent offense, of a felony, and upon conviction shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years.*

7 2. No person convicted of violating any of the provisions of subsection 1 of this section may be:

8 (a) Paroled unless a board consisting of the superintendent of the Nevada state hospital, the warden of the Nevada state prison and a physician authorized to practice medicine in Nevada who is also a qualified psychiatrist certify that such person was under observation while confined in the state prison and is not a menace to the health, safety or morals of others.

9 (b) Released on probation unless a psychiatrist licensed to practice medicine in the State of Nevada certifies that such person is not a menace to the health, safety or morals of others.

10 SEC. 81. NRS 201.230 is hereby amended to read as follows:

11 201.230 1. Any person who shall willfully and lewdly commit any lewd or lascivious act, other than acts constituting the crime of rape and the infamous crime against nature, upon or with the body, or any part or member thereof, of a child under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of such person or of such child, shall be **[guilty of a felony.**

12 2. For the violation of any of the provisions of this section, the trial judge shall fix, specifically, a determinate sentence of the person convicted, which shall, in each case, consist of imprisonment in the state prison for not less than 5 years nor more than 10 years.

13 3. **[** *punished by imprisonment in the state prison for not less than 1 year nor more than 10 years.*

14 2. No person convicted of violating any of the provisions of subsection 1 of this section may be:

15 (a) Paroled unless a board consisting of the superintendent of the Nevada state hospital, the warden of the Nevada state prison and a physician authorized to practice medicine in Nevada who is also a qualified psychiatrist certify that such person was under observation while confined in the state prison and is not a menace to the health, safety or morals of others.

(b) Released on probation unless a psychiatrist licensed to practice medicine in the State of Nevada certifies that such person is not a menace to the health, safety or morals of others.

SEC. 82. NRS 201.250 is hereby amended to read as follows:

201.250 1. In this section, unless the context otherwise requires:

(a) "Item" includes any book, leaflet, pamphlet, magazine, booklet, picture, drawing, photograph, film, negative, slide, motion picture, figure, object, article, novelty device, recording, transcription or other similar items.

(b) "Obscene" means that which considered as a whole has as its dominant theme or purpose an appeal to prurient interest or a shameful or morbid interest in nudity, sex or lewdness going substantially beyond customary limits of candor in description or representation of such matters.

2. A person is guilty of a *gross* misdemeanor who knowingly:

(a) Prints, copies, manufactures, prepares, produces or reproduces any obscene item for purposes of sale or commercial distribution.

(b) Publishes, sells, rents, transports in intrastate commerce, or commercially distributes or exhibits any obscene item, or offers to do any such things.

(c) Has in his possession with intent to sell, rent, transport or commercially distribute any obscene item.

3. No person, firm, association or corporation shall, as a condition to any sale, allocation, consignment or delivery for resale of any paper, magazine, book, periodical or publication require that the purchaser or consignee receive for resale any other item, article, book or other publication which is obscene. No person, firm, association or corporation shall deny or threaten to deny any franchise or impose or threaten to impose any penalty, financial or otherwise, by reason of the failure or refusal of any person to accept such items, articles, books or publications, or by reason of the return thereof. A person, firm, association or corporation who violates any provision of this subsection is guilty of a *gross* misdemeanor.

4. (a) The district court has jurisdiction to enjoin the sale or distribution of obscene prints and articles, as described in paragraph (b).

(b) The district attorney of any county or the city attorney of any city in which a person, firm, association or corporation publishes, sells or distributes or is about to sell or distribute or has in his possession with intent to sell or distribute or is about to acquire possession with intent to sell or distribute any book, magazine, pamphlet, comic book, story paper, writing, paper, picture, drawing, photograph, figure, image or any written or printed matter of an obscene character, or which contains an article or instrument of obscene use or purports to be for an obscene use or purpose, or in any other respect defined in subsection 1, may maintain an action on behalf of such county or city for an injunction against such person, firm, association or corporation in the district court to prevent the sale or further sale or the distribution or further distribution of the acquisition, publication or possession within the state of any book, magazine, pamphlet, comic book, story paper, writing, paper, picture, drawing,

1 photographed figure or image or any written or printed matter of an
2 obscene character, described in this subsection or in subsection 1.

3 (c) The person, firm, association or corporation sought to be enjoined
4 shall be entitled to a trial of the issues within 10 days after joinder of issue
5 and a decision shall be rendered by the court within 10 days of the con-
6 clusion of the trial.

7 (d) If a final order or judgment of injunction is entered against the
8 person, firm, association or corporation sought to be enjoined, such final
9 order of judgment shall contain a provision directing the person, firm,
10 association or corporation to surrender to the sheriff of the county in
11 which the action was brought any of the matter described in paragraph
12 (b), and such sheriff shall be directed to seize and destroy such obscene
13 prints and articles.

14 (e) In any action brought as provided in this subsection, such district
15 attorney or city attorney bringing the action shall not be required to file
16 any undertaking before the issuance of an injunction order provided for
17 in paragraph (c).

18 (f) The sheriff directed to seize and destroy such obscene prints and
19 articles shall not be liable for damages sustained by reason of the injunc-
20 tion order in cases where judgment is rendered in favor of the person,
21 firm, association or corporation sought to be enjoined.

22 (g) Every person, firm, association or corporation who sells, distrib-
23 utes, or acquires possession with intent to sell or distribute any of the
24 matter described in paragraph (b), after the service upon him of a sum-
25 mons and complaint in an action brought pursuant to this subsection is
26 chargeable with knowledge of the contents of such matter.

27 SEC. 83. NRS 201.280 is hereby amended to read as follows:

28 201.280 Every person who shall erect or keep a booth, tent, stall or
29 other contrivance for the purpose of selling or otherwise disposing of any
30 wine, or spirituous or fermented liquors, or any drink of which wine,
31 spirituous or fermented liquors form a part, with 1 mile of any camp or
32 field meeting for religious worship, during the time of holding such meet-
33 ing, [shall be deemed] is guilty of a misdemeanor. [, and punished by a
34 fine not exceeding \$500.]

35 SEC. 84. NRS 201.300 is hereby amended to read as follows:

36 201.300 1. Any person who:

37 [1.] (a) Shall induce, persuade, encourage, inveigle or entice a
38 female person to become a prostitute; or

39 [2.] (b) By threats, violence or by any device or scheme, shall cause,
40 induce, persuade, encourage, take, place, harbor, inveigle or entice a
41 female person to become an inmate of a house of prostitution, or assigna-
42 tion place, or any place where prostitution is practiced, encouraged or
43 allowed; or

44 [3.] (c) By threats, violence, or by any device or scheme, by fraud
45 or artifice, or by duress of person or goods, or by abuse of any position
46 of confidence or authority, or having legal charge, shall take, place, har-
47 bor, inveigle, entice, persuade, encourage or procure any female person
48 to enter any place within this state in which prostitution is practiced,
49 encouraged or allowed, for the purpose of prostitution; or

50 [4.] (d) Shall, by promises, threats, violence, or by any device or

1 scheme, by fraud or artifice, by duress of person or goods, or abuse of
2 any position of confidence or authority or having legal charge, take, place,
3 harbor, inveigle, entice, persuade, encourage or procure any female per-
4 son of previous chaste character to enter any place within this state in
5 which prostitution is practiced, encouraged or allowed for the purpose of
6 sexual intercourse; or

7 **[5.]** (e) Takes or detains a female with the intent to compel her
8 by force, threats, menace or duress to marry him or to marry any other
9 person; or

10 **[6.]** (f) Shall receive or give or agree to receive or give any money
11 or thing of value for procuring or attempting to procure any female per-
12 son to become a prostitute or to come into this state or leave this state
13 for the purpose of prostitution,
14 shall be guilty of pandering. **[and, upon conviction, shall be punished by**
15 **imprisonment in the state prison for a term of not less than 2 nor more**
16 **than 20 years.]**

17 2. Any person who is guilty of pandering shall be punished:

18 (a) Where physical force or the immediate threat of such force is used
19 upon the female person, by imprisonment in the state prison for not less
20 than 1 year nor more than 10 years.

21 (b) Where no physical force or immediate threat of such force is used,
22 by imprisonment in the state prison for not less than 1 year nor more
23 than 6 years, or by a fine of not more than \$5,000, or by both fine and
24 imprisonment.

25 SEC. 85. NRS 201.310 is hereby amended to read as follows:

26 201.310 1. Any person who by force, fraud, intimidation or threats,
27 places, or procures any other person or persons to place, his wife in a
28 house of prostitution or lead a life of prostitution shall be guilty of pan-
29 dering and upon conviction thereof shall be **[sentenced to the state prison**
30 **for not less than 2 nor more than 20 years.]** punished:

31 (a) Where physical force or the immediate threat of such force is used
32 upon the wife, by imprisonment in the state prison for not less than 1
33 year nor more than 10 years.

34 (b) Where no physical force or immediate threat of such force is used,
35 by imprisonment in the state prison for not less than 1 year nor more than
36 6 years, or by a fine of not more than \$5,000, or by both fine and impris-
37 onment.

38 2. Upon the trial of any offense mentioned in this section, a wife shall
39 be a competent witness for or against her husband, with or without his
40 consent, and may be compelled so to testify.

41 SEC. 86. NRS 201.320 is hereby amended to read as follows:

42 201.320 1. Any person who shall knowingly accept, receive, levy or
43 appropriate any money or other valuable thing, without consideration,
44 from the proceeds of any women engaged in prostitution, shall be **[guilty**
45 **of pandering, and on conviction thereof shall be]** punished by imprison-
46 ment **[for a period not less than 2 nor more than 20 years.]** in the state
47 prison for not less than 1 year nor more than 6 years, or by a fine of not
48 more than \$5,000, or by both fine and imprisonment.

49 2. Any such acceptance, receipt, levy or appropriation of such money

1 or valuable thing shall, upon any proceedings or trial for violation of this
2 section, be presumptive evidence of lack of consideration.

3 SEC. 87. NRS 201.330 is hereby amended to read as follows:

4 201.330 Any person or persons who attempt to detain any female
5 person in a disorderly house or house of prostitution because of any debt
6 or debts she has contracted, or is said to have contracted, while living in
7 the house, shall be guilty of pandering and upon conviction thereof shall
8 be [sentenced to the state prison for not less than 2 nor more than 20
9 years.] *punished:*

10 1. *Where physical force or the immediate threat of such force is used*
11 *upon the female person, by imprisonment in the state prison for not less*
12 *than 1 year nor more than 10 years.*

13 2. *Where no physical force or immediate threat of such force is used,*
14 *by imprisonment in the state prison for not less than 1 year nor more than*
15 *6 years, or by a fine of not more than \$5,000, or by both fine and impris-*
16 *onment.*

17 SEC. 88. NRS 201.340 is hereby amended to read as follows:

18 201.340 1. Any person who shall knowingly transport or cause to be
19 transported, by any means of conveyance, into, through or across this
20 state, or who shall aid or assist in obtaining such transportation for, any
21 female person, with the intent and purpose to induce, entice or compel
22 such female person to become a prostitute, shall be deemed guilty of pan-
23 dering, and upon conviction thereof shall be [sentenced to the state
24 prison for not less than 2 nor more than 20 years.] *punished:*

25 (a) *Where physical force or the immediate threat of such force is used*
26 *upon the female person, by imprisonment in the state prison for not less*
27 *than 1 year nor more than 10 years.*

28 (b) *Where no physical force or immediate threat of such force is used,*
29 *by imprisonment in the state prison for not less than 1 year nor more than*
30 *6 years, or by a fine of not more than \$5,000, or by both fine and impris-*
31 *onment.*

32 2. Any person who may commit the crime mentioned in this section
33 may be prosecuted, indicted, tried and convicted in any county or city in
34 or through which he shall so transport or attempt to transport any female
35 person.

36 SEC. 89. NRS 201.360 is hereby amended to read as follows:

37 201.360 1. Every person who:

38 [1.] (a) Shall place a female in the charge or custody of another per-
39 son for immoral purposes, or in a house of prostitution, with intent that
40 she shall live a life of prostitution, or who shall compel any female to
41 reside with him or with any other person for immoral purposes, or for the
42 purposes of prostitution, or shall compel any such female to reside in a
43 house of prostitution or to live a life of prostitution; or

44 [2.] (b) Shall ask or receive any compensation, gratuity or reward,
45 or promise thereof, for or on account of placing in a house of prostitution
46 or elsewhere any female for the purpose of causing her to cohabit with
47 any male person or persons not her husband; or

48 [3.] (c) Shall give, offer, or promise any compensation, gratuity or
49 reward, to procure any female for the purpose of placing her for immoral
50 purposes in any house of prostitution, or elsewhere, against her will; or

1 **[4.]** (d) Being the husband of any woman, or the parent, guardian
2 or other person having legal charge of the person of a female under the
3 age of 18 years, shall connive at, consent to, or permit her being or
4 remaining in any house of prostitution or leading a life of prostitution; or

5 **[5.]** (e) Shall live with or accept any earnings of a common prosti-
6 tute, or entice or solicit any person to go to a house of prostitution for any
7 immoral purposes, or to have sexual intercourse with a common prosti-
8 tute; or

9 **[6.]** (f) Shall decoy, entice, procure or in any manner or way induce
10 any female to become a prostitute or to become an inmate of a house of
11 ill fame or prostitution, for purposes of prostitution, or for purposes of
12 employment, or for any purpose whatever, when she does not know that
13 the house is one of prostitution; or

14 **[7.]** (g) Shall decoy, entice, procure or in any manner or way induce
15 any person, under the age of 21 years, to go into or visit, upon any pre-
16 text or for any purpose whatever, any house of ill fame or prostitution, or
17 any room or place inhabited or frequented by any prostitute, or used for
18 purposes of prostitution, **[**;

19 shall be punished by imprisonment in the state prison for not more than 5
20 years or by a fine of not more than \$2,000. **]** *is guilty of a felony.*

21 2. *Any person who violates the provisions of subsection 1 shall be*
22 *punished:*

23 (a) *Where physical force or the immediate threat of such force is used*
24 *upon the female person, by imprisonment in the state prison for not less*
25 *than 1 year nor more than 10 years.*

26 (b) *Where no physical force or immediate threat of such force is used,*
27 *by imprisonment in the state prison for not less than 1 year nor more than*
28 *6 years, or by a fine of not more than \$5,000, or by both fine and impris-*
29 *onment.*

30 SEC. 90. NRS 201.370 is hereby amended to read as follows:

31 201.370 Every male person who shall habitually resort in any house
32 of prostitution shall be guilty of a **[gross]** misdemeanor.

33 SEC. 91. NRS 201.380 is hereby amended to read as follows:

34 201.380 1. It shall be unlawful for any owner, or agent of any
35 owner, or any other person to keep any house of ill fame, or to let or rent
36 to any person whatever, for any length of time whatever, to be kept or
37 used as a house of ill fame, or resort for the purposes of prostitution, any
38 house, room or structure situated within 400 yards of any schoolhouse or
39 schoolroom used by any public or common school in the State of Nevada,
40 or within 400 yards of any church, edifice, building or structure erected
41 for and used for devotional services or religious worship in this state.

42 2. Any person violating the provisions of subsection 1 shall be
43 **[deemed guilty of a misdemeanor, and on conviction shall be punished**
44 **by a fine of not less than \$25 nor more than \$300, or by imprisonment in**
45 **the county jail for not less than 5 nor more than 60 days, or by both fine**
46 **and imprisonment.]** *punished by a fine of not more than \$500.*

47 SEC. 92. NRS 201.390 is hereby amended to read as follows:

48 201.390 1. It shall be unlawful for any owner or agent of any owner
49 or any other person to keep, let or rent for any length of time, or at all,
50 any house fronting on the principal business street or thoroughfare of any

1 of the towns of this state, for the purpose of prostitution or for the pur-
2 pose of keeping any dance house or house commonly called a hurdy
3 house, or house where wine, beer or spirituous liquors are sold or served
4 by females or female waiters or attendants, or where females are used or
5 employed to attract or solicit customers, nor shall any entrance or exit
6 way to any house referred to in this subsection be made or used from the
7 principal business street or thoroughfare of any of the towns of this state.

8 2. Any person violating the provisions of subsection 1 shall be
9 [deemed guilty of a misdemeanor, and on conviction shall be punished
10 by a fine of not less than \$25 nor more than \$300, or by imprisonment in
11 the county jail for not less than 5 nor more than 60 days, or by both fine
12 and imprisonment.] *punished by a fine of not more than \$500.*

13 SEC. 93. NRS 201.420 is hereby amended to read as follows:

14 201.420 Any person who shall keep any disorderly house, or any
15 house of public resort, by which the peace, comfort or decency of the
16 immediate neighborhood, or of any family thereof, is habitually disturbed,
17 or who shall keep any inn in a disorderly manner, is guilty of a misde-
18 meanor. [, and upon conviction thereof shall be punished by a fine not
19 exceeding \$500, or by imprisonment in the county jail not exceeding 6
20 months, or by both.]

21 SEC. 94. NRS 201.430 is hereby amended to read as follows:

22 201.430 1. It shall be unlawful for any person or persons, company,
23 association or corporation doing business in this state to advertise, in any
24 public theater, or on the public streets of any city or town, or on the pub-
25 lic highway, any resort where females congregate for the purpose of illicit
26 intercourse.

27 2. Any person or persons, company, association or corporation vio-
28 lating the provisions of this section shall be [guilty of a misdemeanor,
29 and upon conviction thereof shall be fined in the sum of \$50 for the first
30 offense, and for each and every subsequent offense shall be fined in the
31 sum of \$250.] *punished:*

32 (a) *For the first offense, by a fine of not more than \$500.*

33 (b) *For any subsequent offense, for a misdemeanor.*

34 SEC. 95. NRS 201.440 is hereby amended to read as follows:

35 201.440 Any person or persons, company, association or corpora-
36 tion doing business in this state who shall knowingly aid, abet, solicit,
37 encourage, permit or allow any person or persons, company, association
38 or corporation to advertise in their place of business, by any device, any
39 roadhouse, or resort where females congregate for the purpose of illicit
40 intercourse, shall be [guilty of a misdemeanor, and upon conviction
41 thereof shall be fined in the sum of \$100 for the first offense, and for each
42 and every subsequent offense shall be fined in the sum of \$250.] *pun-*
43 *ished:*

44 1. *For the first offense, by a fine of not more than \$500.*

45 2. *For any subsequent offense, for a misdemeanor.*

46 SEC. 96. NRS 202.010 is hereby amended to read as follows:

47 202.010. 1. Except as provided in subsections 2 and 3, it shall be
48 unlawful for any person or persons, firm, association, corporation or
49 managing agent of any person, firm, association or corporation to sell,

1 give away, or offer to sell cigarettes, cigarette paper or any tobacco of
2 any description to any person under the age of 18 years.

3 2. Upon the written order of the parent or guardian of the minor,
4 the person applied to may give or sell to the minor, for the use of the
5 guardian or parent, cigarettes, cigarette paper, or tobacco of any descrip-
6 tion. The written request shall be kept on file by the seller or giver of the
7 article so sold or given away.

8 3. The superintendent of the Nevada youth training center and the
9 superintendent of the Nevada girls training center may sell or supply
10 cigarettes, cigarette paper, tobacco or tobacco products to any minor 16
11 years of age or older confined in any institution under his supervision, if
12 the guardian or parent of such minor consents thereto.

13 4. Any person violating any provision of this section shall be [guilty
14 of a misdemeanor and on conviction shall be punished by a fine of not
15 less than \$100 nor more than \$500, or by imprisonment in the county
16 jail for a period not less than 50 days nor more than 6 months, or by
17 both fine and imprisonment.] *punished by a fine of not more than \$500.*

18 5. If any dealer in cigarettes, cigars and tobacco shall be convicted
19 twice for the commission of the offense described in subsection 1, he
20 shall forfeit his license or licenses for carrying on his business, and no
21 license shall be again granted to him for a like business in this state.

22 SEC. 97. NRS 202.020 is hereby amended to read as follows:

23 202.020 Any person under the age of 21 years who purchases any
24 alcoholic beverage or any such person who consumes any alcoholic bev-
25 erage in any saloon, resort or premises where spirituous, malt or fer-
26 mented liquors or wines are sold is guilty of a misdemeanor. [, and shall
27 be punished by a fine of not less than \$50 nor more than \$100.]

28 SEC. 98. NRS 202.030 is hereby amended to read as follows:

29 202.030 Any person under 21 years of age who shall loiter or remain
30 on the premises of any saloon where spirituous, malt or fermented liq-
31 uors or wines are sold [is guilty of a misdemeanor and] shall be pun-
32 ished by a fine of not [less than \$25 nor more than \$100.] *more than*
33 *\$500.* Nothing in this section shall apply to:

34 1. Establishments wherein spirituous, malt or fermented liquors or
35 wines are served only in conjunction with regular meals and where dining
36 tables or booths are provided separate from the bar; or

37 2. Any grocery store or drugstore where spirituous, malt or fermented
38 liquors or wines are not sold by the drink for consumption on the
39 premises.

40 SEC. 99. Chapter 202 of NRS is hereby amended by adding thereto
41 a new section which shall read as follows:

42 *Every person who:*

43 1. *Sells, gives or otherwise furnishes intoxicating liquors to any per-*
44 *son under the age of 21 years, or to any imbecile; or*

45 2. *Leaves or deposits any intoxicating liquors in any place with the*
46 *intent that the same shall be procured by any person under the age of*
47 *21 years, or by any imbecile; or*

48 3. *Furnishes, gives, or causes to be given any money or thing of value*
49 *to any person under the age of 21 years with the knowledge that the*

1 *money or thing of value is to be used by the person under the age of 21*
2 *years to purchase or procure any alcoholic beverage,*
3 *is guilty of a misdemeanor.*

4 SEC. 100. NRS 202.060 is hereby amended to read as follows:

5 202.060 Any proprietor, keeper or manager of a saloon or resort
6 where spirituous, malt or fermented liquors or wines are sold, who shall,
7 knowingly, allow or permit any person under the age of 21 years to
8 remain therein [is guilty of a misdemeanor, and] shall be punished by a
9 fine of not [less than \$25 nor] more than [\$100.] \$500. Nothing in this
10 section shall apply to:

11 1. Establishments wherein spirituous, malt or fermented liquors or
12 wines are served only in conjunction with regular meals and where dining
13 tables or booths are provided separate from the bar; or

14 2. Any grocery store or drugstore where spirituous, malt or fer-
15 mented liquors or wines are not sold by the drink for consumption on the
16 premises.

17 SEC. 101. NRS 202.160 is hereby amended to read as follows:

18 202.160 1. Any person who shall knowingly have or use about his
19 premises, or who shall convey, or cause to be conveyed, into any neigh-
20 borhood, any clothing, bedding, or other substance, used by or in taking
21 care of any person afflicted with smallpox or other infectious or conta-
22 gious disease, or infected thereby, or shall do any other act with the intent
23 to, or necessarily tending to, spread such disease into any neighborhood
24 or locality, shall be guilty of a misdemeanor. [, and on conviction shall be
25 punished by a fine in any sum not more than \$500, or by imprisonment
26 in the county jail not exceeding 6 months, or both.]

27 2. The court trying any such offender may also include in any judg-
28 ment rendered an order to the effect that the clothing or other property
29 infected be burned or otherwise destroyed, and shall have power to carry
30 such order into effect.

31 SEC. 102. NRS 202.170 is hereby amended to read as follows:

32 202.170 Every person who shall willfully mingle poison in any food,
33 drink or medicine intended or prepared for the use of a human being,
34 and every person who shall willfully poison any spring, well or reservoir
35 of water, shall be punished by imprisonment in the state prison for not
36 less than [5 years.] 1 year nor more than 6 years, or by a fine of not
37 more than \$5,000, or by both fine and imprisonment.

38 SEC. 103. NRS 202.200 is hereby amended to read as follows:

39 202.200 1. It shall be unlawful for any person:

40 (a) To advertise or publish, or cause to be advertised or published in
41 [the manner mentioned in NRS 202.190,] a newspaper, pamphlet, hand-
42 bill, book or otherwise, any medicine, nostrum, drug, substance, instru-
43 ment or device to produce the miscarriage or premature delivery of a
44 woman pregnant with child, or which purports to be, or is represented to
45 be, productive of such miscarriage or premature delivery; or

46 (b) To advertise in any manner his or her services, aid, assistance or
47 advice, or the services, assistance or advice of any other person, in the
48 procurement of such miscarriage or premature delivery.

49 2. Every person who shall violate the provisions of subsection 1 shall
50 be guilty of a gross misdemeanor. [, and on conviction shall be punished

1 by a fine of not less than \$1,000 nor more than \$3,000, or by imprison-
2 ment in the county jail for not less than 6 months nor more than 1 year,
3 or by both fine and imprisonment.]

4 SEC. 104. NRS 202.210 is hereby amended to read as follows:

5 202.210 The proprietor or proprietors and the manager or managers
6 of any newspaper, periodical or other printed sheet published or printed
7 within this state, which shall contain any advertisement prohibited by
8 NRS [202.190 and] 202.200, shall, for each publication of such adver-
9 tisement, be guilty of a [gross] misdemeanor. [, and on conviction shall
10 be punished by a fine of not less than \$1,000 nor more than \$3,000, or
11 by imprisonment in the county jail for not less than 6 months nor more
12 than 1 year, or by both fine and imprisonment.]

13 SEC. 105. NRS 202.220 is hereby amended to read as follows:

14 202.220 Every person who shall knowingly sell, distribute, give
15 away, or in any manner dispose of or exhibit to another person any news-
16 paper, pamphlet, book, periodical, handbill, printed slip or writing, or
17 cause the same to be so sold, distributed, disposed of, or exhibited, con-
18 taining any advertisement prohibited in NRS [202.190 and] 202.200, or
19 containing any description or notice of, or reference to, or information
20 concerning, or direction how or where to procure any medicine, drug,
21 nostrum, substance, device, instrument or service, the advertisement of
22 which is prohibited or declared to be unlawful, shall be guilty of a [gross]
23 misdemeanor. [, and on conviction shall be punished by a fine of not less
24 than \$1,000 nor more than \$3,000, or by imprisonment in the county jail
25 for not less than 6 months nor more than 1 year, or by both fine and
26 imprisonment.]

27 SEC. 106. NRS 202.230 is hereby amended to read as follows:

28 202.230 Nothing in NRS [202.190] 202.200 to 202.220, inclusive,
29 shall be construed to interfere with or apply to legally licensed physicians
30 in the legitimate practice of their profession.

31 SEC. 107. NRS 202.240 is hereby amended to read as follows:

32 202.240 1. "Person" as used in this section means natural persons,
33 copartnerships, corporations and associations, and shall include persons
34 of both sexes.

35 2. It shall be unlawful for any person to publish or cause to be pub-
36 lished, to deliver or distribute or cause to be delivered or distributed in
37 any manner whatsoever, or to post, or display, or knowingly to permit to
38 be posted, displayed, or to remain on any buildings, windows or out-
39 houses, or premises or other surface owned or controlled by him in the
40 State of Nevada, or to manufacture or sell, or knowingly to have displayed
41 in or on any window or place where the same could be read by passers-by
42 or the public, any advertisement, label, statement, print or writing which
43 refers to any person or persons from whom, or to any means by which,
44 or to any office or place at which may be obtained any treatment or cure
45 of syphilis, gonorrhea, chancroid, lost manhood, sexual weakness, lost
46 vitality, impotency, seminal emissions, gleet, varicocele or self-abuse,
47 whether described by such names, words, terms or phrases, or by any
48 other names, words, terms or phrases, calculated or intended to convey
49 to the reader the idea that any of the diseases, infirmities, disabilities, con-
50 ditions or habits are meant or referred to, or which refers to any medicine,

1 article, device or preparation that may be used for the treatment, cure or
2 prevention of any of the diseases, infirmities, disabilities, conditions or
3 habits mentioned in this section.

4 3. Any person violating any of the provisions of this section [shall
5 be punished by a fine of not more than \$500, or by imprisonment in the
6 county jail for not more than 6 months, or by both fine and imprison-
7 ment.] *is guilty of a misdemeanor.*

8 4. This section shall not apply to publications, advertisements or
9 notices of the United States Government, the State of Nevada or of any
10 city or town or other political subdivision of the State of Nevada.

11 SEC. 108. NRS 202.250 is hereby amended to read as follows:

12 202.250 1. Every person who shall set a so-called trap, spring pistol,
13 rifle, or other deadly weapon shall be punished: [as follows:]

14 (a) If no injury result therefrom to any human being, [by imprison-
15 ment in the county jail for not more than 1 year or by a fine of not more
16 than \$1,000, or by both fine and imprisonment.] *for a gross misde-*
17 *meanor.*

18 (b) If injuries not fatal result therefrom to any human being, by impris-
19 onment in the state prison for not [more than 20 years.] *less than 1*
20 *year nor more than 6 years, or by a fine of not more than \$5,000, or by*
21 *both fine and imprisonment.*

22 (c) If the death of a human being results therefrom, under circum-
23 stances not rendering the act murder, by imprisonment in the state prison
24 for not [more than 20 years;] *less than 1 year nor more than 10 years;*
25 otherwise, the punishment shall be as for murder.

26 2. Subsection 1 does not prevent the use of any loaded spring gun,
27 set gun or other device for the destruction of gophers, moles, coyotes or
28 other burrowing rodents or predatory animals by agents or employees of
29 governmental agencies engaged in cooperative predatory animal and
30 rodent control work, but:

31 (a) No such loaded spring gun, set gun or other device shall be set
32 within 15 miles of the boundaries of any incorporated city or unincor-
33 porated town; and

34 (b) Before setting any such loaded spring gun, set gun or other device
35 on any real property permission must first be obtained from the owner,
36 lessee or administrator thereof.

37 SEC. 109. NRS 202.280 is hereby amended to read as follows:

38 202.280 1. Any person, whether under the influence of liquor or
39 otherwise, who shall maliciously, wantonly or negligently discharge or
40 cause to be discharged any pistol, gun or any other kind of firearm, in
41 or upon any public street or thoroughfare, or in any theatre, hall, store,
42 hotel, saloon or any other place of public resort, *or throw any deadly*
43 *missile in a public place, or in any place where any person might be*
44 *endangered thereby, although no injury result,* shall be guilty of a misde-
45 meanor. [, and upon conviction thereof shall be punished by imprison-
46 ment in the county jail for a term of not less than 2 nor more than 6
47 months, or by a fine of not less than \$100 nor more than \$500, or by
48 both fine and imprisonment.]

49 2. All civil, military and peace officers shall be vigilant in carrying
50 the provisions of subsection 1 into full force and effect. Any peace officer

1 who shall neglect his duty in the due arrest of any such offender shall be
2 guilty of a gross misdemeanor.

3 SEC. 110. NRS 202.290 is hereby amended to read as follows:

4 202.290 Every person who shall aim any gun, pistol, revolver or
5 other firearm, whether loaded or not, at or toward any human being [,
6 or who shall willfully discharge any firearm, air gun or other weapon, or
7 throw any deadly missile in a public place, or in any place where any per-
8 son might be endangered thereby, although no injury result,] shall be
9 guilty of a *gross* misdemeanor.

10 SEC. 111. NRS 202.320 is hereby amended to read as follows:

11 202.320 1. Any person having, carrying or procuring from another
12 person any dirk, dirk-knife, sword, sword-cane, pistol, gun or other deadly
13 weapon, who shall, in the presence of two or more persons, draw or
14 exhibit any of such deadly weapons in a rude, angry or threatening man-
15 ner not in necessary self-defense, or who shall in any manner unlawfully
16 use the same in any fight or quarrel, shall be guilty of a misdemeanor. [,
17 and on conviction thereof shall be fined in any sum not exceeding \$500,
18 or shall be imprisoned in the county jail for a term not exceeding 6
19 months.]

20 2. No sheriff, deputy sheriff, marshal, constable or other peace offi-
21 cer shall be held to answer, under the provisions of subsection 1, for
22 drawing or exhibiting any of the weapons mentioned therein while in the
23 lawful discharge of his duties.

24 SEC. 112. NRS 202.350 is hereby amended to read as follows:

25 202.350 1. [Every person who within the State of Nevada:

26 (a) Manufactures or causes to be manufactured, or who imports into
27 the state, or who keeps for sale, or offers or exposes for sale, or who
28 gives, lends or possesses any instrument or weapon of the kind commonly
29 known as a switchblade knife, blackjack, slung shot, billy, sand-club,
30 sandbag or metal knuckles; or

31 (b) Carries concealed upon his person any explosive substance, other
32 than fixed ammunition; or

33 (c) Carries concealed upon his person any dirk, dagger or dangerous
34 knife; or

35 (d) Carries concealed on his person a pistol, revolver or other firearm,
36 or any other dangerous or deadly weapon,
37 shall be guilty of a felony, and upon conviction thereof shall be punished
38 by imprisonment in the state prison for not less than 1 year nor more than
39 5 years.

40 2.] *It is unlawful for any person within the State of Nevada to:*

41 (a) *Manufacture or cause to be manufactured, or import into the*
42 *state, or keep for sale, or offer or expose for sale, or give, lend or possess*
43 *any instrument or weapon of the kind commonly known as a switchblade*
44 *knife, blackjack, slung shot, billy, sand-club, sandbag or metal knuckles;*
45 *or*

46 (b) *Carry concealed upon his person any explosive substance, other*
47 *than fixed ammunition; or*

48 (c) *Carry concealed upon his person any dirk, dagger or dangerous*
49 *knife; or*

1 (d) Carry concealed on his person a pistol, revolver or other firearm,
2 or any other dangerous or deadly weapon.

3 2. Any person who violates any of the provisions of subsection 1 is
4 guilty:

5 (a) For the first offense, of a gross misdemeanor.

6 (b) For any subsequent offense, of a felony, and upon conviction shall
7 be punished by imprisonment in the state prison for not less than 1 year
8 nor more than 6 years.

9 3. Nothing in subsection 1 of this section applies to or affects:

10 (a) Sheriffs, constables, marshals, peace officers, special police officers,
11 policemen, whether active or honorably retired, other duly appointed
12 police officers or persons having permission from the sheriff of the county
13 as provided in subsection [3 of this section.] 4.

14 (b) Any person summoned by any peace officer to assist in making
15 arrests or preserving the peace while the person so summoned is actually
16 engaged in assisting such officer.

17 (c) Members of the Armed Forces of the United States when on duty.

18 [3.] 4. The sheriff of any county may, upon written application
19 showing the reason or the purpose for which the concealed weapon is to
20 be carried, grant permission to the applicant, authorizing a person to
21 carry, in such county, the concealed weapon described in the permit. No
22 permit may be granted to any person to carry a switchblade knife.

23 [4.] 5. For the purposes of this section, a "switchblade knife" is a
24 knife having the appearance of a pocket knife, and includes a spring-
25 blade knife, a snap-blade knife, or any other similar type knife, the blade
26 or blades of which are 2 or more inches long and which can be released
27 automatically by a flick of a button, pressure on the handle, or other
28 mechanical device, or are released by any type of mechanism whatsoever.

29 SEC. 113. NRS 202.360 is hereby amended to read as follows:

30 202.360 1. The terms "pistol," "revolver," and "firearm capable of
31 being concealed upon the person," as used in this section, apply to and
32 include all firearms having a barrel less than 12 inches in length.

33 2. After July 1, 1925, no unnaturalized foreign-born person, and no
34 person who has been convicted of a felony in the State of Nevada, or in
35 any one of the states of the United States of America, or in any political
36 subdivision thereof, or of a felony in violation of the laws of the United
37 States of America, shall own or have in his possession or under his cus-
38 tody or control any pistol, revolver or other firearm capable of being con-
39 cealed upon the person.

40 3. Any person who violates the provisions of this section [shall be
41 guilty of a felony, and upon conviction thereof] shall be punished by
42 imprisonment in the state prison for not less than 1 year nor more than
43 [5] 6 years.

44 4. Nothing in this section applies to or affects:

45 (a) Sheriffs, constables, marshals, policemen, whether active or honor-
46 ably retired, or other duly appointed police officers.

47 (b) Any person summoned by any such officers to assist in making
48 arrests or preserving the peace while the person so summoned is actually
49 engaged in assisting such officer.

50 (c) Members of the Armed Forces of the United States when on duty.

1 SEC. 114. NRS 202.380 is hereby amended to read as follows:

2 202.380 1. After March 26, 1955, every person, firm or corporation
3 who within the State of Nevada knowingly sells or offers for sale, pos-
4 sesses or transports any form of shell, cartridge or bomb containing or
5 capable of emitting tear gas, or any weapon designed for the use of such
6 shell, cartridge or bomb, except as permitted under the provisions of NRS
7 202.370 to 202.440, inclusive, shall be guilty of a *gross misdemeanor*.
8 [felony, and upon conviction thereof shall be punished by imprisonment
9 in the state prison for a term not to exceed 2 years or by a fine not to
10 exceed \$2,000, or by both fine and imprisonment.]

11 2. Nothing in NRS 202.370 to 202.440, inclusive, shall prohibit
12 police departments or regular salaried members thereof, sheriffs and their
13 regular salaried deputies, or the military or naval forces of this state or of
14 the United States from purchasing, possessing or transporting such shells,
15 cartridges or bombs for official use in the discharge of their duties.

16 SEC. 115. NRS 202.390 is hereby amended to read as follows:

17 202.390 1. Each tear gas weapon sold, transported or possessed
18 under the authority of NRS 202.370 to 202.440, inclusive, shall bear
19 the name of the manufacturer and a serial number applied by him.

20 2. No person shall change, alter, remove or obliterate the name of the
21 manufacturer, the serial number or any other mark of identification on
22 any tear gas weapon. Possession of any such weapon upon which the
23 same shall have been changed, altered, removed or obliterated, shall be
24 presumptive evidence that such possessor has changed, altered, removed
25 or obliterated the same. [Violations of this subsection shall be punished
26 by imprisonment in the state prison for not more than 2 years or by a fine
27 of not more than \$2,000, or by both fine and imprisonment.]

28 3. *Any person who violates any of the provisions of this section is*
29 *guilty of a gross misdemeanor.*

30 SEC. 116. NRS 202.500 is hereby amended to read as follows:

31 202.500 It shall be unlawful for any person to own or keep any
32 vicious dog. If any person shall own or keep a vicious dog, and such dog
33 shall injure any person, the owner or keeper of the dog shall be guilty of
34 a misdemeanor. [and on conviction thereof shall be punished by a fine
35 in a sum not exceeding \$500, or by imprisonment in the county jail not
36 more than 6 months, or by both fine and imprisonment.]

37 SEC. 117. NRS 202.560 is hereby amended to read as follows:

38 202.560 1. Any person who discards or abandons in any place
39 accessible to children, or who has in his possession, any refrigerator, ice-
40 box or deep-freeze locker, having a capacity of 1½ cubic feet or more
41 which is no longer in use and which has not had the door removed, [is
42 guilty of a misdemeanor.] *shall be punished by a fine of not more than*
43 *\$500.*

44 2. Any owner, lessee or manager who knowingly permits such aban-
45 doned or discarded refrigerator, icebox or deep-freeze locker to remain
46 on premises under his control without having the door removed [is guilty
47 of a misdemeanor.] *shall be punished by a fine of not more than \$500.*

48 3. Guilt of a violation of this section shall not in itself render one
49 guilty of manslaughter, battery or other crime against a person who may

1 suffer death or injury from entrapment in such refrigerator, icebox, or
2 deep-freeze locker.

3 4. The provisions of this section shall not apply to any vendor or
4 seller of refrigerators, iceboxes or deep-freeze lockers who keeps or stores
5 them for sale purposes, if the vendor or seller takes reasonable precau-
6 tions to secure effectively the door of any such refrigerator, icebox or
7 deep-freeze locker so as to prevent entrance by children small enough to
8 fit therein.

9 SEC. 118. NRS 202.580 is hereby amended to read as follows:

10 202.580 Every person who shall willfully and maliciously remove,
11 damage or destroy any rope, wire, bell, signal, instrument or apparatus
12 for the communication of alarms of fire or police calls shall be guilty of
13 *an offense proportionate to the value of the property removed, damaged*
14 *or destroyed, but in no event less than a misdemeanor.*

15 SEC. 119. NRS 202.590 is hereby amended to read as follows:

16 202.590 1. Except as provided in subsection 2, after January 1,
17 1962, no person shall drive, or be an attendant on, any public or private
18 ambulance, unless he possesses an advanced first aid certificate issued by
19 the American Red Cross or the United States Bureau of Mines, and no
20 owner of such a vehicle shall permit it to be operated unless:

21 (a) The driver and all attendants possess first aid certificates as
22 required by this section.

23 (b) The vehicle carries traction splints and a standard 24-unit first aid
24 kit approved by the American Red Cross.

25 2. The provisions of this section do not apply to:

26 (a) A volunteer who drives, or acts as an attendant on, an ambulance
27 in an emergency when it is impossible to secure a driver or attendant
28 qualified as required by subsection 1.

29 (b) Drivers and attendants on ambulances operated in cities and
30 towns having less than 1,000 population.

31 3. Any person who violates any of the provisions of this section [is
32 guilty of a misdemeanor and] shall be punished by a fine of not more
33 than [\$25.] \$500.

34 SEC. 120. NRS 203.010 is hereby amended to read as follows:

35 203.010 Every person who shall maliciously and willfully disturb the
36 peace or quiet of any neighborhood or family by loud or unusual noises,
37 or by tumultuous and offensive conduct, threatening, traducing, quar-
38 reling, challenging to fight, or fighting, shall be guilty of a misdemeanor.
39 [, and on conviction shall be fined in a sum not exceeding \$200, or
40 imprisoned in the county jail for not more than 2 months.]

41 SEC. 121. NRS 203.020 is hereby amended to read as follows:

42 203.020 If [2] two or more persons assemble for the purpose of dis-
43 turbing the public peace, or committing any unlawful act, and do not dis-
44 perse, on being desired or commanded so to do by a judge, justice of the
45 peace, sheriff, coroner, constable or other public officer, the persons so
46 offending [shall, on conviction, be severally fined in any sum not exceed-
47 ing \$500, and imprisoned in the county jail not more than 6 months.] are
48 *guilty of a misdemeanor.*

49 SEC. 122. NRS 203.050 is hereby amended to read as follows:

50 203.050 If [2] two or more persons shall, by agreement, fight in a

1 public place, to the terror of the citizens of this state, the persons so
2 offending [shall be deemed guilty of] *commit* an affray and [shall be
3 severally fined in a sum not exceeding \$200, and imprisoned in the
4 county jail not more than 1 month.] *are guilty of a misdemeanor.*

5 SEC. 123. NRS 203.060 is hereby amended to read as follows:

6 203.060 If [2] *two* or more persons shall assemble together to do an
7 unlawful act, and separate without doing or advancing toward it, such
8 persons [shall be guilty of;] *commit* an unlawful assembly, and [upon
9 conviction thereof shall be severally fined in a sum not exceeding \$200,
10 or imprisoned in the county jail not exceeding 3 months.] *are guilty of a*
11 *misdemeanor.*

12 SEC. 124. NRS 203.070 is hereby amended to read as follows:

13 203.070 1. If [2] *two* or more persons shall meet to do an unlawful
14 act, upon a common cause of quarrel, and make advances toward it, they
15 [shall be guilty of] *commit* a rout, and [on conviction shall be severally
16 fined in a sum not exceeding \$500, or imprisoned in the county jail not
17 more than 6 months.] *are guilty of a gross misdemeanor.*

18 2. If [2] *two* or more persons shall actually do an unlawful act of
19 violence, either with or without a common cause of quarrel or even do a
20 lawful act, in a violent, tumultuous and illegal manner, they [shall be
21 guilty of] *commit* a riot, and [upon conviction shall be punished by a
22 fine in any sum not exceeding \$500 each, or by imprisonment in the
23 county jail for a term not exceeding 6 months, or by both fine and impris-
24 onment.] *are guilty of a gross misdemeanor.*

25 SEC. 125. NRS 203.110 is hereby amended to read as follows:

26 203.110 Every person who shall unlawfully use, or encourage or
27 assist another in unlawfully using, any force or violence in entering upon
28 or detaining any lands or other possessions of another; and every person
29 who, having removed or been removed therefrom pursuant to the order or
30 direction of any court, tribunal or officer, shall afterward unlawfully
31 return to settle or reside upon, or take possession of, such lands or pos-
32 sessions, shall be guilty of a *gross misdemeanor.*

33 SEC. 126. Chapter 203 of NRS is hereby amended by adding thereto
34 the provisions set forth as sections 127 and 128 of this act.

35 SEC. 127. 1. *Criminal anarchy is the doctrine that organized govern-*
36 *ment should be overthrown by force or violence, or by assassination of*
37 *the executive head or of any of the executive officials of government, or*
38 *by any unlawful means.*

39 2. *It is unlawful:*

40 (a) *For any person, by word of mouth or writing, to advocate, advise*
41 *or teach the duty, necessity or propriety of overthrowing or overturning*
42 *organized government by force or violence, or by assassination of the*
43 *executive head or of any of the executive officials of government, or by*
44 *any unlawful means; or*

45 (b) *For any person to print, publish, edit, issue or knowingly to cir-*
46 *culate, sell, distribute or publicly to display any book, paper, document,*
47 *or written or printed matter in any form, containing or advocating, advis-*
48 *ing or teaching the doctrine that organized government should be over-*
49 *thrown by force, violence or any unlawful means; or*

50 (c) *For any person openly, willfully and deliberately to justify by word*

1 of mouth or writing the assassination or unlawful killing or assaulting of
2 any executive or other officer of the United States or of any state or of
3 any civilized nation having an organized government because of his offi-
4 cial character, or any other crime, with intent to teach, spread or advo-
5 cate the propriety of the doctrines of criminal anarchy; or

6 (d) For any person to organize or help to organize or become a mem-
7 ber of or voluntarily to assemble with any society, group or assembly of
8 persons formed to teach or advocate such doctrine; or

9 (e) For two or more persons to assemble for the purpose of advocating
10 or teaching the doctrines of criminal anarchy as defined in subsection 1;
11 or

12 (f) For any owner, agent, superintendent, janitor, caretaker or occupant
13 of any place, building or room willfully and knowingly to permit therein
14 any assemblage of persons prohibited by paragraph (e), or, after notifica-
15 tion that the premises are so used, to permit such use to be continued.

16 3. Any person who violates the provisions of subsection 2 shall be
17 punished by imprisonment in the state prison for not less than 1 year nor
18 more than 10 years.

19 SEC. 128. 1. Criminal syndicalism is the doctrine which advocates
20 or teaches crime, sabotage, violence or unlawful methods of terrorism
21 as a means of accomplishing industrial or political reform.

22 2. It is unlawful:

23 (a) For any person, by word of mouth or writing, to advocate or teach
24 the duty, necessity or propriety of crime, sabotage, violence or other
25 unlawful methods of terrorism as a means of accomplishing industrial or
26 political reform; or

27 (b) For any person to print, publish, edit, issue or knowingly to circu-
28 late, sell, distribute or publicly to display any book, paper, document or
29 written matter in any form, containing or advocating, advising or teaching
30 the doctrine that industrial or political reform should be brought about by
31 crime, sabotage, violence or other unlawful methods of terrorism; or

32 (c) For any person openly, willfully and deliberately to justify, by word
33 of mouth or writing, the commission or the attempt to commit crime,
34 sabotage, violence or other unlawful methods of terrorism with intent to
35 exemplify, spread or advocate the propriety of the doctrine of criminal
36 syndicalism; or

37 (d) For any person to organize or help to organize or become a mem-
38 ber of, or voluntarily to assemble with, any society, group or assemblage
39 of persons formed to teach or advocate the doctrine of criminal syndical-
40 ism; or

41 (e) For two or more persons to assemble for the purpose of advocating
42 or teaching the doctrines of criminal syndicalism as defined in subsection
43 1; or

44 (f) For any owner, agent, superintendent, janitor, caretaker or occu-
45 pant of any place, building or room, willfully and knowingly to permit
46 therein any assemblage of persons prohibited by the provisions of para-
47 graph (e), or, after notification that the premises are so used, to permit
48 such use to be continued.

49 3. Any person who violates the provisions of subsection 2 shall be

1 *punished by imprisonment in the state prison for not less than 1 year nor*
2 *more than 6 years.*

3 SEC. 129. NRS 204.010 is hereby amended to read as follows:

4 204.010 Every public officer or other person who shall have in his
5 possession, control or custody any public money belonging to this state,
6 or to any county, town, city, district or municipal corporation within this
7 state, or to whom any such public money shall be entrusted for safekeep-
8 ing, or for transmission to any treasurer, other officer or person entitled
9 to receive the same, who shall use any of such public money for his own
10 private purposes, or for any purpose other than one duly authorized by
11 law, shall, if the amount so unlawfully used **[be \$100 or less,]** *is less*
12 *than \$250, be deemed guilty of a gross misdemeanor. [, and, on convic-*
13 *tion thereof, shall be punished by a fine of not less than \$100 and not*
14 *more than \$500, or by imprisonment in the county jail not less than 1*
15 *month nor more than 6 months, or by both fine and imprisonment.]*

16 SEC. 130. NRS 204.020 is hereby amended to read as follows:

17 204.020 Every public officer or other person who shall have in his
18 possession, control or custody any public money belonging to this state,
19 or to any county, town, city, district or municipal corporation within this
20 state, or to whom any such public money shall be entrusted for safekeep-
21 ing or for transmission to any treasurer or other officer, or other person
22 entitled to receive the same, who shall use any of such public money for
23 his own private purposes, or for any purpose other than one duly author-
24 ized by law, shall, if the amount unlawfully used **[be more than \$100,]**
25 *is \$250 or more, be deemed guilty of a felony, and, on conviction thereof,*
26 *shall be punished by imprisonment in the state prison for a term not less*
27 *than 1 year nor more than [15] 10 years [.] , or by a fine of not more*
28 *than \$5,000, or by both fine and imprisonment.*

29 SEC. 131. NRS 204.030 is hereby amended to read as follows:

30 204.030 1. Every public officer, and every other person receiving
31 money on behalf of, or for or on account of, this state or of any depart-
32 ment of the state government or of any bureau or fund created by law in
33 which the state is directly or indirectly interested, or for or on account
34 of any county, city, town, municipal corporation or any school or district
35 who:

36 **[1.]** (a) Shall knowingly keep any false account, or make any false
37 entry or erasure in any account, of or relating to any money so received
38 by him; or

39 **[2.]** (b) Shall fraudulently alter, falsify, conceal, destroy or obliterate
40 any such account; or

41 **[3.]** (c) Shall willfully omit or refuse to pay over to the state, its
42 officer or agent authorized by law to receive the same, or to such county,
43 city, town or such school, municipal corporation, or district or to the
44 proper officer or authority empowered to demand and receive the same,
45 any money received by him as such officer when it is a duty imposed
46 upon him by law to pay over and account for the same, **[; shall be pun-**
47 **ished by imprisonment in the state prison for not more than 15 years.]**
48 *is guilty of a felony.*

49 2. Any person violating any of the provisions of subsection 1 shall
50 be punished:

1 (a) *Where the amount involved is \$250 or more, by imprisonment in*
2 *the state prison for not less than 1 year nor more than 10 years, or by a*
3 *fine of not more than \$5,000, or by both fine and imprisonment.*

4 (b) *Where the amount involved is less than \$250, for a gross misde-*
5 *meanor.*

6 SEC. 132. NRS 204.050 is hereby amended to read as follows:

7 204.050 Every state, county, city or town treasurer who shall will-
8 fully misappropriate any moneys, funds or securities received by or de-
9 posited with him as such treasurer, or who shall be guilty of any other
10 malfeasance or willful neglect of duty in his office, shall be punished:
11 [by imprisonment in the state prison for not more than 15 years or by a
12 fine of not more than \$10,000, and not more than twice the amount mis-
13 appropriated.]

14 1. *Where the amount misappropriated is \$250 or more, by imprison-*
15 *ment in the state prison for not less than 1 year nor more than 10 years,*
16 *or by a fine of not more than \$5,000, or by both fine and imprisonment.*

17 2. *Otherwise, for a gross misdemeanor.*

18 SEC. 133. NRS 204.070 is hereby amended to read as follows:

19 204.070 Any state officer employing or paying any person or persons
20 out of any state money for any such service or labor, as set forth in NRS
21 204.060, [shall be deemed] is guilty of a misdemeanor. [, and on con-
22 viction thereof be fined in the sum of \$500, or imprisoned in the county
23 jail for a period not exceeding 6 months, or by both fine and imprison-
24 ment.]

25 SEC. 134. NRS 205.010 is hereby amended to read as follows:

26 205.010 Any person who willfully and maliciously sets fire to or
27 burns or causes to be burned, or who aids, counsels or procures the burn-
28 ing of any dwelling house, whether occupied, unoccupied or vacant, or
29 any kitchen, shop, barn, stable or other outhouse that is parcel thereof, or
30 belonging to or adjoining thereto, whether the property of himself or of
31 another, [shall be guilty of] commits arson in the first degree and, upon
32 conviction thereof, shall be sentenced to imprisonment for not less than
33 [2] 1 year nor more than [20] 15 years.

34 SEC. 135. NRS 205.020 is hereby amended to read as follows:

35 205.020 Any person who willfully and maliciously sets fire to or
36 burns or causes to be burned, or who aids, counsels or procures the burn-
37 ing of any personal property of whatsoever class or character (such prop-
38 erty being of the value of \$25 or more and the property of another
39 person), [shall be guilty of] commits arson in the third degree and, upon
40 conviction thereof, shall be sentenced to imprisonment for not less than
41 1 year nor more than [3] 6 years.

42 SEC. 136. NRS 205.025 is hereby amended to read as follows:

43 205.025 1. Any person who willfully and maliciously attempts to
44 set fire to or attempts to burn or to aid, counsel or procure the burning of
45 any of the buildings or property mentioned in NRS 205.010, 205.015
46 and 205.020, or who commits any act preliminary thereto or in further-
47 ance thereof, shall be guilty of arson in the fourth degree and, upon
48 conviction thereof, be sentenced to imprisonment for not less than 1 year
49 nor more than one-half of the longest term prescribed upon a conviction
50 for the commission of the offense attempted.

1 2. In any prosecution under this section the placing or distributing
2 of any inflammable, explosive or combustible material or substance, or
3 any device in any building or property mentioned in NRS 205.010, 205.-
4 015 and 205.020, in an arrangement or preparation eventually to set fire
5 to or burn the same, or to procure the setting fire to or burning of the
6 same, shall be prima facie evidence of a willful attempt to burn or set
7 on fire such property.

8 SEC. 137. NRS 205.030 is hereby amended to read as follows:

9 205.030 Any person who willfully and with intent to injure or
10 defraud the insurer sets fire to or burns or attempts so to do, or who
11 causes to be burned or who aids, counsels or procures the burning of any
12 building, structure or personal property of whatsoever class or character,
13 whether the property of himself or of another, which shall at the time be
14 insured by any person, company or corporation against loss or damage
15 by fire, shall be guilty of a felony and, upon conviction thereof, be sen-
16 tenced to imprisonment for not less than 1 year nor more than [5] 6
17 years.

18 SEC. 138. NRS 205.060 is hereby amended to read as follows:

19 205.060 1. Every person who enters any house, room, apartment,
20 tenement, shop, warehouse, store, mill, barn, stable, outhouse or other
21 building, tent, vessel, vehicle, vehicle trailer, semitrailer or housetrailer,
22 or railroad car, with intent to commit grand or petit larceny, or any
23 felony, is guilty of burglary.

24 2. "Nighttime" as used in this section means the period between
25 sunset and sunrise.

26 3. Every burglary committed in the nighttime is burglary of the first
27 degree. Burglary of the first degree is punishable by imprisonment in the
28 state prison for not less than 1 nor more than [15] 12 years.

29 4. Every burglary committed in the daytime is burglary of the second
30 degree. Burglary of the second degree is punishable by imprisonment in
31 the state prison for not less than 1 year nor more than [5] 10 years.

32 5. Whenever burglary is committed upon a railroad train, vehicle,
33 vehicle trailer, semitrailer or housetrailer, in motion or in rest, in this
34 state, and it cannot with reasonable certainty be ascertained in what
35 county the crime was committed, the offender may be arrested and tried
36 in any county through which the railroad train, vehicle, vehicle trailer,
37 semitrailer or housetrailer may have run on the trip during which such
38 burglary is committed.

39 SEC. 139. NRS 205.075 is hereby amended to read as follows:

40 205.075 1. Any person who, with intent to commit crime, breaks
41 and enters, either by day or by night, any building whether inhabited or
42 not, and opens or attempts to open any vault, safe or other secure place
43 by use of nitroglycerine, dynamite, gunpowder or any other explosive,
44 shall be deemed guilty of burglary with explosives.

45 2. Any person convicted of burglary with explosives shall be pun-
46 ished by imprisonment for a term of not less than [5 years] 1 year nor
47 more than 20 years.

48 SEC. 140. NRS 205.090 is hereby amended to read as follows:

49 205.090 Every person who shall falsely make, alter, forge or coun-
50 terfeit any record, or other authentic matter of a public nature, or any

1 charter, letters patent, deed, lease, indenture, writing obligatory, will,
2 testament, codicil, annuity, bond, covenant, bank bill or note, post note,
3 check, draft, bill of exchange, contract, promissory note, due bill for the
4 payment of money or property or for the payment of any labor claim or
5 claims, receipt for money or property, power of attorney, any auditor's
6 warrant for the payment of the money at the treasury, county order or
7 warrant, or request for the payment of money, or the delivery of goods
8 or chattels of any kind, or for the delivery of any instrument of writing,
9 or acquittance, release, or receipt for money, goods, or labor claim or
10 claims, or any acquittance, release, or discharge for any debt, account,
11 suit, action, demand, or other thing, real or personal, or any transfer or
12 assurance of money, stock, goods, chattels, or other property whatever,
13 or any letter of attorney, or other power to receive money, or to receive
14 or transfer stock or annuities, or to let, lease, dispose of, alien, or convey
15 any goods or chattels, lands or tenements, or other estate, real or per-
16 sonal, or any acceptance or endorsement of any bill of exchange, prom-
17 issory note, draft, order or assignment of any bond, writing obligatory, or
18 promissory note, for money or other property, or any order, writ or
19 process lawfully issued by any court or public officer, or any document
20 or paper recorded or filed in any court or with any public officer, or in
21 the senate or assembly, or shall counterfeit or forge the seal or handwrit-
22 ing of another, with intent to damage or defraud any person or persons,
23 body politic or corporate, whether the person or persons, body politic or
24 corporate reside in or belong to this state or not, or shall utter, publish,
25 pass, or attempt to pass, as true and genuine, any of the above-named
26 false, altered, forged or counterfeited matters, as above specified and
27 described, knowing the same to be false, altered, forged or counterfeited
28 with intent to prejudice, damage or defraud any person or persons, body
29 politic or corporate, whether the person or persons, body politic or cor-
30 porate, reside in this state or not, shall be deemed guilty of forgery, and
31 upon conviction thereof, shall be punished by imprisonment in the state
32 prison for a term not less than 1 year nor more than [14 years.] 10
33 years, or by a fine of not less than \$5,000, or by both fine and imprison-
34 ment.

35 SEC. 141. NRS 205.100 is hereby amended to read as follows:

36 205.100 1. Every person who shall make, pass, utter or publish,
37 with an intention to defraud any person or persons, body politic or corpo-
38 rate, either in this state or elsewhere, or with the like intention shall
39 attempt to pass, utter or publish any fictitious bill, note or check purport-
40 ing to be the bill, note or check, or other instrument in writing, for the
41 payment of money or property of some bank, corporation, copartnership
42 or individual, when in fact there shall be no such bank, corporation,
43 copartnership or individual in existence, the person knowing the bill,
44 note, check or instrument in writing for the payment of money or prop-
45 erty or any labor claim or claims to be fictitious, shall be deemed guilty of
46 forgery, and on conviction thereof shall be punished by imprisonment in
47 the state prison for a term not less than 1 year nor more than [14 years.]
48 10 years, or by a fine of not more than \$5,000, or by both fine and
49 imprisonment.

50 2. Whenever such note, bill, check or other instrument in writing is

1 drawn upon any bank, proof that the purported drawer of the same had
2 no account at the bank shall be deemed sufficient evidence to sustain the
3 allegation of the nonexistence of the drawer of such instrument.

4 SEC. 142. NRS 205.130 is hereby amended to read as follows:

5 205.130 1. Every person who for himself, or as the agent or repre-
6 sentative of another, or as an officer of a corporation, willfully, with intent
7 to defraud, shall make, pass, utter or publish any bill, note, check or
8 other instrument in writing for the payment of money or for the payment
9 of any labor claim or claims, or delivery of other valuable property,
10 directed to or drawn upon any real or fictitious person, bank, firm, part-
11 nership, corporation or depositary, when in fact such person shall have no
12 money, property or credit, or shall have insufficient money, property or
13 credit with the drawee of such instrument to meet and make payment of
14 the same in full upon its presentation, shall be guilty of a *gross misde-*
15 *meanor* [and shall, upon conviction thereof, be punished by imprison-
16 ment in the county jail for not more than 6 months, or by a fine not to
17 exceed \$500, or both such fine and imprisonment,] unless such instru-
18 ment, or a series of such instruments passed in the state during a period
19 of 90 days, is in the amount of **[\$100]** \$250 or more, in which case such
20 person shall be guilty of a felony and shall, upon conviction thereof, be
21 punished by imprisonment in the state prison for not less than 1 year
22 **[or]** *nor* more than **[5 years.]** *10 years, or by a fine of not more than*
23 *\$5,000, or by both fine and imprisonment.* Any person having been pre-
24 viously convicted three times of a misdemeanor under the provisions of
25 this section, or of any offense of a similar nature, in this state or any other
26 state, or in a federal jurisdiction, who shall violate this section shall be
27 guilty of a felony, and upon conviction shall be punished by imprison-
28 ment in the state prison for not less than 1 year nor more than **[5 years.]**
29 *10 years, or by a fine of not more than \$5,000, or by both fine and*
30 *imprisonment.*

31 2. The word "credit" as used herein shall be construed to be an
32 arrangement or understanding with the person, firm, corporation, bank or
33 depositary for the payment of such check, order or draft.

34 3. As against the maker or drawer thereof, the making, drawing,
35 uttering or delivering of any check for the purpose of obtaining money,
36 merchandise, property, credit, thing of value or payment of obligation
37 upon any bank, depositary, person, firm or corporation, payment of
38 which is refused by the drawee when presented in the usual course
39 of business because of insufficient funds, shall be prima facie evidence of
40 intent to defraud and of knowledge of insufficient funds in or credit with
41 such bank or other depositary, if such maker or drawer shall not have
42 paid the holder thereof the amount due thereon, together with the protest
43 fees, within 10 days after notice has been sent to the maker or drawer
44 that such check, draft or order has not been paid by the drawee. Such
45 notice shall be sent to the maker or drawer by registered mail, return
46 receipt requested, at the address on the check, draft or order. Return of
47 the notice because of nondelivery to the maker or drawer raises a rebut-
48 table presumption of intent to defraud. Refusal of payment by the drawee
49 because of a nonexistent account is prima facie evidence of intent to
50 defraud.

1 4. If, pursuant to the provisions of this section, a complainant causes
2 a criminal action to be commenced against a person charging such person
3 with a violation of this section, and thereafter the complainant refuses to
4 testify in such action, it shall be presumed from such fact or facts that the
5 complainant has engaged in an act of malicious prosecution or abuse of
6 process.

7 5. A notice in boldface type clearly legible and in substantially the
8 following form shall be posted in a conspicuous place in every principal
9 and branch office of every bank and in every place of business in which
10 retail selling is conducted:

11 The issuance of a check or checks without funds or with intent to
12 defraud is punishable by imprisonment in the county jail for not
13 more than **[6 months,]** *1 year*, or by a fine of not more than
14 **[\$500,]** *\$1,000*, or by both such fine and imprisonment, and the
15 issuance of such a check or checks in an amount of **[\$100]** *\$250* or
16 more by a person who previously has been convicted three times of
17 this or a similar offense is punishable by imprisonment in the state
18 prison for not less than 1 year nor more than **[5 years.]** *10 years,*
19 *or by a fine of not more than \$5,000, or by both fine and impris-*
20 *onment.*

21 Such notice shall be prepared and copies thereof supplied on demand by
22 the superintendent of state printing. The superintendent of state printing
23 shall be entitled to charge a fee based on cost for each copy of such notice
24 supplied to any person.

25 SEC. 143. NRS 205.160 is hereby amended to read as follows:

26 205.160 Every person who shall have in his possession, or shall
27 receive from any other person, any forged promissory note or notes, or
28 bank bills, or bills for the payment of money or property, with intention
29 to pass the same, or to permit, cause, or procure the same to be uttered
30 or passed, with intention to defraud any person or persons, body politic
31 or corporate, whether such person or persons, body politic or corporate,
32 reside in or belong to this state or not, knowing the same to be forged or
33 counterfeited, or shall have or keep in his possession any blank or unfin-
34 ished note or bank bill, made in the form or similitude of any promissory
35 note or bill for payment of money or property, made to be issued by any
36 incorporated bank or banking company, with intention to fill up and com-
37 plete such blank and unfinished note or bill, or to permit, or cause, or
38 procure the same to be filled up and completed in order to utter or pass
39 the same, or to permit, or cause, or procure the same to be uttered and
40 passed to defraud any person or persons, body politic or corporate,
41 whether in this state or elsewhere, shall, on conviction thereof, be pun-
42 ished by imprisonment in the state prison for a term not less than 1 year
43 nor more than **[14 years.]** *10 years, or by a fine of not more than \$5,000,*
44 *or by both fine and imprisonment.*

45 SEC. 144. NRS 205.175 is hereby amended to read as follows:

46 205.175 Every person who shall fraudulently forge or counterfeit the
47 seal of this state, or the seal of any court or public officer by law entitled
48 to have and use a seal, or the seal of any corporation, and shall make use
49 of the same, or shall forge or counterfeit the signature of any public offi-
50 cer, or seal of any corporation, or shall unlawfully and corruptly, and

1 with evil intent, affix any of the true seals to any commission, deed, war-
2 rant, pardon, certificate or other writing, or who shall have in his pos-
3 session or custody any such counterfeit seal, and shall willfully conceal
4 the same, knowing it to be falsely made and counterfeited, and shall
5 thereof be convicted, shall be punished by imprisonment in the state
6 prison for a term not less than 1 year nor more than [14 years.] 10
7 years, or by a fine of not more than \$5,000, or by both fine and imprison-
8 ment.

9 SEC. 145. NRS 205.180 is hereby amended to read as follows:

10 205.180 If any person shall counterfeit any kind or species of gold
11 dust, silver, gold, bullion or bars, lumps, pieces, or nuggets of gold or sil-
12 ver, or any description whatsoever of uncoined gold or silver currently
13 passing in this state, or shall alter, or put off any kind of uncoined gold or
14 silver mentioned in this section, for the purpose of defrauding any person
15 or persons, body politic or corporate, or shall make any instrument for
16 counterfeiting any kind of uncoined gold or silver as aforesaid, knowing
17 the purpose for which such instrument was made, or shall knowingly have
18 in his possession and secretly keep any instrument for the purpose of
19 counterfeiting any kind of uncoined gold or silver as aforesaid, every such
20 person so offending shall be deemed guilty of counterfeiting, and, upon
21 conviction thereof, shall be punished by imprisonment in the state prison
22 for a term not less than 1 year nor more than [14 years.] 10 years, or by
23 a fine of not more than \$5,000, or by both fine and imprisonment.

24 SEC. 146. NRS 205.185 is hereby amended to read as follows:

25 205.185 Every person who shall have in his possession, or receive for
26 any other person, any counterfeit gold dust, silver, gold, bullion or bars,
27 lumps, pieces, or nuggets of gold or silver, or any description whatsoever
28 of uncoined gold or silver currently passing in this state, or entering in
29 anywise into the circulating medium of the state, with intention to utter,
30 put off, or pass the same, or permit, cause, or procure the same to be
31 uttered or passed, with intention to defraud any person or persons, body
32 politic or corporate, knowing the same to be counterfeit, and being
33 thereof duly convicted, shall be punished by imprisonment in the state
34 prison for a term not less than 1 year nor more than [14 years.] 10
35 years, or by a fine of not more than \$5,000, or by both fine and imprison-
36 ment.

37 SEC. 147. NRS 205.195 is hereby amended to read as follows:

38 205.195 Every person who shall knowingly and willfully forge or
39 counterfeit, or cause or procure to be forged or counterfeited, upon any
40 goods, wares or merchandise, the private stamps or labels of any
41 mechanic or manufacturer, with intent to defraud the purchasers or man-
42 ufacturers of any goods, wares or merchandise whatsoever, shall, on con-
43 viction thereof, be deemed guilty of a misdemeanor. [, and shall be
44 punished by imprisonment in the county jail for a term not exceeding
45 6 months, or by a fine of not less than \$300 nor more than \$600.]

46 SEC. 148. NRS 205.200 is hereby amended to read as follows:

47 205.200 Any person who shall sell any goods, wares or merchandise
48 having thereon any forged or counterfeit stamps or labels, purporting to
49 be the stamps or labels of any mechanic or manufacturer, knowing the
50 same to be forged or counterfeited, without disclosing the fact to the

1 purchaser, shall, on conviction thereof, be deemed guilty of a misde-
2 meanor. [, and shall be punished by imprisonment in the county jail for
3 a term not exceeding 6 months, or by a fine of not less than \$300 nor
4 more than \$600.]

5 SEC. 149. NRS 205.205 is hereby amended to read as follows:

6 205.205 Every person who shall use or display or have in his pos-
7 session with intent to use or display the genuine label, trade-mark, term,
8 design, device, or form of advertisement of any person, corporation, asso-
9 ciation or union lawfully filed for record according to law of the state, or
10 the exclusive right to use which is guaranteed to any person, corporation,
11 association or union by the laws of the United States, or of this state,
12 without the written authority of such person, corporation, association or
13 union, or who shall willfully forge or counterfeit or use or display or have
14 in his possession with intent to use or display any representation, likeness,
15 similitude, copy or imitation of any genuine label, trade-mark, term,
16 design, device, or form of advertisement, so filed or protected, or any die,
17 plate, stamp or other device for manufacturing the same, shall be guilty
18 of a [gross] misdemeanor.

19 SEC. 150. NRS 205.220 is hereby amended to read as follows:

20 205.220 Every person who shall feloniously steal, take and carry
21 away, lead or drive away the personal goods or property of another, of
22 the value of [\$100] \$250 or more, except a vehicle as defined in NRS
23 482.135, shall be deemed guilty of grand larceny, and upon conviction
24 thereof shall be punished by imprisonment in the state prison for any
25 term not less than [2 years] 1 year nor more than [14 years.] 10 years,
26 and may be further punished by a fine of not more than \$5,000.

27 SEC. 151. NRS 205.225 is hereby amended to read as follows:

28 205.225 Every person who: [shall:

29 1. Feloniously steal, take and carry, lead, drive or entice away any
30 horse, mare, gelding, colt, cow, bull, steer, calf, mule, jack, jenny or any
31 one or more head of cattle or horses, or any sheep, goat, hog, shoat,
32 poultry or pig, not his own property but belonging to some other person;

33 2. Mark or brand, or cause to be marked or branded, or shall alter
34 or deface or cause to be altered or defaced, a mark or brand upon any
35 horse, mare, gelding, colt, cow, bull, steer, calf, mule, jack, jenny or any
36 one or more head of cattle or horses, or any sheep, goat, hog, shoat, poul-
37 try or pig, not his own property but belonging to some other person, with
38 intent thereby to steal the same or to prevent the identification thereof by
39 the true owner, or to defraud;

40 3. With intent to defraud, or to appropriate to his own use, willfully
41 kill any animal running at large, not his own, whether branded, marked
42 or not;

43 4. Sell or purchase, with intent to defraud, the hide or carcass of any
44 animal the brand or mark on which has been cut out or obliterated,
45 shall be deemed guilty of grand larceny, and upon conviction shall be
46 punished by imprisonment in the state prison for any term not less than
47 1 year nor more than 14 years.]

48 1. Feloniously steals, takes and carries, leads, drives or entices away:

49 (a) One or more horses, cattle, mules, asses, sheep, goats or swine, of
50 any age or sex; or

1 (b) *One or more other domestic animals or poultry having an aggregate value of \$250 or more,*
2
3 *not his own property but belonging to some other person;*

4 2. *Marks or brands, or causes to be marked or branded, or alters or*
5 *defaces or causes to be altered or defaced a mark or brand upon any animal described in paragraph (a) of subsection 1, not his own property but*
6 *belonging to some other person, with intent thereby to steal such animal*
7 *or to prevent the identification thereof by the true owner, or to defraud;*

8
9 3. *With intent to defraud or to appropriate to his own use, willfully*
10 *kills any animal, animals or poultry running at large, of the kinds*
11 *described in paragraph (a) of subsection 1 or having an aggregate value*
12 *of \$250 or more, not his own, whether branded, marked or not; or*

13 4. *Sells or purchases, with intent to defraud, the hide or carcass of*
14 *any animal described in paragraph (a) of subsection 1 the brand or mark*
15 *on which has been cut out or obliterated,*
16 *is guilty of grand larceny, and upon conviction shall be punished by*
17 *imprisonment in the state prison for not less than 1 nor more than 10*
18 *years, and may be further punished by a fine of not more than \$5,000.*

19 SEC. 152. NRS 205.235 is hereby amended to read as follows:

20 205.235 Every person who shall convert any manner of real estate,
21 of the value of **[\$100 or over,]** *\$250 or more, into personal property, by*
22 *severing the same from the realty of another, with felonious intent to*
23 *and shall so steal, take and carry away the same, shall be deemed guilty*
24 *of grand larceny, and upon conviction thereof shall be punished by*
25 *imprisonment in the state prison for any term not less than 1 year nor*
26 *more than [14 years.] 10 years, and may be further punished by a fine*
27 *of not more than \$5,000, or by both fine and imprisonment.*

28 SEC. 153. NRS 205.240 is hereby amended to read as follows:

29 205.240 **[1.** Except as provided in subsection 2, every person who
30 shall steal, take and carry, lead, or drive away the personal goods or
31 property of another, under the value of \$100, except a vehicle as defined
32 in NRS 482.135, shall be deemed guilty of petit larceny, and upon conviction thereof shall be punished by imprisonment in the county jail not
33 more than 6 months, or by fine not exceeding \$500, or by both fine and
34 imprisonment.
35

36 2. Every person convicted of petit larceny for a third time within 7
37 years from the date of his first conviction of petit larceny may be punished
38 as for a misdemeanor or a gross misdemeanor. The jury by its verdict,
39 or the court sitting without a jury by its judgment, shall fix the category of punishment. The power of a jury in a justice's court and the
40 jurisdiction of the justice's court to fix such category of punishment as a
41 gross misdemeanor is hereby expressly conferred. **]** Every person who:
42

43 1. *Steals, takes and carries, leads or drives away the personal goods*
44 *or property of another, under the value of \$250, except a vehicle as*
45 *defined in NRS 482.135; or*

46 2. *Steals, takes and carries, leads, drives or entices away one or more*
47 *domestic animals or poultry having an aggregate value under \$250, except*
48 *those described in paragraph (a) of subsection 1 of NRS 205.225,*
49 *commits petit larceny and is guilty of a gross misdemeanor.*

50 SEC. 154. NRS 205.245 is hereby amended to read as follows:

1 205.245 Every person who shall convert any manner of real estate,
2 of the value of under **["\$100,] \$250**, into personal property, by severing
3 the same from the realty of another, with felonious intent to and shall so
4 steal, take and carry away the same, **[shall be deemed guilty of]** *commits*
5 petit larceny **[**, and upon conviction thereof shall be punished by impris-
6 onment in the county jail for a period of not more than 6 months, or by a
7 fine not exceeding \$500, or by both fine and imprisonment.**]** *and is*
8 *guilty of a gross misdemeanor.*

9 SEC. 155. NRS 205.270 is hereby amended to read as follows:

10 205.270 Every person who, under circumstances not amounting to
11 robbery, shall, with intent to steal or appropriate to his own use, take
12 from the person of another, without his consent, any money, property or
13 thing of value, shall be punished by imprisonment in the state prison for
14 *not less than 1 year nor more than* **[14 years.] 10 years**, *and may be*
15 *further punished by a fine of not more than \$5,000.*

16 SEC. 156. NRS 205.272 is hereby amended to read as follows:

17 205.272 1. Any person who shall drive or take a vehicle as defined
18 in NRS 482.135, not his own, without the consent of the owner thereof,
19 and with intent either permanently or temporarily to deprive the owner
20 of his title to or possession of such vehicle, with or without intent to steal
21 the same, shall be **[guilty of a felony.]** *punished according to the class*
22 *of crime specified in the indictment or information:*

23 (a) *By imprisonment in the state prison for not less than 1 year nor*
24 *more than 10 years, and may be further punished by a fine of not more*
25 *than \$5,000; or*

26 (b) *By imprisonment in the county jail for not more than 1 year, or*
27 *by a fine of not more than \$1,000, or by both fine and imprisonment.*

28 2. The consent of the owner of a vehicle to its taking or driving shall
29 not in any case be presumed or implied because of such owner's consent
30 on a previous occasion to the taking or driving of such vehicle by the
31 same or a different person.

32 3. Any person who assists in, or is a party to or an accomplice in,
33 any such unauthorized taking or driving shall **[also be guilty of a gross**
34 **misdemeanor or, if previously convicted of so assisting or being a party**
35 **or accomplice, shall be guilty of a felony.]** *be punished as a principal.*

36 4. *In an indictment found or information filed against a violator of*
37 *this section, the grand jury or district attorney shall specify that such*
38 *indictment or information is for a misdemeanor, gross misdemeanor or*
39 *felony, as the facts warrant, and the sentence imposed shall not exceed*
40 *that provided for the class of crime specified.*

41 5. *Where the indictment or information specifies a greater offense,*
42 *the defendant may, with the consent of the district attorney, plead guilty*
43 *specifically to a misdemeanor or gross misdemeanor, and in such case the*
44 *sentence imposed shall not exceed that provided for the class of crime*
45 *specified.*

46 SEC. 157. NRS 205.273 is hereby amended to read as follows:

47 205.273 Any person who, with intent to procure or pass title to a
48 motor vehicle which he knows or has reason to believe has been stolen,
49 shall receive or transfer possession of the same from or to another, or
50 who shall have in his possession any motor vehicle which he knows or

1 has reason to believe has been stolen, and who is not an officer of the law
2 engaged at the time in the performance of his duty as such officer, shall
3 be guilty of a felony **[.]** *and shall be punished by imprisonment in the*
4 *state prison for not less than 1 year nor more than 10 years, or by a fine*
5 *of not more than \$5,000, or by both fine and imprisonment.*

6 SEC. 158. NRS 205.274 is hereby amended to read as follows:

7 205.274 1. Any person who shall individually or in association with
8 one or more other persons willfully break, injure, tamper with or remove
9 any part or parts of any vehicle for the purpose of injuring, defacing or
10 destroying such vehicle, or temporarily or permanently preventing its
11 useful operation, or for any purpose against the will or without the con-
12 sent of the owner of such vehicle, or who shall in any manner willfully
13 or maliciously interfere with or prevent the running or operation of such
14 vehicle, shall be guilty of a **[misdemeanor.]** *public offense proportionate*
15 *to the value of the loss resulting therefrom.*

16 2. Any person who shall without the consent of the owner or person
17 in charge of a vehicle climb into or upon such vehicle with the intent to
18 commit any crime, malicious mischief, or injury thereto, or who while a
19 vehicle is at rest and unattended shall attempt to manipulate any of the
20 levers, starting crank or other starting device, brakes or other mechanism
21 thereof, or to set such vehicle in motion, shall be guilty of a misdemeanor;
22 but the foregoing provisions shall not apply when any such act is done in
23 an emergency in furtherance of public safety or convenience or by or
24 under the direction of an officer in the regulation of traffic or perform-
25 ance of any other official duty.

26 SEC. 159. NRS 205.275 is hereby amended to read as follows:

27 205.275 1. Every person who, for his own gain, or to prevent the
28 owner from again possessing his property, shall buy or receive stolen
29 goods, or anything the stealing of which is declared to be larceny, or
30 property obtained by robbery, burglary or embezzlement, knowing the
31 same so to have been obtained, shall, upon conviction, be punished by
32 imprisonment in the state prison for a term not **[exceeding 5 years, or**
33 **by a fine not exceeding \$1,000, or by both fine and imprisonment;]** *less*
34 *than 1 year nor more than 10 years, or by a fine of not more than \$5,000,*
35 *or by both fine and imprisonment; and every such person may be tried,*
36 *convicted and punished, as well before as after the trial of the principal.*

37 2. No person convicted of the offense specified in this section shall
38 be condemned to imprisonment in the state prison, unless the value of
39 the thing bought or received shall amount to **[\$100,]** *\$250 or more,* but
40 the same shall be punished as provided in cases of petit larceny.

41 SEC. 160. NRS 205.320 is hereby amended to read as follows:

42 205.320 Every person who, with intent thereby to extort or gain any
43 money or other property or to compel or induce another to make, sub-
44 scribe, execute, alter or destroy any valuable security or instrument or
45 writing affecting or intended to affect any cause of action or defense, or
46 any property, or to influence the action of any public officer, or to do
47 or abet or procure any illegal or wrongful act, *whether or not such pur-*
48 *pose is accomplished,* shall threaten directly or indirectly:

49 1. To accuse any person of a crime; or

50 2. To do an injury to any person or to any property; or

- 1 3. To publish or connive at publishing any libel; or
- 2 4. To expose or impute to any person any deformity or disgrace; or
- 3 5. To expose any secret,
- 4 shall be punished by imprisonment in the state prison for not *less than 1*
- 5 *year nor* more than **5 years** or by imprisonment in the county jail for
- 6 not more than 1 year, **10 years**, or by a fine of not more than **\$1,000,**
- 7 **\$5,000**, or by both fine and imprisonment.

8 SEC. 161. NRS 205.330 is hereby amended to read as follows:

9 205.330 Every person who shall be a party to any fraudulent con-
10 veyance of any lands, tenements or hereditaments, goods or chattels, or
11 any right or interest issuing out of the same, or to any bond, suit, judg-
12 ment or execution, contract or conveyance, had, made or contrived with
13 intent to deceive and defraud others, or to defeat, hinder or delay credi-
14 tors or others of their just debts, damages or demands; or who, being a
15 party as aforesaid, at any time shall wittingly and willingly put in use,
16 avow, maintain, justify or defend the same, or any of them, as true and
17 done, had, or made in good faith, or upon good consideration, or shall
18 alien, assign or sell any of the lands, tenements, hereditaments, goods,
19 chattels or other things before mentioned, to him or them conveyed as
20 aforesaid, or any part thereof, **[shall, on conviction, be fined in any sum**
21 **not exceeding \$1,000, or imprisoned in the county jail not less than 6**
22 **months.]** *is guilty of a gross misdemeanor.*

23 SEC. 162. NRS 205.350 is hereby amended to read as follows:

24 205.350 If any debtor shall fraudulently remove his property or
25 effects out of this state, or shall fraudulently sell, convey or assign, or
26 conceal his property or effects, with intent to defraud, hinder or delay his
27 creditors of their just rights, claims or demands, he **[shall, on conviction,**
28 **be punished by imprisonment in the county jail not exceeding 6 months,**
29 **or by fine not exceeding \$5,000, or by both fine and imprisonment.]** *is*
30 *guilty of a gross misdemeanor.*

31 SEC. 163. NRS 205.365 is hereby amended to read as follows:

32 205.365 Any person or persons, after once selling, bartering or dis-
33 posing of any tract or tracts of land, town lot or lots, or executing any
34 bond or agreement for the sale of any lands or town lot or lots, who shall
35 again, knowingly and fraudulently, sell, barter or dispose of the same
36 tract or tracts of land, or town lot or lots, or any part thereof, or shall
37 knowingly and fraudulently execute any bond or agreement to sell or
38 barter, or dispose of the same land, or lot or lots, or any part thereof, to
39 any other person or persons, for a valuable consideration, upon conviction
40 thereof, shall be punished: **[by imprisonment in the state prison not less**
41 **than 1 year nor more than 5 years.]**

42 1. *Where the value of the property so involved is \$250, or more, by*
43 *imprisonment in the state prison for not less than 1 year nor more than*
44 *10 years, or by a fine of not more than \$5,000, or by both fine and*
45 *imprisonment.*

46 2. *Where the value of the property is less than \$250, for a gross*
47 *misdemeanor.*

48 SEC. 164. NRS 205.370 is hereby amended to read as follows:

49 205.370 If any person, by false representations of his own wealth,
50 or mercantile correspondence and connections, shall obtain a credit

1 thereby and defraud any person or persons of money, goods, chattels or
2 any valuable thing, or if any person shall cause, or procure others to
3 report falsely of his wealth or mercantile character, and by thus impos-
4 ing upon any person or persons obtain credit and thereby fraudulently
5 get into the possession of goods, wares or merchandise, or other valuable
6 thing, every such offender shall be deemed a swindler, and, on conviction,
7 shall be sentenced to return the property so fraudulently obtained, if it
8 can be done, and shall be [fined not exceeding \$1,000, and imprisoned
9 in the county jail not more than 6 months.] *punished:*

10 *1. Where the amount of money or the value of the chattels, goods,*
11 *wares or merchandise, or other valuable thing so obtained is \$250 or*
12 *more, by imprisonment in the state prison for not less than 1 year nor*
13 *more than 10 years, or by a fine of not more than \$5,000, or by both fine*
14 *and imprisonment.*

15 *2. Otherwise, for a gross misdemeanor.*

16 SEC. 165. NRS 205.375 is hereby amended to read as follows:

17 205.375 Any person:

18 1. Who shall knowingly make or cause to be made, either directly
19 or indirectly, or through any agency whatsoever, any false statement in
20 writing, with intent that it shall be relied upon, respecting the financial
21 condition or means or ability to pay, of himself, or of any other person,
22 firm or corporation, in which he is interested, or for whom or which he
23 is acting, for the purpose of procuring in any form whatsoever, either the
24 delivery of personal property, the payment of cash, the making of a loan
25 or credit, the extension of a credit, the discount of an account receivable,
26 or the making, acceptance, discount, sale or endorsement of a bill of
27 exchange, or promissory note, for the benefit of either himself or of such
28 person, firm or corporation; or

29 2. Who, knowing that a false statement in writing has been made,
30 respecting the financial condition or means or ability to pay, of himself,
31 or of such person, firm or corporation, in which he is interested, or for
32 whom he is acting, procures, upon the faith thereof, for the benefit either
33 of himself, or of such person, firm or corporation, either or any of the
34 things of benefit mentioned in subsection 1; or

35 3. Who, knowing that a statement in writing has been made respect-
36 ing the financial condition or means or ability to pay, of himself or of
37 such person, firm or corporation, in which he is interested, or for whom
38 he is acting, represents on a later day, either orally or in writing, that such
39 statement theretofore made, if then again made on that day, would be
40 then true, when, in fact, the statement if then made would be false, and
41 procures upon the faith thereof, for the benefit either of himself or such
42 person, firm or corporation, either or any of the things of benefit men-
43 tioned in subsection 1,
44 shall be guilty of a [gross] misdemeanor. [punishable by a fine of not
45 more than \$1,000 or by imprisonment for a term of not more than 6
46 months, or by both fine and imprisonment.]

47 SEC. 166. NRS 205.380 is hereby amended to read as follows:

48 205.380 Every person who shall knowingly and designedly, by any
49 false pretense or pretenses, obtain from any other person or persons any
50 chose in action, money, goods, wares, chattels, effects or other valuable

1 thing, with intent to cheat or defraud any person or persons of the same,
2 **[shall be deemed]** is a cheat, and on conviction shall be imprisoned in
3 the state prison not less than 1 year nor more than 10 years, *or by a fine*
4 *of not more than \$5,000, or by both fine and imprisonment*, and be sen-
5 tenced to restore the property so fraudulently obtained, if it can be done.
6 Should the value of any chose in action, money, goods, wares, chattels,
7 effects, or other valuable thing so, as aforesaid, fraudulently obtained,
8 **[not exceed in value the sum of \$100,]** *be less than \$250*, every person
9 so offending **[shall be deemed]** is a cheat, and **[on conviction shall be**
10 **punished by imprisonment in the county jail not more than 6 months, or**
11 **by fine in any sum not exceeding \$500, or by both fine and imprisonment,**
12 **and]** *is guilty of a gross misdemeanor, and shall be sentenced to restore*
13 *the property so fraudulently obtained, if it can be done.*

14 SEC. 167. NRS 205.385 is hereby amended to read as follows:

15 205.385 Every person who presents or causes to be presented any
16 false or fraudulent claim, or any proof in support of such claim, upon any
17 contract or policy of insurance or indemnity whatsoever for the payment
18 of any loss, or who prepares, makes or subscribes any account, certificate
19 or survey, affidavit or proof of loss, or other book, paper or writing, with
20 intent to present or use the same or to allow it to be presented or used in
21 support of any such claim, is guilty of a **[felony, and upon conviction**
22 **thereof shall be punished by imprisonment in the state prison not exceed-**
23 **ing 3 years, or by a fine not exceeding \$1,000, or by both fine and impris-**
24 **onment.]** *gross misdemeanor.*

25 SEC. 168. NRS 205.390 is hereby amended to read as follows:

26 205.390 Every person who, with intent to cheat or defraud another,
27 shall designedly by color or aid of any false token or writing or other false
28 pretense, representation or presentation obtain the signature of any per-
29 son to a written instrument, shall be punished by imprisonment in the
30 state prison for not *less than 1 year nor more than* **[5 years or in the**
31 **county jail for not more than 1 year,]** *6 years*, or by a fine of not more
32 than **[***\$1,000,***]** *\$5,000*, or by both fine and imprisonment.

33 SEC. 169. NRS 205.400 is hereby amended to read as follows:

34 205.400 Every person who shall obtain from another the possession
35 or use of any horse or other draft animal **[or any vehicle or automobile,]**
36 without paying therefor, with intent to defraud the owner thereof, or who
37 shall obtain the possession or use thereof, by color or aid of any false or
38 fraudulent representation, pretense, token or writing, or shall obtain
39 credit for such use by color or aid of any false or fraudulent representa-
40 tion, pretense, token or writing; or who, having hired property, shall reck-
41 lessly, willfully, wantonly or by gross negligence injure or destroy or
42 cause, suffer, allow or permit the same, or any part thereof, to be injured
43 or destroyed; or who, having hired any horse or other draft animal upon
44 an understanding or agreement that the same shall be ridden or driven a
45 specified distance or to a specified place, shall willfully and fraudulently
46 ride or drive or cause, permit or allow the same to be ridden or driven a
47 longer distance, or to a different place, shall be guilty of a misdemeanor.

48 SEC. 170. NRS 205.410 is hereby amended to read as follows:

49 205.410 Every person who shall willfully wear the badge, button,
50 insignia or rosette of any military order or of any secret order or society,

1 or any similitude thereof; or who shall use any such badge, button,
2 insignia or rosette to obtain aid or assistance, or any other benefit or
3 advantage, unless he shall be entitled to so wear or use the same under
4 the constitution, bylaws, rules and regulations of such order or society,
5 shall be **[guilty of a misdemeanor.]** *fined not more than \$500.*

6 SEC. 171. NRS 205.415 is hereby amended to read as follows:

7 205.415 Every person who shall sell **[a ticket]** *one or more tickets*
8 to any ball, benefit or entertainment, or ask or receive any subscription or
9 promise thereof, for the benefit or pretended benefit of any person, associ-
10 ation or order, without being duly authorized thereto by the person, asso-
11 ciation or order for whose benefit or pretended benefit the same is done,
12 shall be **[guilty of a misdemeanor.]** *punished:*

13 1. *Where the amount received from such sales, subscriptions or*
14 *promises totals \$250 or more, by imprisonment in the state prison for not*
15 *less than 1 year nor more than 10 years, or by a fine of not more than*
16 *\$5,000, or by both fine and imprisonment.*

17 2. *Otherwise, for a gross misdemeanor.*

18 SEC. 172. NRS 205.445 is hereby amended to read as follows:

19 205.445 1. **[Any person who:]** *It is unlawful for any person:*

20 (a) **[Shall]** *To obtain food, foodstuffs, lodging, merchandise or other*
21 *accommodations at any hotel, inn, trailer park, motor court, boarding-*
22 *house, roominghouse, lodginghouse, furnished apartment house, fur-*
23 *nished bungalow court, furnished auto camp, eating house, restaurant,*
24 *grocery store, market or dairy, without paying therefor, with intent to*
25 *defraud the proprietor or manager thereof; or*

26 (b) **[Obtains]** *To obtain credit at a hotel, inn, trailer park, motor*
27 *court, boardinghouse, roominghouse, furnished apartment house, fur-*
28 *nished bungalow court, furnished auto camp, eating house, restaurant,*
29 *grocery store, market or dairy by the use of any false pretense; or*

30 (c) *After obtaining credit, food, lodging, merchandise or other accom-*
31 *modations at a hotel, inn, trailer park, motor court, boardinghouse,*
32 *roominghouse, lodginghouse, furnished apartment house, furnished bun-*
33 *galow court, furnished auto camp, eating house, restaurant, grocery store,*
34 *market or dairy, [absconds] to abscond or surreptitiously, or by force,*
35 *menace or threats, [removes] to remove any part of his baggage there-*
36 *from, without paying for his food or accommodations. [is guilty of a*
37 *misdemeanor, and upon conviction thereof shall be punished by a fine not*
38 *exceeding \$500, or by imprisonment in the county jail for not more than*
39 *6 months.]*

40 2. *Any person who violates any of the provisions of subsection 1*
41 *shall be punished:*

42 (a) *Where the total value of the credit, food, foodstuffs, lodging, mer-*
43 *chandise or other accommodations received from any one such establish-*
44 *ment is \$250 or more, by imprisonment in the state prison for not less*
45 *than 1 year nor more than 10 years, or by a fine of not more than*
46 *\$5,000, or by both fine and imprisonment.*

47 (b) *Otherwise, for a gross misdemeanor.*

48 3. *Proof that lodging, food, foodstuffs, merchandise or other accom-*
49 *modations were obtained by false pretense, or by false or fictitious show*
50 *or pretense of any baggage or other property, or that the person refused*

1 or willfully neglected to pay for such food, foodstuffs, lodging, merchan-
2 dise or other accommodations, or that he gave in payment for such food,
3 foodstuffs, lodging, merchandise or other accommodations negotiable
4 paper on which payment was refused, or that he absconded without pay-
5 ing or offering to pay for such food, foodstuffs, lodging, merchandise or
6 other accommodations, or that he surreptitiously removed or attempted
7 to remove his baggage, shall be prima facie evidence of the fraudulent
8 intent mentioned in this section.

9 **[3.]** 4. This section shall not apply where there has been an agree-
10 ment in writing for delay in payment for a period to exceed 10 days.

11 SEC. 173. NRS 205.450 is hereby amended to read as follows:

12 205.450 Every person who shall falsely represent or personate
13 another, and, in such assumed character, shall marry another, become bail
14 or surety for any party, in any proceeding, civil or criminal, before any
15 court or officer authorized to take such bail or surety, or confess any
16 judgment, or acknowledge the execution of any conveyance of real prop-
17 erty, or of any other instrument which, by law, may be recorded, or do
18 any other act in the course of any suit, proceeding or prosecution,
19 whereby the person so represented or personated may be made liable, in
20 any event, to the payment of any debt, damages, cost or sum of money,
21 or his right or interest may, in any manner be affected, shall be guilty
22 of a **[gross]** misdemeanor.

23 SEC. 174. NRS 205.470 is hereby amended to read as follows:

24 205.470 Any person who:

25 1. Willfully and maliciously breaks, injures or otherwise destroys,
26 damages or interferes with any of the posts, wires, towers or other mate-
27 rials or fixtures employed in the construction or use of any line of a tele-
28 vision coaxial cable, a microwave radio system, or a community antenna
29 television system **[; or]** *is guilty of a public offense proportionate to the*
30 *value of the property damaged or destroyed.*

31 2. Without authority leads or attempts to lead from its uses or make
32 use of the electrical signal or any portion thereof from any posts, wires,
33 towers or other materials or fixtures employed in the construction or use
34 of any line of a television coaxial cable, a microwave radio system, or a
35 community antenna television system **[,]** is guilty of a misdemeanor.

36 SEC. 175. NRS 205.480 is hereby amended to read as follows:

37 205.480 1. It is unlawful to obtain or attempt to obtain telephone
38 or telegraph service with intent to avoid payment therefor by:

39 (a) Charging the service to an existing telephone number without
40 authority of the subscriber, to a nonexistent telephone number or to a
41 number associated with telephone service which is suspended or termi-
42 nated after notice of suspension or termination has been given to the
43 subscriber; or

44 (b) Charging the service to a credit card without authority of the law-
45 ful holder, to a nonexistent credit card or to a revoked or canceled (as
46 distinguished from expired) credit card after notice of revocation or can-
47 cellation has been given to the holder; or

48 (c) Using a code, prearranged scheme or other similar device to send
49 or receive information; or

50 (d) Rearranging, tampering with or making connection with any

1 facilities or equipment, whether physically, electrically, acoustically,
2 inductively or otherwise; or

3 (e) Using any other deception, false token or other means to avoid
4 payment for the service; or

5 (f) Concealing, or assisting another to conceal, from any telephone or
6 telegraph company or from any lawful authority the existence or place of
7 origin or destination of any message.

8 2. If the value of the service involved is ~~[\$300]~~ \$250 or more, any
9 person violating the provisions of this section is guilty of a felony ~~[,]~~ *and*
10 *shall be punished by imprisonment in the state prison for not less than 1*
11 *year nor more than 10 years, or by a fine of not more than \$5,000, or by*
12 *both fine and imprisonment.* If the value of the service involved is less
13 than ~~[\$300,]~~ \$250, any person violating the provisions of this section is
14 guilty of a gross misdemeanor. In determining the value of the service
15 involved, the value of all services unlawfully obtained or attempted to be
16 obtained within 3 years prior to the time the indictment is found or the
17 information is filed may be aggregated.

18 3. This section shall apply when the service involved either originates
19 or terminates, or both originates and terminates, in the State of Nevada,
20 or when the charges for such service would have been billable in the nor-
21 mal course by a person, firm or corporation providing such service in Ne-
22 vada but for the fact that such service was obtained or attempted to be
23 obtained by one or more of the means set forth in subsection 1.

24 SEC. 176. NRS 205.490 is hereby amended to read as follows:

25 205.490 1. It is unlawful to make or possess any instrument, appa-
26 ratus or device or to sell, give or otherwise transfer to another or to offer
27 or advertise for sale any instrument, apparatus, device or information, or
28 plans or instructions for making or assembling such equipment, with
29 knowledge or reason to believe that it is intended to be used to obtain
30 telephone or telegraph service with intent to avoid payment therefor by
31 any of the means listed in paragraphs (c), (d) or (f) of subsection 1 of
32 NRS 205.480, or to represent or imply that it may lawfully be so used.

33 2. *Any person who violates any of the provisions of subsection 1 is*
34 *guilty of a gross misdemeanor.*

35 SEC. 177. NRS 205.500 is hereby amended to read as follows:

36 205.500 1. As used in this section:

37 (a) "Cardholder" means the person or organization to whom a credit
38 card is issued or for whose benefit it is issued.

39 (b) "Credit card" means any instrument, whether in the form of a
40 card, booklet, plastic or metal substance, or the number or other identify-
41 ing description thereof, which is sold, issued or otherwise distributed by
42 a business organization or financial institution, for the use by the person
43 or organization named thereon for obtaining on credit goods, property,
44 services or anything of value.

45 2. Any person who:

46 (a) Steals, takes or removes a credit card from the person or pos-
47 session of the cardholder, or who retains or secretes a credit card without
48 the consent of the cardholder, with the intent of using, delivering, cir-
49 culating or selling or causing such card to be used, delivered, circulated or
50 sold without the consent of the cardholder, is guilty of a misdemeanor.

1 (b) Has in his possession or under his control or who receives from
2 another person any forged, altered, counterfeited, fictitious or stolen
3 credit card with the intent to use, deliver, circulate or sell it, or to permit
4 or cause or procure it to be used, delivered, circulated or sold, knowing
5 it to be forged, altered, counterfeited, fictitious or stolen, or who has or
6 keeps in his possession any blank or unfinished credit card made in the
7 form or similitude of any credit card, with such intent, is guilty of a mis-
8 demeanor.

9 (c) Has in his possession, or under his control, or who receives from
10 another person a credit card with the intent to circulate or sell it, or to
11 permit or cause or procure it to be used, delivered, circulated or sold,
12 knowing such possession, control or receipt to be without the consent of
13 the cardholder or issuer, is guilty of a misdemeanor.

14 (d) Delivers, circulates or sells a credit card which was obtained or is
15 held by such person under circumstances which would constitute a crime
16 under paragraphs (a), (b) or (c) of this subsection, or permits or causes
17 or procures to be used, delivered, circulated or sold, knowing it to be
18 obtained or held under circumstances which would constitute a crime
19 under paragraphs (a), (b) or (c) of this subsection, is guilty of a mis-
20 demeanor.

21 (e) With intent to defraud, either forges, materially alters or counter-
22 feits a credit card is guilty of a felony **[.]** *and shall be punished by impris-*
23 *onment in the state prison for not less than 1 year nor more than 10*
24 *years, or by a fine of not less than \$5,000, or by both fine and imprison-*
25 *ment.*

26 (f) Knowingly uses or attempts to use for the purpose of obtaining
27 goods, property, services or anything of value a credit card which was
28 obtained or is held by the user, under circumstances which would con-
29 stitute a crime under paragraphs (a), (b) or (c) of this subsection, is
30 also guilty **[of a misdemeanor if]** *where* the total amount of goods, prop-
31 erty or services or other things of value so obtained by such person **[does**
32 *not exceed \$100, or is also guilty of a felony if the total amount of goods,*
33 *property or services or other things of value so obtained by such person*
34 *exceeds \$100.] is:*

35 (1) *\$250 or more, of a felony and shall be punished by imprison-*
36 *ment in the state prison for not less than 1 year nor more than 10 years,*
37 *or by a fine of not more than \$5,000, or by both fine and imprisonment.*

38 (2) *Less than \$250, of a gross misdemeanor.*

39 3. Every person who knowingly and with intent to defraud uses for
40 the purpose of obtaining goods, property or services, or anything of value,
41 a credit card which has been revoked or canceled by the issuer thereof
42 (as distinguished from expired), and notice of such revocation or can-
43 cellation has been given to such person, is guilty **[of a misdemeanor if]**
44 *where* the total amount of goods, property or services or other things of
45 value so obtained thereafter by such person **[does not exceed \$100; and**
46 *is guilty of a felony if the total amount of goods, property or services or*
47 *other things of value so obtained thereafter by such person exceeds*
48 *\$100.] is:*

1 (a) \$250 or more, of a felony and shall be punished by imprison-
2 ment in the state prison for not less than 1 year nor more than 10 years,
3 or by a fine of not more than \$5,000, or by both fine and imprisonment.

4 (b) Less than \$250, of a gross misdemeanor.

5 SEC. 178. NRS 205.510 is hereby amended to read as follows:

6 205.510 1. Any person who in renting or leasing personal property
7 obtains or retains possession of such personal property by means of any
8 false or fraudulent representation, fraudulent concealment, false pretense
9 or personation, trick, artifice or device, including, but not limited to, a
10 false representation as to his name, residence, employment or operator's
11 license, is guilty of:

12 (a) A felony if the personal property is of a value of **[\$200]** \$250
13 or more **[.]** and shall be punished by imprisonment in the state prison for
14 not less than 1 year nor more than 10 years, or by a fine of not more than
15 \$5,000, or by both fine and imprisonment.

16 (b) A gross misdemeanor if the personal property is of a value of less
17 than **[\$200.]** \$250.

18 It shall be a complete defense to any civil action arising out of or
19 involving the arrest or detention of any person renting or leasing personal
20 property that any representation made by him in obtaining or retaining
21 possession of the personal property is contrary to the fact.

22 2. Any person who, after renting or leasing personal property under
23 an agreement in writing which provides for the return of the personal
24 property to a particular place or at a particular time, fails to return the
25 personal property to such place within the time specified, and is there-
26 after personally served with a written demand, addressed to his last-
27 known address, to return the personal property to the place specified in
28 the written agreement within 72 hours from the time of the personal serv-
29 ice by written demand, and who fails, with the intent temporarily or per-
30 manently to deprive the lessor of such property, to return such property
31 to the lessor within such period, is guilty of:

32 (a) A felony if the personal property is of a value of **[\$200]** \$250 or
33 more **[.]** and shall be punished by imprisonment in the state prison for
34 not less than 1 year nor more than 10 years, or by a fine of not less than
35 \$5,000, or by both fine and imprisonment.

36 (b) A gross misdemeanor if the personal property is of value of less
37 than **[\$200.]** \$250.

38 It shall be a complete defense to any civil action arising out of or
39 involving the arrest or detention of any person upon whom such written
40 demand was personally served that he failed to return the personal prop-
41 erty to the place specified in the rental agreement within such 72-hour
42 period.

43 SEC. 179. Section 22.5 of chapter 353, Statutes of Nevada 1965, at
44 page 927, is hereby amended to read as follows:

45 Section 22.5. A bailee, or any officer, agent or servant of a bailee,
46 who issues or aids in issuing a document of title, knowing that the goods
47 covered by the document of title have not been received by him, or are
48 not under his control at the time the document is issued, **[is guilty of a**
49 **crime, and upon conviction]** shall be punished: **[for each offense by**

1 imprisonment not exceeding 5 years, or by a fine not exceeding \$5,000,
2 or by both.】

3 1. *Where the value of the goods purported to be covered by such*
4 *document of title is \$250 or more, by imprisonment in the state prison for*
5 *not less than 1 year nor more than 10 years, or by a fine of not more than*
6 *\$5,000, or by both fine and imprisonment.*

7 2. *Where such value is less than \$250, for a gross misdemeanor.*

8 SEC. 180. Section 23 of chapter 353, Statutes of Nevada 1965, at
9 page 927, is hereby amended to read as follows:

10 Section 23. A bailee, or any officer, agent or servant of a bailee,
11 who issues or aids in issuing a document of title, knowing that it contains
12 any false statement, is guilty of a [crime, and upon conviction shall be
13 punished for each offense by imprisonment not exceeding 1 year, or by a
14 fine not exceeding \$1,000, or by both.】 *gross misdemeanor.*

15 SEC. 181. Section 24 of chapter 353, Statutes of Nevada 1965, at
16 page 927, is hereby amended to read as follows:

17 Section 24. Except as provided in section 1 of this act, a bailee, or
18 any officer, agent or servant of a bailee, who issues or aids in issuing a
19 duplicate or additional negotiable document of title, knowing that a for-
20 mer negotiable document for the same goods or any part of them is out-
21 standing and uncanceled, [is guilty of a crime, and upon conviction]
22 shall be punished: [for each offense by imprisonment not exceeding 5
23 years, or by a fine not exceeding \$5,000, or by both.】

24 1. *Where the value of the goods purported to be covered by such*
25 *document of title is \$250 or more, by imprisonment in the state prison for*
26 *not less than 1 year nor more than 10 years, or by a fine of not more than*
27 *\$5,000, or by both fine and imprisonment.*

28 2. *Where such value is less than \$250, for a gross misdemeanor.*

29 SEC. 182. Section 25 of chapter 353, Statutes of Nevada 1965, at
30 page 927, is hereby amended to read as follows:

31 Section 25. Except as provided in section 1 of this act, a bailee,
32 or any officer, agent or servant of a bailee, who delivers goods, knowing
33 that they are covered by an outstanding document of title, the negotiation
34 of which would transfer the right to possession thereof, without obtaining
35 the negotiable document, is guilty of a [crime, and upon conviction shall
36 be punished for each offense by imprisonment not exceeding 1 year, or by
37 a fine not exceeding \$1,000, or by both.】 *gross misdemeanor.*

38 SEC. 183. Section 26 of chapter 353, Statutes of Nevada 1965, at
39 page 927, is hereby amended to read as follows:

40 Section 26. A warehouseman, or any officer, agent or servant of a
41 warehouseman, in possession of goods which he owns in part, wholly or
42 jointly, who issues a negotiable warehouse receipt therefor, without noting
43 his ownership on the receipt, is guilty of a [crime, and upon conviction
44 shall be punished for each offense by imprisonment not exceeding 1 year,
45 or by a fine not exceeding \$1,000, or by both.】 *gross misdemeanor.*

46 SEC. 184. Section 27 of chapter 353, Statutes of Nevada 1965, at
47 page 927, is hereby amended to read as follows:

48 Section 27. Every person who, with intent to defraud, obtains a
49 negotiable document of title for goods to which he does not have title, or
50 which are subject to a security interest, and negotiates the document for

1 value, without disclosing his want of title or the existence of the security
2 interest, [is guilty of a crime, and upon conviction] shall be punished:
3 [for each offense by imprisonment not exceeding 1 year, or by a fine not
4 exceeding \$1,000, or by both.]

5 1. *Where the value of the goods purported to be covered by such*
6 *document of title is \$250 or more, by imprisonment in the state prison for*
7 *not less than 1 year nor more than 10 years, or by a fine of not more than*
8 *\$5,000, or by both fine and imprisonment.*

9 2. *Where such value is less than \$250, for a gross misdemeanor.*

10 SEC. 185. Section 28 of chapter 353, Statutes of Nevada 1965, at
11 page 927, is hereby amended to read as follows:

12 Section 28. Every person who, with intent to defraud, secures the
13 issue by a bailee of a negotiable document of title, knowing at the time of
14 issue that any or all of the goods are not in possession of the bailee, by
15 inducing the bailee to believe that the goods are in the bailee's possession,
16 [is guilty of a crime, and upon conviction] shall be punished: [for each
17 offense by imprisonment not exceeding 5 years, or by a fine not exceeding
18 \$5,000, or by both.]

19 1. *Where the value of the goods purported to be covered by the doc-*
20 *ument of title is \$250 or more, by imprisonment in the state prison for*
21 *not less than 1 year nor more than 10 years, or by a fine of not more than*
22 *\$5,000, or by both fine and imprisonment.*

23 2. *Where such value is less than \$250, for a gross misdemeanor.*

24 SEC. 186. Section 29 of chapter 353, Statutes of Nevada 1965, at
25 page 928, is hereby amended to read as follows:

26 Section 29. Every person who, with intent to defraud, negotiates or
27 transfers for value a document of title, which by the terms thereof repre-
28 sents that goods are in possession of the bailee which issued the docu-
29 ment, knowing that the bailee is not in possession of the goods or any
30 part thereof, without disclosing this fact, [is guilty of a crime, and upon
31 conviction] shall be punished: [for each offense by imprisonment not
32 exceeding 5 years, or by a fine not exceeding \$5,000, or by both.]

33 1. *Where the value of the goods purported to be covered by such*
34 *document of title is \$250 or more, by imprisonment in the state prison for*
35 *not less than 1 year nor more than 10 years, or by a fine of not more than*
36 *\$5,000, or by both fine and imprisonment.*

37 2. *Where such value is less than \$250, for a gross misdemeanor.*

38 SEC. 187. Section 30 of chapter 353, Statutes of Nevada 1965, at
39 page 928, is hereby amended to read as follows:

40 Section 30. A vendor of any stock of goods in bulk, fixtures, wares
41 or merchandise of any kind, or any person who is acting for or on behalf
42 of a vendor, who knowingly or willfully makes or delivers or causes to be
43 made or delivered a statement as provided for in section 1 of this act,
44 which does not include the names of all of the creditors of such vendor,
45 with the correct amount due and to become due to each of them, or which
46 contains any false or untrue statement, is guilty of a misdemeanor. [, and
47 upon conviction shall be punished by imprisonment in the county jail for
48 not more than 6 months, or by a fine not exceeding \$500, or by both.]

49 SEC. 188. NRS 206.010 is hereby amended to read as follows:

50 206.010 Whenever any persons unlawfully assembled shall pull

1 down or destroy any dwelling house or other building, or any shop,
2 steamboat, vessel or other property, they severally [shall be punished by
3 imprisonment in the state prison for not more than 5 years, or by a fine
4 of not more than \$1,000.] *are guilty of a public offense proportionate to*
5 *the value of the property damaged or destroyed.*

6 SEC. 189. NRS 206.060 is hereby amended to read as follows:

7 206.060 Any person who shall willfully, unlawfully or maliciously
8 pull down, deface, injure or destroy any gate, post, railing or fence, or
9 any part thereof, shall be guilty of a [misdemeanor.] *public offense pro-*
10 *portionate to the value of the loss resulting therefrom.*

11 SEC. 190. NRS 206.100 is hereby amended to read as follows:

12 206.100 Every person who shall willfully and maliciously dig, take
13 or carry away, without lawful authority or consent, from any lot or land
14 in any city or town, or from any lands included within the limits of a
15 street or avenue in such city or town, any earth, soil or stone shall be
16 guilty of a gross misdemeanor.

17 SEC. 191. NRS 206.110 is hereby amended to read as follows:

18 206.110 Every person who shall willfully and maliciously remove,
19 damage or destroy a sewer or drain, or a pipe or main connected there-
20 with or forming a part thereof, shall be guilty of a [misdemeanor.] *public*
21 *offense proportionate to the value of the loss resulting therefrom.*

22 SEC. 192. NRS 206.120 is hereby amended to read as follows:

23 206.120 1. Every person who shall willfully and maliciously remove,
24 damage or destroy a pipe or main for conducting gas, water or oil, or any
25 works erected for the purpose of supplying buildings therewith, or any
26 appurtenance or appendage thereto, shall be guilty of a [misdemeanor.]
27 *public offense proportionate to the value of the loss resulting therefrom.*

28 2. Any person who shall willfully and maliciously shoot and destroy
29 any telephone or electric powerline insulator, any other public utility
30 powerline insulator or any telephone or powerline cable shall be guilty
31 of a [misdemeanor.] *public offense proportionate to the value of the*
32 *property damaged or destroyed.*

33 SEC. 193. Chapter 206 of NRS is hereby amended by adding thereto
34 the provisions set forth as sections 194 and 195 of this act.

35 SEC. 194. *Every person who willfully and maliciously:*

36 1. *Cuts down, destroys or injures any wood, timber, grain, grass or*
37 *crop, standing or growing, or which has been cut down and is lying upon*
38 *the lands of another, or of the state;*

39 2. *Cuts down, laps, girdles or otherwise injures or destroys a fruit,*
40 *shade or ornamental tree standing on the land of another, or of the state,*
41 *or in any road or street; or*

42 3. *Cuts down, destroys or in any way injures any shrub, tree, vine or*
43 *garden produce grown or growing within any orchard, garden, vineyard*
44 *or yard, or any framework or erection therein,*
45 *is guilty of a public offense proportionate to the value of the loss resulting*
46 *therefrom.*

47 SEC. 195. *Every person who willfully and maliciously:*

48 1. *Damages or defaces any building or part thereof, or throws any*
49 *stone or other missile at any building or part thereof, thereby damaging*
50 *the same in any way;*

1 2. *Breaks, destroys or injures the door or window of any dwelling*
2 *house, shop, store or other house or building, or severs therefrom, or*
3 *from any gate, fence or enclosure, any part thereof, or any material of*
4 *which it is formed or anything attached thereto;*

5 3. *Severs from the freehold any produce thereof; or*

6 4. *Removes, damages or destroys any public building, or building*
7 *used for educational, scientific, charitable or religious purpose, or any*
8 *useful or ornamental thing therein,*

9 *is guilty of a public offense proportionate to the value of the property*
10 *damaged or destroyed.*

11 SEC. 196. NRS 206.140 is hereby amended to read as follows:

12 206.140 Every person who shall willfully and maliciously:

13 1. *Injure, mark or deface any church edifice, or other building, pub-*
14 *lic or private, its fixtures, books or appurtenances; or*

15 2. *Commit any nuisance therein; or*

16 3. *Commit any trespass upon the grounds attached thereto, or any*
17 *fixtures placed thereon, or any enclosure or sidewalk about the same; or*

18 4. *In any manner interfere with or disturb those peaceably assembled*
19 *within such building or buildings,*

20 *shall be guilty of a public offense proportionate to the value of the prop-*
21 *erty damaged or destroyed, but in no event less than a misdemeanor. [*
22 *and upon conviction thereof shall be punished by a fine not exceeding*
23 *\$200, or by imprisonment in the county jail not exceeding 6 months, or*
24 *by both fine and imprisonment.]*

25 SEC. 197. NRS 206.150 is hereby amended to read as follows:

26 206.150 Every person who shall willfully and maliciously kill, maim
27 *or disfigure any animal belonging to another, or expose any poison or*
28 *noxious substance with intent that it should be taken by such animal,*
29 *shall be guilty of a public offense proportionate to the value of the loss*
30 *resulting therefrom but in no event less than a gross misdemeanor.*

31 SEC. 198. NRS 206.170 is hereby amended to read as follows:

32 206.170 Every person who shall willfully and maliciously destroy
33 *or damage, with intent to prevent or delay the use thereof, any engine,*
34 *machine, tool or implement intended for use in trade or husbandry shall*
35 *be guilty of a [misdemeanor.] public offense proportionate to the value*
36 *of the engine, machine, tool or implement destroyed or damaged.*

37 SEC. 199. NRS 206.180 is hereby amended to read as follows:

38 206.180 Every person who shall willfully and maliciously remove,
39 *damage or destroy any work of literature or art or copy thereof, object*
40 *of curiosity or scientific interest, statue, picture or engraving displayed,*
41 *kept or erected in any public building, street, park or other public place,*
42 *or in any collection, exhibition, museum, fair, gallery or library, or in*
43 *any building devoted to educational, scientific, charitable or religious*
44 *purposes, shall be guilty of a [misdemeanor.] public offense proportion-*
45 *ate to the value of the loss resulting therefrom.*

46 SEC. 200. NRS 206.190 is hereby amended to read as follows:

47 206.190 Every person who shall willfully and maliciously remove,
48 *damage or destroy a monument erected in any cemetery, street, park or*
49 *other public place shall be guilty of a [misdemeanor.] public offense*

1 *proportionate to the value of the monument removed, damaged or*
2 *destroyed.*

3 SEC. 201. NRS 206.200 is hereby amended to read as follows:

4 206.200 Any person who shall willfully, unlawfully or maliciously:

5 1. Without the consent of the owner, agent or occupant of the prem-
6 ises or property herein mentioned, deface, disfigure or cover up any fruit
7 tree or ornamental tree, fence, wall, house, shop or building, the property
8 of another, by pasting upon, or in any way fastening thereto, any printed
9 bill, signboard, show poster or other device whatsoever; or

10 2. Without a written permit from the board of county commissioners
11 in the county wherein such written permit may be issued, deface, dis-
12 figure or cover up by pasting upon, or in any way fastening thereto, any
13 printed bill, signboard, show poster or other device whatsoever upon any
14 public building, monument, gravestone, ornamental tree or other object
15 or property under the supervision and control of the board of county
16 commissioners of the respective counties in this state, or under the super-
17 vision and control of any municipal government, or of any association or
18 society whatsoever **[.]**; or

19 3. *Place upon or affix to any real property, or any rock, tree, wall,*
20 *fence or other structure thereupon, without the consent of the owner*
21 *thereof, any word, character or device designed to advertise any article,*
22 *business, profession, exhibition, matter or event,*
23 *shall be guilty of a misdemeanor.*

24 SEC. 202. NRS 206.220 is hereby amended to read as follows:

25 206.220 1. Every person who shall willfully or maliciously:

26 **[1.]** (a) Remove any monument of stone, wood or other durable
27 material erected for the purpose of designating the corner, or any other
28 point, in the boundary of any lot or tract of land, mining claim or claims,
29 or any post or stake fixed or driven in the ground for the purpose of des-
30 ignating a point in the boundary of any lot or tract of land, mining claim
31 or claims; or

32 **[2.]** (b) Alter the marks upon any tree, post or other monument
33 made for the purpose of designating any point, course or line, in the
34 boundary of any lot or tract of land, mining claim or claims; or

35 **[3.]** (c) Cut down or remove any tree upon which any such marks
36 shall be made for such purpose, with the intent to destroy such
37 marks,
38 shall **[.]**, upon conviction, be adjudged guilty of a misdemeanor, and pun-
39 ished by fine of not more than \$500, or imprisonment in the county jail
40 for not more than 6 months. **]** *be guilty of a public offense proportionate*
41 *to the value of the loss resulting therefrom, but in no event less than a*
42 *misdemeanor.*

43 2. *For purposes of this section, the "value of the loss resulting there-*
44 *from" means the cost of restoring or replacing the marks or monuments*
45 *which have been removed, altered or destroyed.*

46 SEC. 203. NRS 206.240 is hereby amended to read as follows:

47 206.240 Every person employed by any person or corporation
48 engaged wholly or in part in the business of carrying passengers or bag-
49 gage for hire, and every express agent, stage driver, drayman,
50 expressman or hackman who shall willfully or carelessly break, injure or

1 destroy any trunk, valise, box, package or other baggage, shall be guilty
2 of a **[misdemeanor.]** *public offense proportionate to the value of the*
3 *trunk, valise, box, package or other baggage damaged or destroyed.*

4 SEC. 204. NRS 206.250 is hereby amended to read as follows:

5 206.250 Every person who shall willfully, unlawfully and mali-
6 ciously:

7 1. Injure or destroy any pile or raft of wood, plank, boards or other
8 lumber, or any part thereof, or cut loose or set adrift any such raft or
9 part thereof; or

10 2. Cut, break, destroy, injure, sink or set adrift any steamer, boat,
11 canoe, skiff, or other vessel, watercraft or sailing craft, being the property
12 of another,

13 **[shall be punished by a fine not exceeding \$500, or by imprisonment in**
14 **the county jail not exceeding 6 months.]** *is guilty of a public offense pro-*
15 *portionate to the value of the loss resulting therefrom.*

16 SEC. 205. NRS 206.270 is hereby amended to read as follows:

17 206.270 1. If any person shall intentionally deface, obliterate, tear
18 down or destroy, in whole or in part, any copy or transcript, or extract
19 from or of any law of the United States, or of this state, or any proclama-
20 tion, advertisement or notification, set up at any place in this state by
21 authority of any law of the United States, or of this state, or by order of
22 any court, such person, on conviction, shall be fined not **[less than \$20**
23 **nor more than \$100, or shall be imprisoned in the county jail for not**
24 **more than 1 month.]** *more than \$500.*

25 2. This section shall not extend to defacing, tearing down, obliterat-
26 ing or destroying any law, proclamation, publication, notification, adver-
27 tisement or order after the time for which the same was by law to remain
28 set up shall have expired.

29 SEC. 206. NRS 206.290 is hereby amended to read as follows:

30 206.290 Every person who shall:

31 1. Willfully open or read, or cause to be read, any sealed letter, mes-
32 sage or telegram, not addressed to himself, without being authorized so
33 to do either by the writer of the same or by the person to whom it shall
34 be addressed, **[shall, upon conviction, be punished by a fine not exceed-**
35 **ing \$1,000.]** *is guilty of a gross misdemeanor.*

36 2. Maliciously publish the whole or any part of such letter, message
37 or telegram, without the authority of the writer thereof or of the person
38 to whom the same shall be addressed, knowing the same to have been so
39 opened, **[shall, upon conviction, be punished by a fine not exceeding**
40 **\$1,000.]** *is guilty of a gross misdemeanor.*

41 SEC. 207. NRS 206.300 is hereby amended to read as follows:

42 206.300 Every person who, in such manner as might, if not discov-
43 ered, endanger a vessel, railway engine, motor, train or car, shall show,
44 mask, extinguish, alter or remove any light or signal, or exhibit any false
45 light or signal, shall be punished: **[by imprisonment in the state prison**
46 **for not more than 10 years.]**

47 1. *Where physical injury or property damage results therefrom, by*
48 *imprisonment in the state prison for not less than 1 year nor more than*
49 *10 years.*

50 2. *Otherwise, for a gross misdemeanor.*

1 SEC. 208. NRS 206.310 is hereby amended to read as follows.

2 206.310 Every person who shall willfully or maliciously destroy or
3 injure any real or personal property of another, for the destruction or
4 injury of which no special punishment is otherwise specially prescribed,
5 shall [

6 1. If the value of the property destroyed, or the diminution in value
7 by the injury, shall be less than \$20, be guilty of a misdemeanor.

8 2. If the value of the property destroyed, or the diminution in value
9 by the injury, shall be \$20 or more, be guilty of a gross misdemeanor.] *be*
10 *guilty of a public offense proportionate to the value of the property*
11 *affected or the loss resulting from such offense.*

12 SEC. 209. NRS 207.010 is hereby amended to read as follows:

13 207.010 1. Every person convicted in this state of any crime of
14 which fraud or intent to defraud is an element, or of petit larceny, or of
15 any felony, who shall previously have been twice convicted, whether in
16 this state or elsewhere, of any crime which under the laws of the situs of
17 the crime or of this state would amount to a felony, or who shall pre-
18 viously have been three times convicted, whether in this state or else-
19 where, of petit larceny, or of any misdemeanor or gross misdemeanor of
20 which fraud or intent to defraud is an element, shall be adjudged to be an
21 habitual criminal and shall be punished by imprisonment in the state
22 prison for not less than 10 years.

23 2. Every person convicted in this state of any crime of which fraud or
24 intent to defraud is an element, or of petit larceny, or of any felony, who
25 shall previously have been three times convicted, whether in this state or
26 elsewhere, of any crime which under the laws of the situs of the crime
27 or of this state would amount to a felony, or who shall previously have
28 been five times convicted, whether in this state or elsewhere, of petit
29 larceny, or of any misdemeanor or gross misdemeanor of which fraud or
30 intent to defraud is an element, shall be punished by imprisonment in the
31 state prison for life.

32 3. *Conviction under this section shall operate only to increase, not to*
33 *reduce, the sentence otherwise provided by law for the principal crime.*

34 4. *It is within the discretion of the district attorney whether or not to*
35 *include a count under this section in any information, and the trial judge*
36 *may, at his discretion, dismiss a count under this section which is included*
37 *in any indictment or information.*

38 5. In proceedings under this section, each previous conviction shall
39 be alleged in the accusatory pleading charging the primary offense, but no
40 such conviction may be alluded to on trial of the primary offense, nor may
41 any allegation of such conviction be read in the presence of a jury trying
42 such offense.

43 [4.] 6. If a defendant charged under this section is found guilty of,
44 or pleads guilty to, the primary offense, but denies any previous convic-
45 tion charged, the court shall determine the issue of such previous con-
46 viction after hearing all relevant evidence presented on such issue by the
47 prosecution and the defendant. The court shall impose sentence pursuant
48 to subsections 1 and 2 of this section upon finding that defendant has suf-
49 fered previous convictions sufficient to support an adjudication of habitual
50 criminality.

1 **[5.]** 7. Nothing in this section limits the prosecution in introducing
2 evidence of prior convictions for purposes of impeachment.

3 **[6.]** 8. Presentation of an exemplified copy of a felony conviction
4 shall be prima facie evidence of conviction of a prior felony.

5 SEC. 210. NRS 207.030 is hereby amended to read as follows:

6 207.030 1. **[**Every idle or dissolute person:

7 (a) Without visible or known means of living, who has the physical
8 ability to work, who engages in vice or associates with persons known to
9 engage in vice or associates with known cheaters of gaming establish-
10 ments, and who does not use due diligence to seek employment, nor labor
11 when employment is offered to him; or

12 (b) Who roams about the country from place to place without any
13 lawful business; or

14 (c) Who wanders about the streets at late and unusual hours of the
15 night, or prowls around dark alleys, byways, and other dark or unfre-
16 quented places at any hour of the night, without any legitimate business
17 in so doing; or

18 (d) Who lodges in any barn, shed, shop, outhouse or place other than
19 that kept for lodging purposes, without the permission of the owner or
20 person entitled to the possession thereof,
21 is a vagrant.

22 2. Every associate of known thieves who wanders about the streets
23 at late and unusual hours of the night, or prowls around dark alleys,
24 byways, and other dark or unfrequented places at any hour of the night,
25 without any legitimate business in so doing, is a vagrant.

26 3. Every healthy begger who solicits alms as a business is a vagrant.

27 4. Every person who makes a practice of going from house to house
28 begging food, money or other articles, or seeks admission to such houses
29 upon frivolous pretexts for no other apparent motive than to see who may
30 be therein, or to gain an insight of the premises, is a vagrant.

31 5. Every person who keeps a place where lost or stolen property is
32 concealed is a vagrant.

33 6. Every common drunkard who is in the habit of lying around the
34 streets, alleys, sidewalks, saloons, barrooms or other public places in a
35 state of intoxication is a vagrant.

36 7. Every pimp, panderer, procurer or procuress is a vagrant.

37 8. Every lewd or dissolute male person who lives in or about houses
38 of prostitution or solicits for any prostitute or house of prostitution is a
39 vagrant.

40 9. Every lewd and dissolute female person known as a streetwalker,
41 or common prostitute, who shall upon the public streets, or in or about
42 any public place or assemblage, or in any saloon, barroom, clubroom or
43 any other public or general place of resort for men, or anywhere within
44 the sight or hearing of ladies or children, conduct and behave herself in
45 an immodest, drunken, indecent, profane or obscene manner, either by
46 actions, language or improper exposure of her person, is a vagrant.

47 10. Every boy or male person under the age of 21 years who:

48 (a) Habitually remains away from his home or place of residence after
49 9 p.m.:

(1) Without some lawful and necessary business or other imperative duty, or good and sufficient reason or cause for such absence from home after such hour; or

(2) For his own amusement and pastime without any legitimate business for so doing, frequents and passes his time in any billiard room or other place where any such games are played, or any saloon or other place where intoxicating liquor is sold or drunk; or

(b) At any hour of the night or day, for his own amusement and pastime, without any legitimate business for so doing, frequents or loafs around any low den, house or other place of vice, infamy or immorality, where known thieves and other vicious and infamous persons resort or congregate; or

(c) At any hour of the night, either alone or otherwise, prowls about the streets or town, disturbing the peace and quiet of the neighborhood by loud or unnecessary noise, or committing petty depredations, tricks or pranks upon the person or property of other people, or by abusive, obscene or insulting language, or by any manner of rowdyism whatsoever, disturbs or annoys the passer-by, any lawful assemblage of persons, or the neighborhood at large, is a vagrant.

11. A vagrant shall be punished by imprisonment in the county jail for not more than 3 months, or by a fine of not more than \$300, or by both fine and imprisonment. **Every person is a vagrant who:**

(a) *Solicits anyone to engage in or who engages in lewd or dissolute conduct in any public place or in any place open to the public or exposed to public view;*

(b) *Solicits any act of prostitution;*

(c) *Is a pimp, panderer or procurer or lives in or about houses of prostitution;*

(d) *Accosts other persons in any public place or in any place open to the public for the purpose of begging or soliciting alms;*

(e) *Goes from house to house begging food, money or other articles, or seeks admission to such houses upon frivolous pretexts for no other apparent motive than to see who may be therein, or to gain an insight of the premises;*

(f) *Keeps a place where lost or stolen property is concealed;*

(g) *Loiters in or about any toilet open to the public for the purpose of engaging in or soliciting any lewd or lascivious or any unlawful act;*

(h) *Loiters or wanders upon the streets or from place to place without apparent reason or business and who refuses to identify himself and to account for his presence when requested by any peace officer so to do, if the surrounding circumstances are such as to indicate to a reasonable man that the public safety demands such identification;*

(i) *Is found in any public place under the influence of intoxicating liquor, or any drug, or the combined influence of intoxicating liquor and any drug, in such a condition that he is unable to exercise care for his own safety or the safety of others, or by reason of his being under the influence of intoxicating liquor, or any drug, or the combined influence of intoxicating liquor and any drug, interferes with or obstructs or prevents the free use of any street, sidewalk or other public way;*

1 (j) *Loiters, prowls or wanders upon the private property of another, in*
2 *the nighttime, without visible or lawful business with the owner or occu-*
3 *pant thereof, or who, while loitering, prowling or wandering upon the*
4 *private property of another, in the nighttime, peeks in the door or win-*
5 *dow of any inhabited building or structure located thereon, without visi-*
6 *ble or lawful business with the owner or occupant thereof; or*

7 (k) *Lodges in any building, structure or place, whether public or pri-*
8 *vate, without the permission of the owner or person entitled to the pos-*
9 *session or in control thereof.*

10 2. *Every vagrant is guilty of a misdemeanor.*

11 SEC. 211. NRS 207.080 is hereby amended to read as follows:

12 207.080 1. For the purpose of NRS 207.080 to 207.150, inclusive,
13 a "convicted person" is defined as:

14 (a) Any person who has been or hereafter is convicted of an offense
15 punishable as a felony in the State of Nevada, or who has been or who is
16 hereafter convicted of any offense in any place other than the State of
17 Nevada, which offense, if committed in the State of Nevada, would be
18 punishable as a felony.

19 (b) Any person who has been or hereafter is convicted in the State
20 of Nevada, or elsewhere, of the violation of any law, whether the same is
21 or is not punishable as a felony:

22 (1) Relating to or regulating the possession, distribution, furnishing
23 or use of any habit-forming drug of the kind or character described and
24 referred to in the Uniform Narcotic Drug Act.

25 (2) Regulating or prohibiting the carrying, possession or ownership
26 of any concealed weapon, or deadly weapon, or any weapon capable of
27 being concealed, or regulating or prohibiting the possession, sale or use
28 of any device, instrument or attachment designed or intended to be used
29 for the purpose of silencing the report or concealing the discharge or
30 flash of any firearm.

31 (3) Regulating or prohibiting the use, possession, manufacture or
32 compounding of tear gas, or any other gas, which may be used for the
33 purpose of temporarily or permanently disabling any human being.

34 (c) [Any person who, in the State of Nevada, or elsewhere, has been
35 or hereafter is adjudicated, or is convicted of being, a drug addict, as
36 such term is or may be defined in the laws of Nevada.

37 (d)] Any person who has been, or who hereafter is, convicted of a
38 crime in the State of Nevada, under the provisions of one or more of
39 NRS 122.220, [199.400, 200.360, 201.010,] 201.120 to [201.230,]
40 201.170, inclusive, 201.250, 201.270, 201.360 to 201.400, inclusive,
41 201.420, 202.010, 202.040, [202.050, 202.090,] 202.100, [202.190]
42 202.200 to 202.230, inclusive, 212.170, 212.180, 433.640, 451.010 to
43 451.040, inclusive, 452.300, [453.340 to 453.410, inclusive,] 462.010
44 to 462.080, inclusive, 465.010 to 465.070, inclusive, 646.010 to 646.-
45 060, inclusive, 647.100, 647.110, 647.120, 647.130, and 647.140, and
46 section 99 of this act, or who has been, or hereafter is, convicted, in any
47 place other than the State of Nevada, of an offense which, if committed
48 in this state, would have been punishable under one or more of such
49 sections.

50 [(e)] (d) Any person who has been, or who hereafter is, convicted in

1 the State of Nevada or elsewhere of any attempt or conspiracy to commit
2 any offense described or referred to in NRS 207.080 to 207.150, inclu-
3 sive.

4 2. Any person, except as hereinafter set forth in NRS 207.090 to
5 207.150, inclusive, whose conviction is or has been set aside in the man-
6 ner provided by law shall not be deemed a convicted person.

7 SEC. 212. NRS 207.150 is hereby amended to read as follows:

8 207.150 Any person violating the provisions of NRS 207.080 to
9 207.150, inclusive, [shall be punished by a fine not exceeding \$500 or
10 by imprisonment in the county jail for a term not exceeding 6 months, or
11 by both fine and imprisonment.] *is guilty of a misdemeanor.*

12 SEC. 213. NRS 207.151 is hereby amended to read as follows:

13 207.151 "Sex offender" as used in NRS 207.151 to 207.157, inclu-
14 sive, means any person who, after July 1, 1956, has been or is con-
15 victed of:

16 1. Assault with intent to commit rape or the infamous crime against
17 nature under NRS 200.400.

18 2. A violation of any of the provisions of NRS [200.360, 201.010,]
19 201.180, 201.190 or 201.210 to 201.230, inclusive [.] , *or section 55*
20 *or subsection 2 of section 56 of this act.*

21 3. An attempt to commit any offense listed in subsections 1 and 2.

22 4. An offense in any place other than the State of Nevada which, if
23 committed in this state, would be punishable as an offense listed in sub-
24 sections 1, 2 and 3.

25 SEC. 214. NRS 207.160 is hereby amended to read as follows:

26 207.160 1. It shall be unlawful for any person to loiter in any public
27 place, or on any public sidewalk, street, road or highway, while under the
28 influence of liquor.

29 2. Any person violating the provisions of subsection 1 [shall, upon
30 conviction for a first offense, be punished by a fine of not less than \$5 nor
31 more than \$25, and upon conviction of a second offense, committed
32 within 60 days of the commission of the first offense, shall be punished by
33 imprisonment in the county jail for not less than 5 days nor more than 25
34 days.] *is guilty of a misdemeanor.*

35 SEC. 215. NRS 207.170 is hereby amended to read as follows:

36 207.170 1. It shall be unlawful for any person, firm, corporation or
37 association to publish, disseminate or display, or cause directly or indi-
38 rectly to be published, disseminated or displayed, in any manner or by
39 any means, including solicitation or dissemination by mail, telephone or
40 door-to-door contacts, any false, deceptive or misleading advertising, with
41 knowledge of the facts which render the advertising false, deceptive or
42 misleading, for any business, trade or commercial purpose or for the pur-
43 pose of inducing, or which is likely to induce, directly or indirectly, the
44 public to purchase, consume, lease, dispose of, utilize or sell any property
45 or service, or to enter into any obligation or transaction relating thereto.

46 2. Nothing in this section shall apply to any radio or television
47 broadcasting station which broadcasts, or to any publisher, printer, dis-
48 tributor or owner of any newspaper, magazine, billboard or other adver-
49 tising medium who publishes, prints or distributes, such advertising in

1 good faith without knowledge of its false, deceptive or misleading char-
2 acter.

3 3. Any person, firm, or any officer or managing agent of any corpo-
4 ration or association, who shall violate the provisions of subsection 1
5 shall, upon conviction, be punished:

6 (a) For the first [offense, by a fine of not less than \$50 nor more than
7 \$200, or by imprisonment in the county jail for not less than 30 days nor
8 more than 90 days, or by both fine and imprisonment.

9 (b) For the second offense, by a fine of not less than \$100 nor more
10 than \$500, or by imprisonment in the county jail for not less than 60
11 days nor more than 6 months, or by both fine and imprisonment.

12 (c) For the third offense, by a fine of not less than \$500 nor more than
13 \$1,000, or by imprisonment in the county jail for not less than 90 days
14 nor more than 1 year, or by both fine and imprisonment.] *or second*
15 *offense, for a misdemeanor.*

16 (b) *For the third offense and all subsequent offenses, for a gross mis-*
17 *demeanor.*

18 4. The attorney general or the district attorneys of the several coun-
19 ties may bring an action in the district court to restrain and prevent any
20 person from violating any provision of this section.

21 5. Any person who violates any order or injunction issued pursuant
22 to this section [shall be subject to a fine of not less than \$500 nor more
23 than \$1,000, or by imprisonment in the county jail for not less than 90
24 days nor more than 1 year, or by both fine and imprisonment.] *is guilty*
25 *of a gross misdemeanor.*

26 SEC. 216. NRS 207.180 is hereby amended to read as follows:

27 207.180 1. Any person who shall knowingly send or deliver any
28 letter or writing:

29 (a) Threatening to accuse another of a crime or misdemeanor, or to
30 expose or publish any of his infirmities or failings, with intent to extort
31 money, goods, chattels or other valuable thing; or

32 (b) Threatening to maim, wound, kill or murder, or to burn or destroy
33 his house or other property, or to accuse another of a crime or misde-
34 meanor, or expose or publish any of his infirmities, though no money,
35 goods, chattels or other valuable thing be demanded,

36 [shall, on conviction, be fined in a sum not exceeding \$500, and impris-
37 oned in the county jail not exceeding 6 months.] *is guilty of a misde-*
38 *meanor.*

39 2. Any person who:

40 (a) Writes and sends, or writes and delivers, either through the mail,
41 express, by private parties or otherwise, any anonymous letter, or any
42 letter bearing a fictitious name, charging any person with crime; or

43 (b) Writes and sends any anonymous letter or letters bearing a ficti-
44 tious name, containing vulgar or threatening language, obscene pictures,
45 or containing reflections upon his standing in society or in the com-
46 munity,

47 [shall, on conviction, be fined in a sum not exceeding \$500, and impris-
48 oned in the county jail not exceeding 6 months.] *is guilty of a misde-*
49 *meanor.*

50 3. *No person convicted of violating the provisions of subsection 1 or*

2 may be released on probation unless a psychiatrist licensed to practice medicine in the State of Nevada certifies that such person is not a menace to the health, safety or morals of others.

SEC. 217. NRS 207.190 is hereby amended to read as follows:

207.190 **["Every person who,"]** 1. *It is unlawful for any person, with intent to compel another to do or abstain from doing an act which such other person has a right to do or abstain from doing, [shall wrongfully and unlawfully:] to:*

["1."] (a) Use violence or inflict injury upon such other person or any of his family, or upon his property, or threaten such violence or injury; or

["2."] (b) Deprive such person of any tool, implement or clothing, or hinder him in the use thereof; or

["3."] (c) Attempt to intimidate such person by threats or force. **["]** shall be guilty of a misdemeanor.

2. *Any person who violates the provisions of subsection 1 shall be punished:*

(a) *Where physical force or the immediate threat of such force is used, by imprisonment in the state prison for not less than 1 year nor more than 6 years.*

(b) *Where no physical force or immediate threat of such force is used, for a gross misdemeanor.*

SEC. 218. NRS 207.250 is hereby amended to read as follows:

207.250 1. It is unlawful for any person, firm, company or corporation to sell, offer to sell, or display for sale any motor vehicle unless such person, firm, company or corporation is either:

(a) The legal or registered owner of such vehicle;

(b) A reposessor of *such vehicle, or holder of a statutory lien on such vehicle, selling the vehicle on a bid basis; or*

(c) Manufacturer or dealer licensed under the provisions of chapter 482 of NRS.

2. The provisions of this section do not apply to any executor, administrator, sheriff or other person who sells a motor vehicle pursuant to powers or duties granted or imposed by law.

3. Any person who violates any of the provisions of this section **["is guilty of a misdemeanor."] shall be punished:**

(a) *Where the value of the vehicle so sold is \$250 or more, by imprisonment in the state prison for not less than 1 year nor more than 10 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.*

(b) *Otherwise, for a gross misdemeanor.*

SEC. 219. NRS 207.260 is hereby amended to read as follows:

207.260 Any person who annoys or molests any minor under the age of 18 years is guilty of a misdemeanor. **["]** and shall be punished for the first offense by a fine of not more than \$500 or by imprisonment in the county jail for not more than 6 months, or by both such fine and imprisonment. **["]** For the second and each subsequent offense he shall be punished by imprisonment in the state prison for not less than 1 year **["or"] nor more than [10] 6 years.**

SEC. 220. NRS 207.270 is hereby amended to read as follows:

207.270 Any person who, *without legitimate reason to supervise any*

1 of such children or other legitimate reason to be at leisure in such place,
2 loiters about any school or public place at or near which children attend
3 or normally congregate is guilty of a misdemeanor. [and shall be pun-
4 ished by a fine of not more than \$500 or by imprisonment in the county
5 jail for not more than 6 months, or by both such fine and imprisonment.]

6 SEC. 221. NRS 207.280 is hereby amended to read as follows:

7 207.280 Every person who reports to any police officer, sheriff, dis-
8 trict attorney, deputy sheriff, deputy district attorney or member of the
9 Nevada highway patrol that a felony or misdemeanor has been com-
10 mitted, or disseminates such a report by any medium of public communi-
11 cation, knowing such report to be false, is guilty of a misdemeanor. [,
12 and upon conviction shall be punished by a fine of not less than \$100 nor
13 more than \$500, or by imprisonment in the county jail for not more than
14 6 months, or by both fine and imprisonment.]

15 SEC. 222. NRS 207.290 is hereby amended to read as follows:

16 207.290 Every person who:

17 1. Gives, offers or promises to give, or attempts to give or offer, any
18 compensation, gratuity or thing of value, or any promise thereof, to any
19 participant or player or any judge, referee, manager or other official of a
20 sporting event or contest; or

21 2. Asks or receives or offers to receive directly or indirectly any com-
22 pensation, gratuity, reward or thing of value or any promise thereof, as
23 a participant or player, or as a judge, referee, manager or other official of
24 a sporting event or contest,
25 with the intention, understanding or agreement that the player or partici-
26 pant or judge, referee, manager or other official of the sporting event will
27 not use his best efforts to win, or will so conduct himself as to limit his
28 or his team's margin of victory, or will corruptly judge, referee, manage
29 or otherwise officiate the sporting event or contest with the intention or
30 purpose that the result of the sporting event will be affected thereby, is
31 guilty of a felony and shall be punished by imprisonment in the state
32 prison for not less than 1 year nor more than [5] 6 years, or by a fine of
33 not more than \$5,000, or by both such fine and imprisonment.

34 SEC. 223. NRS 210.280 is hereby amended to read as follows:

35 210.280 Any person who knowingly permits or aids an inmate to
36 escape from the school, or who conceals any inmate or escapee with the
37 intent or purpose of enabling him to elude pursuit, [is guilty of a mis-
38 demenor.] shall be punished:

39 1. Where a dangerous weapon is used by such person to facilitate
40 such escape or attempted escape, by imprisonment in the state prison for
41 not less than 1 year nor more than 6 years.

42 2. Where no dangerous weapon is used, for a gross misdemeanor.

43 SEC. 224. NRS 210.710 is hereby amended to read as follows:

44 210.710 Any person who knowingly permits or aids an inmate to
45 escape from the school, or who conceals any inmate or escapee with the
46 intent or purpose of enabling her to elude pursuit, [is guilty of a misde-
47 meanor.] shall be punished:

48 1. Where a dangerous weapon is used by such person to facilitate
49 such escape or attempted escape, by imprisonment in the state prison for
50 not less than 1 year nor more than 6 years.

1 2. *Where no dangerous weapon is used, for a gross misdemeanor.*

2 SEC. 225. NRS 212.020 is hereby amended to read as follows:

3 212.020 1. Every jailer or person who shall be guilty of willful inhu-
4 manity or oppression to any prisoner under his care or custody shall be
5 **【fined in any sum not exceeding \$2,000, and be removed from office.】**
6 *punished:*

7 (a) *Where the prisoner suffers substantial bodily harm from such inhu-*
8 *manity or oppression, by imprisonment in the state prison for not less*
9 *than 1 year nor more than 6 years, or by a fine of not more than \$5,000,*
10 *or by both fine and imprisonment.*

11 (b) *Where no substantial bodily harm results, for a gross misdemeanor.*

12 2. *Whether or not the prisoner suffers substantial bodily harm, any*
13 *public officer guilty of such willful inhumanity is guilty of a malfeasance*
14 *in office.*

15 SEC. 226. NRS 212.090 is hereby amended to read as follows:

16 212.090 Every prisoner confined in a prison, or being in the lawful
17 custody of an officer or other person, who shall escape or attempt to
18 escape from such prison or custody, if he is held on a charge, conviction
19 or sentence of:

20 1. A felony, shall be **【guilty of a felony.】** *punished by imprisonment*
21 *in the state prison for not less than 1 year nor more than 10 years.*

22 2. A gross misdemeanor or misdemeanor, shall be **【guilty of a mis-**
23 **demeanor.】** *punished:*

24 (a) *Where a dangerous weapon is used to facilitate such escape or*
25 *attempted escape, by imprisonment in the state prison for not less than 1*
26 *year nor more than 6 years.*

27 (b) *Where no dangerous weapon is used, for a gross misdemeanor.*

28 SEC. 227. NRS 212.100 is hereby amended to read as follows:

29 212.100 Every person who, with intent to effect or facilitate the
30 escape of a prisoner, whether such escape shall be effected or attempted
31 or not, shall convey or send to a prisoner any information or aid, or con-
32 vey or send into a prison any disguise, instrument, weapon or other thing,
33 or aid or assist a prisoner in escaping or attempting to escape from the
34 lawful custody of a sheriff or other officer or person, shall be **【guilty of**
35 **a felony】** *punished* if such prisoner is held upon a charge, arrest, commit-
36 ment, conviction or a sentence : **【for felony, and shall be guilty of a mis-**
37 **demeanor if such prisoner is held upon a charge, arrest, commitment,**
38 **conviction or sentence for a gross misdemeanor or misdemeanor.】**

39 1. *For a felony, by imprisonment in the state prison for not less than*
40 *1 year nor more than 10 years.*

41 2. *For a gross misdemeanor or misdemeanor:*

42 (a) *Where a dangerous weapon is used to effect or facilitate the escape*
43 *or attempted escape, by imprisonment in the state prison for not less than*
44 *1 year nor more than 6 years.*

45 (b) *Where no dangerous weapon is used, for a gross misdemeanor.*

46 SEC. 228. NRS 212.110 is hereby amended to read as follows:

47 212.110 Every person who shall allow a prisoner lawfully in his
48 custody to escape, or shall connive at or assist such escape, or shall omit
49 any act or duty by reason of which omission such escape is occasioned,
50 contributed to or assisted, shall, if he connive at or assist such escape, be

1 **[guilty of a felony;]** *punished by imprisonment in the state prison for*
2 *not less than 1 year nor more than 10 years; and in any other case, is*
3 *guilty of a [gross] misdemeanor.*

4 SEC. 229. NRS 212.120 is hereby amended to read as follows:

5 212.120 Every officer who shall ask or receive, directly or indirectly,
6 any compensation, gratuity or reward, or promise thereof, to procure,
7 assist, connive at or permit any prisoner in his custody to escape, whether
8 such escape shall be attempted or not, or shall commit any unlawful act
9 tending to hinder justice, shall be **[guilty of a gross misdemeanor.]** *pun-*
10 *ished by imprisonment in the state prison for not less than 1 year nor*
11 *more than 10 years.*

12 SEC. 230. NRS 212.130 is hereby amended to read as follows:

13 212.130 Every person who shall conceal, or harbor for the purpose
14 of concealment, a prisoner who has escaped or is escaping from custody
15 shall be **[guilty of a felony]** *punished by imprisonment in the state*
16 *prison for not less than 1 year nor more than 10 years* if the prisoner is
17 held upon a charge or conviction or sentence of felony, and *is guilty of a*
18 *gross misdemeanor if the prisoner is held upon a charge or conviction of*
19 *a gross misdemeanor or misdemeanor.*

20 SEC. 231. NRS 212.150 is hereby amended to read as follows:

21 212.150 1. No person shall visit, or in any manner communicate
22 with, any prisoner convicted of or charged with any felony, imprisoned
23 in the county jail, other than the officer having such prisoner in charge,
24 his attorney, or the district attorney, except such person has a written
25 permission so to do, signed by the district attorney, or has the consent
26 of the constable, sheriff or warden having such prisoner in charge.

27 2. Any person violating, aiding in, conniving at, or participating in
28 the violation of this section **[shall, on conviction thereof, be punished by**
29 **fine in any sum not exceeding \$5,000, or imprisonment in the state prison**
30 **not exceeding 1 year, or by both fine and imprisonment.]** *is guilty of a*
31 *gross misdemeanor.*

32 SEC. 232. NRS 212.160 is hereby amended to read as follows:

33 212.160 1. Any person, not authorized by law, who knowingly
34 shall furnish, or attempt to furnish, or aid or assist in furnishing or
35 attempting to furnish to any prisoner confined in the state prison, state
36 prison farm, conservation honor camp, or any other place where prison-
37 ers are authorized to be or are assigned by the warden, any deadly
38 weapon, explosives, any **[deleterious narcotic or other drug or]** dele-
39 terious substance or intoxicating liquor, shall be **[deemed guilty of a**
40 **felony, and upon conviction shall be punished by imprisonment in the**
41 **state prison for not more than 2 years.]** *punished:*

42 (a) *Where a deadly weapon or explosive is involved, by imprisonment*
43 *in the state prison for not less than 1 year nor more than 6 years.*

44 (b) *Where an intoxicant or other deleterious substance is involved, for*
45 *a gross misdemeanor.*

46 2. Knowingly leaving or causing to be left any such article where it
47 may be obtained by any such prisoner shall be held to be, within the
48 meaning of this section, the furnishing such article to such prisoner.

49 SEC. 233. NRS 212.170 is hereby amended to read as follows:

50 212.170 1. Any person who shall sell, barter, exchange or in any

1 manner dispose of [any opium, morphine, yen shee, cocaine, or any
2 byproduct thereof, or] any spirituous or malt liquor or beverage to
3 any person lawfully confined in any county or city jail [shall be guilty of
4 a felony, and upon conviction thereof shall be punished by imprisonment
5 in the state prison for a period of not less than 1 year nor more than 5
6 years.] *is guilty of a gross misdemeanor.*

7 2. This section shall not apply to any physician prescribing or fur-
8 nishing any such [drug or] liquor to any such person, when the [drugs
9 or] liquor [are] *is* prescribed or furnished for medicinal purposes only.

10 SEC. 234. NRS 212.190 is hereby amended to read as follows:

11 212.190 If any person shall, willfully and intentionally, break down,
12 pull down, or otherwise destroy or injure, in whole or in part, any public
13 jail or other place of confinement, every person so offending [shall, on
14 conviction, be fined in any sum not exceeding \$10,000, nor less than the
15 value of the jail or other place of confinement so destroyed, or of such
16 injury as may have been done thereto by such unlawful act, and be
17 imprisoned in the state prison for any term not exceeding 5 years nor
18 less than 1 year.] *is guilty of a public offense proportionate to the value
19 of the loss resulting therefrom, and in no event less than a gross mis-
20 demeanor.*

21 SEC. 235. Chapter 213 of NRS is hereby amended by adding thereto
22 a new section which shall read as follows:

23 *The board may release on parole a prisoner otherwise eligible for
24 parole under this chapter only if, from all the information known to the
25 board, it appears to the board:*

26 1. *That there is a reasonable probability that such prisoner will live
27 and remain at liberty without violating the laws; and*

28 2. *That such release is not incompatible with the welfare of society.*

29 SEC. 236. NRS 213.110 is hereby amended to read as follows:

30 213.110 1. Subject to the provisions of NRS 213.120, the board
31 shall have power to establish rules and regulations under which any pris-
32 oner who is now or hereafter may be imprisoned in the state prison and
33 [who shall have served 1 calendar year, less good time credits, of the
34 term for which he was sentenced and] who has not previously been more
35 than three times convicted of a felony and served a term in a penal insti-
36 tution, or who is imprisoned in a county jail, may be allowed to go upon
37 parole outside of the buildings or inclosures, but to remain, while on
38 parole, in the legal custody and under the control of the board and sub-
39 ject at any time to be taken within the inclosure of the state prison or
40 county jail.

41 2. The board, for good cause and in order to permit induction into
42 the military service of the United States, may suspend paroles during the
43 period of the parolee's active service after induction into the military
44 service.

45 SEC. 237. NRS 213.120 is hereby amended to read as follows:

46 213.120 [1. No prisoner imprisoned under a verdict or judgment
47 and sentence of life imprisonment without possibility of parole shall be
48 eligible for parole.

49 2. No prisoner imprisoned under a verdict or judgment and sentence

1 of life imprisonment shall be paroled until he has served at least 7 calen-
2 dar years.

3 3. No prisoner imprisoned under a verdict or judgment and sentence
4 of imprisonment for a term less than life pursuant to a statute which pro-
5 vides that the sentence shall be served without possibility of parole shall
6 be eligible for parole.

7 4. No prisoner may be paroled until he has served the minimum
8 term of imprisonment provided by law for the offense of which he was
9 convicted, except that any prisoner whose minimum term of imprison-
10 ment is more than 1 year, other than a prisoner who has been sentenced
11 for rape to a term of not less than 5 years which may extend to life,
12 may be paroled at any time after the expiration of one-third of such
13 minimum term, less good time credits, if he has served not less than 1
14 calendar year, less good time credits. *Except as otherwise limited by*
15 *statute for certain specified offenses, a prisoner may be paroled when he*
16 *has served:*

17 1. *One-fourth of the definite period of time for which he has been*
18 *sentenced pursuant to section 239 of this act, less good time credits; or*

19 2. *One year, less good time credits,*
20 *whichever is longer.*

21 SEC. 238. NRS 213.170 is hereby amended to read as follows:

22 213.170 Every person having taken a lawful oath, or made affirma-
23 tion in an application for a pardon or commutation of punishment, or the
24 remission of a fine or forfeiture, or for parole, who shall swear or affirm
25 willfully, corruptly and falsely in any matter material to the issue or point
26 in question or shall suborn any other person to swear or affirm as afore-
27 said, shall be deemed guilty of perjury or subornation of perjury (as the
28 case may be), and upon conviction thereof shall be punished by impris-
29 onment in the state prison for any term not less than 1 year nor more
30 than **[14]** 10 years.

31 SEC. 239. Chapter 178 of NRS is hereby amended by adding thereto
32 a new section which shall read as follows:

33 *Where a sentence of imprisonment is required or permitted by statute,*
34 *the court shall sentence the defendant to imprisonment for a definite*
35 *period of time within the maximum limit or the minimum and maximum*
36 *limits provided by the applicable statute, taking due account of the grav-*
37 *ity of the particular offense and of the character of the individual defend-*
38 *ant.*

39 SEC. 240. NRS 4.110 is hereby amended to read as follows:

40 4.110 Any justice of the peace who shall violate any of the provi-
41 sions of NRS 4.080, 4.090 and 4.100 **[shall be guilty of a misdemeanor,**
42 **and upon conviction thereof]** shall be fined **[in any sum not exceeding]**
43 **not more than \$1,000.**

44 SEC. 241. NRS 6.040 is hereby amended to read as follows:

45 6.040 Any person summoned as provided in this chapter to serve as
46 a juror, who shall fail to attend and serve as such juror, shall, unless
47 excused by the court, be fined **[in a sum not exceeding \$500, in the dis-**
48 **cretion of the court, and be imprisoned in the county jail until such fine**
49 **be paid at the rate of \$2 per day.] not more than \$500.**

50 SEC. 242. NRS 7.250 is hereby amended to read as follows:

1 7.250 1. It shall be unlawful for any person or persons within the
2 State of Nevada, unless he or they be an attorney at law or attorneys at
3 law, licensed and entitled to practice law under and by virtue of the laws
4 of the State of Nevada, to solicit, influence or procure, or aid or partici-
5 pate in soliciting, influencing or procuring any person within this state
6 to employ, hire or retain any attorney at law within this state for any
7 legal service whatsoever, when such person or persons first hereinabove
8 mentioned shall have, either before or after so soliciting, influencing or
9 procuring, or aiding or participating therein as aforesaid, accepted or
10 receive or have been offered or promised from such attorney last men-
11 tioned, either directly or indirectly, any benefit, service, money, com-
12 mission, property or any other thing of value, as consideration therefor,
13 or compensation therefor, or reward therefor, or remuneration therefor,
14 or in recognition thereof.

15 2. Any person who violates any of the provisions of subsection 1
16 shall be guilty of a misdemeanor. [, and upon conviction thereof shall be
17 fined in a sum not less than \$100 and not more than \$500, or be impris-
18 oned in the county jail not less than 1 month and not more than 6 months,
19 or both.]

20 SEC. 243. NRS 19.100 is hereby amended to read as follows:

21 19.100 Any county clerk who violates any of the provisions of NRS
22 19.070, 19.080 or 19.090 [shall be guilty of a misdemeanor, and upon
23 conviction] shall be punished by a fine not to exceed \$1,000.

24 SEC. 244. NRS 34.680 is hereby amended to read as follows:

25 34.680 1. Any person having in his custody or under his restraint
26 or power any person for whose relief a writ of habeas corpus shall have
27 been duly issued pursuant to the provisions of this chapter, who, with the
28 intent to elude the service of such writ or to avoid the effect thereof, shall
29 transfer such person to the custody of another, or shall place him under
30 the power or control of another or shall conceal or exchange the place
31 of his confinement or restraint, or shall remove him without the jurisdic-
32 tion of such judge, shall be deemed guilty of a *gross* misdemeanor. [,
33 and fined in a sum not exceeding \$5,000.]

34 2. Every person who shall knowingly aid or assist in the commission
35 of any offense specified in subsection 1 shall be [deemed guilty of a mis-
36 demeanor, and] punished as in subsection 1 mentioned.

37 [3. Every person convicted of any offense under the provisions of
38 subsections 1 and 2, in addition to the punishment therein mentioned,
39 may be also imprisoned in the county jail for a term not exceeding 2
40 years.]

41 SEC. 245. NRS 90.190 is hereby amended to read as follows:

42 90.190 1. Any person who willfully and knowingly violates any pro-
43 vision of this chapter shall, upon conviction, be punished by a fine of not
44 more than \$5,000, or by imprisonment in the state prison for not *less*
45 *than 1 year nor more than 3 years* [,] *or in the county jail for not more*
46 *than 1 year*, or by both such fine and imprisonment. No indictment or
47 information may be returned under this chapter more than 5 years after
48 the alleged violation.

49 2. The administrator may refer such evidence as is available con-
50 cerning violations of this chapter to the attorney general, who may, with

1 or without such a reference, institute the appropriate criminal proceed-
2 ings under this chapter.

3 SEC. 246. NRS 108.360 is hereby amended to read as follows:

4 108.360 Any person or persons incurring a bill upon a motor
5 vehicle, airplane, motorcycle, motor or airplane equipment, or trailer,
6 without the authority of the owner thereof, or by misrepresentation, shall
7 be guilty of a misdemeanor. [and shall be punished by a fine of not more
8 than \$100, or by imprisonment in the county jail for 30 days, or by both
9 fine and imprisonment.]

10 SEC. 247. NRS 108.540 is hereby amended to read as follows:

11 108.540 1. For the purposes of NRS 108.540 and 108.550, unless
12 the context otherwise requires, "person" means any individual, partner-
13 ship, corporation or association.

14 2. Any person furnishing feed, pasture or otherwise boarding any
15 animal or animals, at the request or with the consent of the owner or his
16 representative, shall have a lien upon such animal or animals, and may
17 retain possession thereof until the sum due for such feed, pasture or board
18 has been paid. The lien herein created shall be subordinate only to such
19 other liens of third persons as have been placed on record, as required
20 by law, in the county where the feed, pasture or board was or is being
21 furnished.

22 3. Before foreclosing the lien by sale, the person furnishing the feed,
23 pasture or board shall mail a registered letter to the owner, or purported
24 owner, of the animal or animals, at the owner's, or purported owner's,
25 last-known address. The letter shall demand payment of all moneys due
26 and owing for the feed, pasture or board, and shall inform such owner
27 that if payment is not made the lien will be foreclosed by sale. If pay-
28 ment is not made within 30 days from the date of mailing the registered
29 letter, the lien may be foreclosed by sale, in the manner provided by NRS
30 108.550.

31 4. Any person who takes and drives away any such animal or ani-
32 mals, while in the possession of the person feeding, pasturing or boarding
33 the same, without the consent of the person feeding, pasturing or boarding
34 the same, and without first having paid all reasonable charges due
35 thereon, is guilty of a misdemeanor. [and upon conviction thereof shall
36 be fined in any sum not exceeding the value of the animal or animals, but
37 the fine may not be less than \$50 regardless of the value of such animal
38 or animals.] Nothing contained in this subsection shall be construed to
39 release the owner of the animal or animals from the amount of any lien
40 which may be due thereon, under this section.

41 SEC. 248. NRS 108.760 is hereby amended to read as follows:

42 108.760 Any person or persons incurring a bill upon a boat or vessel
43 without the authority of the owner thereof, or by misrepresentation, shall
44 be guilty of a misdemeanor. [and shall be punished by a fine of not more
45 than \$100, or by imprisonment in the county jail for 30 days, or by both
46 fine and imprisonment.]

47 SEC. 249. NRS 122.200 is hereby amended to read as follows:

48 122.200 Any person who shall make a false statement in procuring
49 a marriage license with reference to any matter required by NRS 122.040

1 and 122.050 to be stated under oath shall be guilty of a gross misde-
2 meanor. [and shall be punished by imprisonment in the county jail for
3 not more than 1 year or by a fine not to exceed \$1,000, or by both impris-
4 onment and fine.]

5 SEC. 250. NRS 122.220 is hereby amended to read as follows:

6 122.220 1. It shall be unlawful for any judge of a district court in his
7 district, or justice of the peace in his county, or minister of any religious
8 society or congregation, within this state, to join together as husband and
9 wife persons allowed by law to be joined in marriage, until the persons
10 proposing such marriage shall exhibit to him a license from the county
11 clerk as provided by law.

12 2. Any judge of a district court, or justice of the peace, or minister
13 violating the provisions of subsection 1 shall be guilty of a misdemeanor.
14 [and upon conviction thereof shall be punished by a fine not exceeding
15 \$500, or by imprisonment in the county jail for a period not exceeding 6
16 months, or by both fine and imprisonment.]

17 SEC. 251. NRS 122.230 is hereby amended to read as follows:

18 122.230 Every person solemnizing a marriage who shall fail or
19 neglect to make and deliver to the recorder a certificate thereof, within the
20 time specified in NRS 122.130, shall be guilty of a misdemeanor. [and
21 shall be punished by a fine of not less than \$20 nor more than \$500, or
22 by imprisonment in the county jail for a period not less than 10 days nor
23 more than 50 days, or by both fine and imprisonment.]

24 SEC. 252. NRS 122.240 is hereby amended to read as follows:

25 122.240 Every recorder who shall fail or neglect to record a mar-
26 riage certificate as required by this chapter shall be guilty of a misde-
27 meanor. [and shall be punished by a fine of not less than \$100 nor more
28 than \$500, or by imprisonment in the county jail for a period of not less
29 than 50 days nor more than 6 months, or by both fine and imprison-
30 ment.]

31 SEC. 253. NRS 122.250 is hereby amended to read as follows:

32 122.250 If any person shall willfully make any false certificate of any
33 marriage or pretended marriage, he [shall be punished by a fine not
34 exceeding \$500, or by imprisonment in the county jail not exceeding 1
35 year, or by both fine and imprisonment.] *is guilty of a gross misde-*
36 *meanor.*

37 SEC. 254. NRS 122.260 is hereby amended to read as follows:

38 122.260 If any person shall undertake to join others in marriage,
39 knowing that he is not lawfully authorized so to do, or knowing of the
40 existence of any legal impediment to the proposed marriage, he [shall be
41 punished by a fine not exceeding \$500 and shall be imprisoned in the
42 county jail until the fine is paid.] *is guilty of a misdemeanor.*

43 SEC. 255. NRS 125.290 is hereby amended to read as follows:

44 125.290 [The following marriages, if solemnized within this state,
45 are void without any decree of divorce or annulment or other legal pro-
46 ceedings:

47 1.] All marriages which are prohibited by law because of:

48 [(a)] 1. Consanguinity between the parties; or

49 [(b)] 2. Either of the parties having a former husband or wife then
50 living, [.

1 2. All marriages solemnized under the conditions set forth in NRS
2 201.010, if the putative husband is convicted under the provisions of NRS
3 201.010.】

4 *if solemnized within this state, are void without any decree of divorce or*
5 *annulment or other legal proceedings.*

6 SEC. 256. NRS 126.300 is hereby amended to read as follows:

7 126.300 1. The failure of the father, without lawful excuse, to sup-
8 port the child where the same is not in his custody, and where paternity
9 has been judicially established, or has been acknowledged by him in writ-
10 ing or by the part performance of his obligations, is a misdemeanor. 【,
11 punishable by fine not exceeding \$500, or by imprisonment in the county
12 jail for not exceeding 6 months, or by both such fine and imprisonment.】

13 2. The failure of the parent to support the child where the same is in
14 his or her custody shall be governed by the laws applicable to the failure
15 to support a legitimate child.

16 SEC. 257. NRS 126.310 is hereby amended to read as follows:

17 126.310 The failure, without lawful excuse, of a father to comply
18 with and carry out a judgment for the support of the child, whether the
19 child be a resident in the jurisdiction where the judgment was rendered or
20 not, is a misdemeanor. 【punishable by fine not exceeding \$500, or by
21 imprisonment in the county jail for not exceeding 6 months, or by both
22 such fine and imprisonment.】

23 SEC. 258. NRS 127.300 is hereby amended to read as follows:

24 127.300 1. Except as provided in NRS 127.285, any person who,
25 without holding a valid license to operate a child-placing agency issued by
26 the welfare division of the department of health and welfare under NRS
27 127.250 or 127.260, requests or receives, directly or indirectly, any com-
28 pensation or thing of value for placing, arranging the placement of, or
29 assisting in placing or arranging the placement of, any child for adoption
30 or permanent free care 【is guilty of a felony.】 *shall be punished by*
31 *imprisonment in the state prison for not less than 1 year nor more than 6*
32 *years, or by a fine of not more than \$1,000, or by both fine and impris-*
33 *onment.*

34 2. The natural parents and the adopting parents shall not be consid-
35 ered accomplices for the purpose of this section.

36 SEC. 259. NRS 218.560 is hereby amended to read as follows:

37 218.560 Every person who fraudulently alters the draft of any bill or
38 resolution which has been presented for enactment or adoption to either
39 house of the legislature, with intent to procure its enactment or adoption
40 by either house in language different from that intended by such house,
41 【shall be guilty of a felony, and upon conviction thereof】 shall be pun-
42 ished by a fine of not 【less than \$500 nor】 more than \$2,000, or impris-
43 onment in the state prison for not less than 1 year nor more than 【5】 6
44 years, or by both fine and imprisonment.

45 SEC. 260. NRS 218.570 is hereby amended to read as follows:

46 218.570 Every person who fraudulently alters the enrolled copy of
47 any bill or resolution which has been passed or adopted by the legislature,
48 with intent to procure it to be approved by the governor, or certified by
49 the secretary of state, or printed or published by the superintendent of
50 state printing in language different from that in which it was passed or

1 adopted by the legislature, [shall be guilty of a felony, and upon conviction thereof] shall be punished by a fine of not [less than \$500 nor]
2 more than \$2,000, or imprisonment in the state prison for not less than 1
3 year nor more than [5] 6 years, or by both fine and imprisonment.

4
5 SEC. 261. NRS 218.580 is hereby amended to read as follows:

6 218.580 1. It shall be unlawful for any member of the legislature to
7 become a contractor under any contract or order for supplies or any other
8 kind of contract authorized by the legislature of which he is a member for
9 the state or any department thereof, or the legislature or either house
10 thereof, or to be in any manner interested, directly or indirectly, as principal, in any kind of contract so authorized.

11
12 2. It shall be unlawful for any member of the legislature to be interested in any contract made by the legislature of which he is a member, or
13 to be a purchaser or to be interested in any purchase or sale made by the
14 legislature of which he is a member.

15
16 3. Notwithstanding the provisions of subsections 1 and 2, any member of the legislature may sell, or enter into a contract to sell, to the state
17 or any department thereof any item or commodity if such member is the
18 only source of supply of such item or commodity within the state.

19
20 4. Any contract made in violation of the provisions of subsection 1
21 or 2 may be declared void at the instance of the state or of any other person interested in the contract except the member of the legislature prohibited in subsection 1 or 2 from making or being interested in the
22 contract.

23
24 5. Any person violating the provisions of subsection 1 or 2, directly or indirectly, *is guilty of a gross misdemeanor and* shall forfeit his office.
25 [, and shall be punished by a fine of not less than \$500 nor more than
26 \$5,000, or by imprisonment in the state prison for not less than 1 year
27 nor more than 5 years, or by both fine and imprisonment.]

28
29 SEC. 262. NRS 226.230 is hereby amended to read as follows:

30 226.230 If the state treasurer shall willfully neglect or refuse to perform any duty enjoined by law, or, by color of his office, shall knowingly
31 do any act not authorized by law, or in any other manner than is authorized by law, he shall be deemed guilty of a misdemeanor [in office.] and
32 shall be further punished as provided in NRS 197.230.

33
34 SEC. 263. NRS 227.330 is hereby amended to read as follows:

35 227.330 If the state controller shall willfully neglect or refuse to perform any duty enjoined by law, or, by color of his office, shall knowingly
36 do any act not authorized by law, or in any other manner than is authorized by law, he shall be deemed guilty of a misdemeanor [in office.] and
37 shall be further punished as provided in NRS 197.230.

38
39 SEC. 264. NRS 230.200 is hereby amended to read as follows:

40 230.200 1. All officers or jailers having charge or custody of any jail or place of detention shall receive all prisoners arrested by any member
41 of the Nevada state police and shall detain them in custody until ordered to be released by a court of competent jurisdiction.

42
43 2. Any officer, jailer or person having custody of any jail or place of detention, who shall refuse to so receive and detain such prisoners, shall
44 be deemed guilty of a gross misdemeanor. [, and upon conviction thereof
45 shall be punished by a fine of not to exceed \$500, or by imprisonment in
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1 the county jail not to exceed 6 months, or by both fine and imprisonment,
2 and in addition thereto shall forfeit his office.】

3 SEC. 265. NRS 230.220 is hereby amended to read as follows:

4 230.220 Any person refusing to aid or assist any member of the
5 Nevada state police in the discharge of his duties, when called upon, shall
6 be deemed guilty of a misdemeanor. 【, and upon conviction thereof shall
7 be punished by a fine of not to exceed \$500, or by imprisonment in the
8 county jail not to exceed 6 months, or by both fine and imprisonment.】

9 SEC. 266. NRS 230.240 is hereby amended to read as follows:

10 230.240 Any person who shall falsely represent himself to be a mem-
11 ber of the Nevada state police, or who shall wear the uniform, badge or
12 other insignia adopted and used by the Nevada state police, shall be
13 deemed guilty of a misdemeanor. 【, and upon conviction thereof shall be
14 punished by a fine not to exceed \$500, or by imprisonment in the county
15 jail for a period not to exceed 6 months, or by both fine and imprison-
16 ment.】

17 SEC. 267. NRS 239.300 is hereby amended to read as follows:

18 239.300 If any person shall:

19 1. Steal, embezzle, corrupt, alter, withdraw, falsify or avoid any rec-
20 ord, process, charter, gift, grant, conveyance, bond or contract; or

21 2. Knowingly or willfully, take off, discharge or conceal any issue,
22 forfeited recognizance or other forfeiture; or

23 3. Forge, deface or falsify any document or instrument recorded, or
24 any registered acknowledgment or certificate; or

25 4. Alter, deface or falsify any minute, document, book or any pro-
26 ceedings whatever of or belonging to any public office within this
27 state;

28 he shall 【, upon conviction,】 be punished by imprisonment in the state
29 prison for not less than 1 year nor more than 【11】 10 years 【and】 , or
30 by a fine 【not exceeding】 *of not more than* \$5,000 【.】 , or by both fine
31 and imprisonment.

32 SEC. 268. NRS 239.310 is hereby amended to read as follows:

33 239.310 Every person who shall willfully and unlawfully remove,
34 alter, mutilate, destroy, conceal or obliterate a record, map, book, paper,
35 document or other thing filed or deposited in a public office, or with any
36 public officer, by authority of law, shall be punished by imprisonment in
37 the state prison for not *less than 1 year nor* more than 【5】 6 years, or by
38 a fine of not more than \$1,000, or by both.

39 SEC. 269. NRS 239.330 is hereby amended to read as follows:

40 239.330 Every person who shall knowingly procure or offer any
41 false or forged instrument to be filed, registered or recorded in any pub-
42 lic office, which instrument, if genuine, might be filed, registered or
43 recorded in such office under any law of this state or of the United States,
44 shall be punished by imprisonment in the state prison for not *less than*
45 *1 year nor* more than 【5】 6 years, or by a fine of not more than \$5,000,
46 or by both.

47 SEC. 270. NRS 240.120 is hereby amended to read as follows:

48 240.120 1. Each notary public shall keep a fee book in his office in
49 which he shall enter:

50 (a) The fees charged, in detail.

1 (b) The title of the matter, proceeding or action on which they are
2 charged.

3 2. The fee book shall be open to public inspection.

4 3. Any notary public who shall violate any of the provisions of this
5 section [shall be guilty of a misdemeanor, and upon conviction] shall be
6 fined [in any sum not exceeding] *not more than* \$1,000.

7 SEC. 271. NRS 240.130 is hereby amended to read as follows:

8 240.130 1. No other fees shall be charged than those specially set
9 forth in this chapter, nor shall fees be charged for any other services than
10 those mentioned in this chapter.

11 2. Any notary public who shall violate any of the provisions of this
12 section [shall be guilty of a misdemeanor, and upon conviction] shall be
13 fined [in any sum not exceeding] *not more than* \$1,000.

14 SEC. 272. NRS 244.310 is hereby amended to read as follows:

15 244.310 1. No member of the board of county commissioners shall
16 be interested, directly or indirectly, in any property purchased for the use
17 of the county, or in any purchase or sale of property belonging to the
18 county, or in any contract made by the county for the erection of public
19 buildings, the opening or improvement of roads, or the building of
20 bridges, or for other purposes; but the board may purchase supplies for
21 the county, not to exceed \$30 in the aggregate, in any 1 month, from one
22 of their number, when not to do so would be a great inconvenience, but
23 the member from whom the supplies are purchased shall not vote upon
24 the allowance of the bill.

25 2. [A violation of this section shall be a misdemeanor punishable by
26 a fine of not less than \$100 nor more than \$500, and shall be cause for
27 removal from office.] *Any county commissioner who violates the pro-*
28 *visions of this section is guilty of a gross misdemeanor and shall be fur-*
29 *ther punished as provided in NRS 197.230.*

30 SEC. 273. NRS 244.320 is hereby amended to read as follows:

31 244.320 1. Except as otherwise authorized by law, no member of
32 any board of county commissioners shall be allowed to vote on any con-
33 tract which extends beyond his term of office.

34 2. Any county commissioner violating the provisions of subsection 1
35 shall be deemed guilty of a misdemeanor. [, and on conviction thereof
36 shall be punished by a fine of not less than \$100 nor more than \$500, or
37 by imprisonment in the county jail for 3 months, or by both fine and
38 imprisonment.]

39 SEC. 274. NRS 244.366 is hereby amended to read as follows:

40 244.366 1. The board of county commissioners of any county hav-
41 ing a population of 85,000 or more shall have the power, outside of the
42 limits of incorporated cities and towns:

43 (a) To construct, acquire by gift, purchase or the exercise of eminent
44 domain, otherwise acquire, reconstruct, improve, extend, better and repair
45 water and sewer facilities, such as:

46 (1) A water system, including but not limited to water mains, con-
47 duits, aqueducts, pipelines, ditches, canals, pumping stations, and all
48 appurtenances and machinery necessary or useful and convenient for
49 obtaining, transporting or transferring water.

50 (2) A water treatment plant, including but not limited to reservoirs,

1 storage facilities, and all appurtenances necessary or useful and conven-
2 ient thereto for the collection, storage and treatment, purification and dis-
3 posal of water for domestic uses and purposes.

4 (3) A storm sewer or sanitary sewage collection system, including
5 but not limited to intercepting sewers, outfall sewers, force mains, collect-
6 ing sewers, storm sewers, combined sanitary and storm sewers, pumping
7 stations, ejector stations, and all other appurtenances necessary, useful or
8 convenient for the collection, transportation and disposal of sewage.

9 (4) A sewage treatment plant, including but not limited to struc-
10 tures, buildings, machinery, equipment, connections and all appurtenances
11 necessary, useful or convenient for the treatment, purification or disposal
12 of sewage.

13 (b) To acquire, by gift, purchase or the exercise of the right of emi-
14 nent domain, lands or rights in land or water rights in connection there-
15 with, including but not limited to easements, rights-of-way, contract rights,
16 leases, franchises, approaches, dams and reservoirs.

17 (c) To operate and maintain any such water facilities, sewer facilities,
18 lands, rights in land and water rights.

19 (d) To sell, lease, donate for public use and otherwise dispose of such
20 water facilities, sewer facilities, lands, rights in land and water rights.

21 (e) To prescribe and collect rates, fees, tolls or charges, including but
22 not limited to the levy or assessments of such rates, fees, tolls or charges
23 against governmental units, departments or agencies, including the State
24 of Nevada and political subdivisions thereof, for the services, facilities and
25 commodities furnished by such water facilities and sewer facilities, and
26 to provide methods of collections, and penalties, including but not limited
27 to denial of service, for nonpayment of such rates, fees, tolls or charges.

28 (f) To provide it is unlawful for any persons, associations and corpora-
29 tions owning, occupying or in any way controlling any building or other
30 structure, any part of which is within 400 feet of any street, alley, court,
31 passageway, other public highway, right-of-way, easement or other alley
32 owned or occupied by the county in which a public sewer is then in
33 existence and use, to construct, otherwise acquire, to cause or permit to
34 be constructed or otherwise acquired, or to use or continue to use any
35 private sewage disposal plant, privy vault, septic tank, cesspool or other
36 private sewage system, upon such terms and conditions as the board of
37 county commissioners may provide.

38 (g) To provide for the disconnection of plumbing facilities from any
39 such private sewage facilities and for the discontinuance and elimination
40 of such private sewage facilities.

41 2. The powers conferred by this section shall be in addition and sup-
42 plemental to, and not in substitution for, and the limitations imposed by
43 this section shall not affect the powers conferred by, any other law. No
44 part of this section shall repeal or affect any other law or any part thereof,
45 it being intended that this section shall provide a separate method of
46 accomplishing its objectives, and not an exclusive one.

47 3. This section being necessary to secure and preserve the public
48 health, safety and convenience and welfare, it shall be liberally construed
49 to effect its purpose.

1 4. Any person, association or corporation violating any of the pro-
2 visions of any ordinance adopted pursuant to this section shall be guilty
3 of a misdemeanor. [, and upon conviction thereof shall be punished by
4 a fine not exceeding \$500, or by imprisonment in the county jail not
5 exceeding 6 months, or by both fine and imprisonment.]

6 SEC. 275. NRS 245.040 is hereby amended to read as follows:

7 245.040 1. Sheriffs, county recorders and county auditors, county
8 clerks, county assessors and county treasurers shall keep an office at the
9 county seat of their county which shall be kept open on all days except
10 Sundays and nonjudicial days from 9 a.m. to 12 m., and on all days
11 except Sundays, nonjudicial days and Saturdays from 1 p.m. to 5 p.m.
12 for the transaction of public business, but nothing contained herein shall
13 be construed so as to interfere with any duty now required of any public
14 official under any of the election laws of this state. County clerks shall
15 keep their offices open on all election days during the hours when the
16 polls are open for voting but may, with the consent of the district judge
17 of the county, close their offices for all purposes except election business
18 and the issuance of marriage licenses on any day on which the primary
19 or general election is held.

20 2. Notwithstanding the provisions of subsection 1, the board of
21 county commissioners of any county may, by an order regularly made
22 and entered in the records of its proceedings, designate the days and
23 hours during which the offices of the sheriff, county recorder and county
24 auditor, county clerk, county assessor and county treasurer shall be kept
25 open for the transaction of public business. Any order so made and
26 entered shall require each office to be kept open for not less than 40
27 hours during each week, and shall not prevent the county clerk from
28 closing his office for all purposes except election business and the issu-
29 ance of marriage licenses on primary and general election days as pro-
30 vided in subsection 1.

31 3. Any officer violating the provisions of this section shall be deemed
32 guilty of a misdemeanor, [and upon conviction thereof shall be punished
33 by a fine of not less than \$10 nor more than \$30, or by imprisonment in
34 the county jail not less than 5 days nor more than 15 days,] and if any
35 officer mentioned in subsection 1 shall absent himself from his office
36 except:

37 (a) When called away from his office by official duties; or

38 (b) When expressly permitted so to do by the board of county com-
39 missioners or a majority of the members thereof in writing; or

40 (c) When he first makes provision to leave his office open for the
41 transaction of public business on the days and during the hours prescribed
42 by this section and in charge of a deputy duly qualified to act in his
43 absence,

44 there shall be withheld from his monthly salary that proportion thereof as
45 the number of days of absence bears to the number of days of the month
46 in which such absence occurs. Such sum shall be withheld from payment
47 of salary to the officer for the next succeeding month by order of the
48 board of county commissioners; but no order in the premises shall be
49 made without first giving the officer affected reasonable notice and an

1 opportunity to appear before the board and defend the charge against
2 him.

3 SEC. 276. NRS 245.080 is hereby amended to read as follows:

4 245.080 1. It shall be unlawful for any county officer to be interested
5 in any contract made by him, or be a purchaser or be interested in any
6 purchase of a sale made by him in the discharge of his official duties.

7 2. All contracts made in violation of subsection 1 may be declared
8 void at the instance of the county interested, or of any other party inter-
9 ested in such contract, except the officer prohibited from making or being
10 interested in such contract.

11 3. Any person violating the provisions of this section, directly or
12 indirectly, *is guilty of a gross misdemeanor and shall forfeit his office.*
13 **], and shall be punished by a fine of not less than \$500 nor more than**
14 **\$5,000, or by imprisonment in the state prison for not less than 1 year**
15 **nor more than 10 years, or by both fine and imprisonment.]**

16 SEC. 277. NRS 245.090 is hereby amended to read as follows:

17 245.090 1. The several county officers of this state are expressly
18 prohibited from purchasing or selling, or in any manner receiving to their
19 own use or benefit, or to the use and benefit of any person or persons
20 whatever, any county warrants, scrip, orders, demands, claim or claims,
21 or other evidences of indebtedness against the county.

22 2. Any county officer who violates any of the provisions of this sec-
23 tion shall be guilty of a gross misdemeanor. **], and upon conviction**
24 **thereof shall be punished by a fine of not less than \$500 nor more than**
25 **\$1,000, and shall be imprisoned in the county jail for a term not less than**
26 **6 months nor more than 1 year.]** A conviction shall operate as a for-
27 feiture of office, and the party convicted shall forever be disqualified
28 from holding any office of honor, profit or trust in this state.

29 SEC. 278. NRS 245.100 is hereby amended to read as follows:

30 245.100 1. All county officers are prohibited from purchasing or
31 being interested, or receiving, or selling, or transferring, or causing to be
32 purchased, received, sold or transferred, either in person or by agent, or
33 attorney, or by or through the agency or means of any person or persons
34 whatever, any interest, claim, demand or other evidences of indebtedness
35 against the county, either directly or indirectly. No clerk or employee of
36 any such officer or officers, nor the commissioners employed or to be
37 employed to fund any county indebtedness shall be allowed to make any
38 such purchase, sale or transfer, or to receive any agency from other
39 parties to purchase, sell, transfer or bargain in any manner, for any
40 county warrants, scrip, demands or other evidences of indebtedness,
41 against the county.

42 2. Any person who violates any of the provisions of this section shall
43 be guilty of a gross misdemeanor. **], and upon conviction thereof shall**
44 **be punished by a fine of not less than \$500 nor more than \$1,000, and**
45 **shall be imprisoned in the county jail for a term not less than 6 months**
46 **nor more than 1 year.]** A conviction shall operate as a forfeiture of office,
47 and the party convicted shall forever be disqualified from holding any
48 office of honor, profit or trust in this state.

49 SEC. 279. NRS 246.080 is hereby amended to read as follows:

50 246.080 If any county clerk shall steal, embezzle, corrupt, alter,

1 withdraw, falsify or avoid any record, process, charter, gift, grant, con-
2 veyance, bond or contract, or shall, knowingly or willfully, take off, dis-
3 charge or conceal any issue, forfeited recognizance or other forfeiture,
4 or shall forge, deface or falsify any document or instrument recorded,
5 or any registered acknowledgment or certificate, or shall alter, deface or
6 falsify any minute, document, book or any proceedings whatever, of or
7 belonging to any public office within this state, the person so offending
8 [, and being thereof duly convicted,] shall be punished by imprisonment
9 in the state prison for [a term of] not less than 1 year nor more than
10 [11] 10 years, [and fined in any sum not exceeding \$5,000.] or by a
11 fine of not more than \$5,000, or by both fine and imprisonment.

12 SEC. 280. NRS 247.070 is hereby amended to read as follows:

13 247.070 1. County recorders shall subscribe for such newspapers, at
14 least one and not more than three, printed and published in their respec-
15 tive counties, as the board of county commissioners therein may select
16 and determine.

17 2. Each county recorder shall:

18 (a) Receive and preserve every copy of the paper or papers so sub-
19 scribed for; and

20 (b) From time to time, cause the same to be arranged properly and
21 bound in volumes of convenient size in a substantial manner.

22 The volumes when bound shall be kept in his office for the use of the
23 courts, when needed, of strangers and the inhabitants of the county, all
24 of whom shall have access to the same at all times during office hours,
25 free of charge. For his services in this behalf the county recorder shall
26 receive the sum of \$10 for each volume, and for neglect of the duties
27 hereby imposed, he shall forfeit the sum of \$50 to be recovered, with
28 costs, in a civil action before any court, one-half of which shall be paid
29 into the county school fund, and the other half to the person who shall
30 prosecute such action to successful termination.

31 3. The county recorder of each county may microfilm each issue of
32 the newspaper or newspapers subscribed for as provided in subsection 1
33 and keep a file of such microfilms in lieu of keeping a file of the news-
34 papers.

35 4. The subscription price of such paper or papers, the binding of the
36 several volumes thereof, the cost of microfilming, and the county record-
37 er's compensation for the care and preservation of the same shall be paid
38 out of the general fund of the county, in the same manner that other
39 charges are audited and allowed from such fund by the respective boards
40 of county commissioners; but in any county in which the county recorder
41 is compensated by a salary, the county recorder shall receive for such
42 services no compensation additional to that of his salary, and the expense
43 of procuring and filing such newspapers or microfilms shall be paid as
44 stationery and books for the office of the county recorder are now
45 paid for.

46 5. Any person who shall willfully abstract, destroy, mutilate or
47 deface any such microfilm or number or volume of such newspaper pur-
48 chased in pursuance of this section shall be deemed guilty of a misde-
49 meanor. [, and shall be punished by a fine in a sum not exceeding \$500,

1 or by imprisonment in the county jail for not more than 6 months, or by
2 both fine and imprisonment.】

3 SEC. 281. NRS 247.100 is hereby amended to read as follows:

4 247.100 1. Each county recorder shall:

5 (a) Enter each document, instrument or paper filed in his office in a
6 book to be known as the receiving book, in the order in which it is filed.

7 (b) Give to each document, instrument or paper thus filed its proper
8 number in the order of filing.

9 (c) Write opposite the title, name or designation of such filing in the
10 receiving book the date of filing, the file number so given to it, and the
11 amount of fees collected for the recording or filing of the same, as
12 the case may be.

13 (d) Upon request, issue his receipt for the fee, with the file number
14 placed thereon.

15 2. The receiving book, when so kept, shall be the fee book of the
16 county recorder for the matters mentioned in this section, and shall be
17 open to the inspection of anyone desiring so to do.

18 3. The file number of each document, instrument or paper, as men-
19 tioned in this section, shall be placed on such document, instrument or
20 paper at the time of filing, and on the official record when and where the
21 same shall be recorded.

22 4. Any county recorder who shall willfully violate any of the provi-
23 sions of this section [shall be guilty of a misdemeanor, and upon convic-
24 tion thereof] shall be fined [in any sum not exceeding] *not more than*
25 \$500.

26 SEC. 282. NRS 247.370 is hereby amended to read as follows:

27 247.370 Any county recorder who shall violate any of the provisions
28 of NRS 247.340, 247.350 and 247.360 [shall be guilty of a misde-
29 meanor, and upon conviction thereof] shall be fined [in any sum not
30 exceeding] *not more than* \$1,000.

31 SEC. 283. NRS 247.400 is hereby amended to read as follows:

32 247.400 If any county recorder shall steal, embezzle, corrupt, alter,
33 withdraw, falsify or avoid any record, process, charter, gift, grant, convey-
34 ance, bond or contract, or shall, knowingly or willfully, take off, discharge
35 or conceal any issue, forfeited recognizance or other forfeiture, or shall
36 forge, deface, or falsify any document or instrument recorded, or any reg-
37 istered acknowledgment or certificate, or shall alter, deface or falsify any
38 minute, document, book or any proceedings whatever, of or belonging to
39 any public office within this state, the person so offending [, and being
40 thereof duly convicted,] shall be punished by imprisonment in the state
41 prison for [a term of] not less than 1 year nor more than [11] 10 years,
42 [and fined in any sum not exceeding \$5,000.] *or by a fine of not more*
43 *than \$5,000, or by both fine and imprisonment.*

44 SEC. 284. NRS 248.060 is hereby amended to read as follows:

45 248.060 If any sheriff or keeper of a jail shall willfully refuse to
46 receive or arrest any person charged with a criminal offense, such sheriff
47 or jailer [so offending shall, on conviction thereof, be fined in any sum
48 not less than \$1,000 nor more than \$5,000, or imprisoned in the state
49 prison not exceeding 5 years, and removed from office.] *is guilty of a*
50 *gross misdemeanor.*

1 SEC. 285. NRS 248.070 is hereby amended to read as follows:

2 248.070 When any prisoner shall be committed to the county jail for
3 trial, or for examination, or upon conviction for a public offense, or for
4 disobedience to any writ, mandate, process or order of any court, such
5 prisoner shall be actually confined in the jail until he is legally discharged.
6 If he be permitted to go at large out of the jail, except by virtue of a legal
7 order or process, it shall be an escape, and the sheriff or jailer permitting
8 it shall be [deemed guilty of a misdemeanor, and may be] fined in any
9 sum not exceeding \$10,000.

10 SEC. 286. NRS 248.080 is hereby amended to read as follows:

11 248.080 Every sheriff, jailer or person who shall be guilty of willful
12 inhumanity or oppression to any prisoner under his care or custody shall
13 be [fined in any sum not exceeding \$2,000, and be] removed from
14 office [.] and punished:

15 1. *Where the prisoner suffers substantial bodily harm, as defined in*
16 *section 6 of this act, from such inhumanity or oppression, by imprison-*
17 *ment in the state prison for not less than 1 year nor more than 6 years, or*
18 *by a fine of not more than \$5,000, or by both fine and imprisonment.*

19 2. *Where no substantial bodily harm results, for a gross misde-*
20 *meanor.*

21 SEC. 287. NRS 248.260 is hereby amended to read as follows:

22 248.260 If any sheriff shall steal, embezzle, corrupt, alter, withdraw,
23 falsify or avoid any record, process, charter, gift, grant, conveyance, bond
24 or contract, or shall, knowingly or willfully, take off, discharge, or con-
25 ceal any issue, forfeited recognizance, or other forfeiture, or shall forge,
26 deface or falsify any document or instrument recorded, or any registered
27 acknowledgment or certificate, or shall alter, deface or falsify any minute,
28 document, book or any proceedings whatever, of, or belonging to, any
29 public office within this state, the person so offending, and being thereof
30 duly convicted, shall be punished by imprisonment in the state prison for
31 a term of not less than 1 year nor more than [11] 10 years, [and by fine
32 in any sum not exceeding \$5,000.] *or by a fine of not more than \$5,000,*
33 *or by both fine and imprisonment.*

34 SEC. 288. NRS 248.330 is hereby amended to read as follows:

35 248.330 Any sheriff who shall violate any of the provisions of NRS
36 248.300, 248.310 and 248.320 [shall be guilty of a misdemeanor, and
37 upon conviction thereof] shall be fined [in any sum not exceeding] *not*
38 *more than \$1,000.*

39 SEC. 289. NRS 248.410 is hereby amended to read as follows:

40 248.410 No sheriff shall be allowed to charge or receive any fee or
41 compensation whatever for the return written upon any summons, sub-
42 pena, writ of attachment, execution, order of sale or other paper. Any
43 sheriff violating the terms of this section shall be [indicted, and upon con-
44 viction shall be fined in any sum not less than \$300] *punished by a fine*
45 *of not more than \$500 and shall be removed from office.*

46 SEC. 290. NRS 251.100 is hereby amended to read as follows:

47 251.100 Any county auditor who shall violate any of the provisions
48 of NRS 251.080 and 251.090 [shall be guilty of a misdemeanor, and
49 upon conviction thereof] shall be fined [in any sum not exceeding] *not*
50 *more than \$1,000.*

1 SEC. 291. NRS 252.050 is hereby amended to read as follows:

2 252.050 1. In counties where, at the preceding general election, the
3 total votes cast for the office of Representative in the Congress of the
4 United States exceeded 1,500, district attorneys shall keep an office at
5 the county seat of their county, which shall be kept open on all days
6 except Sundays and nonjudicial days from 9 a.m. to 12 m., and on all
7 days except Sundays, nonjudicial days and Saturdays from 1 p.m. to 5
8 p.m. Notwithstanding the provisions of this section, the board of county
9 commissioners of any county may, by an order regularly made and
10 entered in the record of its proceedings, designate the days and hours dur-
11 ing which the office of the district attorney shall be kept open for the
12 transaction of public business. Any order so made and entered shall
13 require the office to be kept open for not less than 40 hours during each
14 week for the transaction of public business. The provisions of this subsec-
15 tion shall not apply to a district attorney when called away from his office
16 by official duties.

17 2. In counties where, at the preceding general election, the total votes
18 cast for the office of Representative in the Congress of the United States
19 were 1,500 or less, a district attorney shall not be required to keep an
20 office at the county seat of the county, but may, at his own expense,
21 locate, equip and maintain an office anywhere within the boundaries of
22 the county. Any district attorney who locates, equips and maintains an
23 office elsewhere than at the county seat of his county shall first give writ-
24 ten notice thereof to the board of county commissioners. Any office so
25 located, equipped and maintained shall be kept open for the transaction
26 of public business on the days and during the hours specified in subsec-
27 tion 1, but the requirements thereof shall not apply to a district attorney
28 when called away from his office by official duties.

29 3. Any district attorney violating the provisions of subsection 1 or 2
30 [shall be deemed] is guilty of a misdemeanor. [, and upon conviction
31 thereof shall be punished by a fine of not less than \$10 nor more than
32 \$30, or by imprisonment in the county jail not less than 5 days nor more
33 than 15 days.] If any district attorney shall absent himself from his office,
34 except:

35 (a) When called away from his office by official duties; or
36 (b) When expressly permitted so to do by the board of county com-
37 missioners or a majority of the members thereof in writing; or

38 (c) When he first makes provision to leave his office open for the
39 transaction of public business on the days and during the hours prescribed
40 in subsection 1 and in charge of a deputy duly qualified to act in his
41 absence,

42 there shall be withheld from his monthly salary that proportion thereof as
43 the number of days of the absence bears to the number of days of the
44 month in which such absence occurs. Such sum shall be withheld from
45 payment of salary to the district attorney for the next succeeding month
46 by order of the board of county commissioners; but no order in the prem-
47 ises shall be made without first giving him reasonable notice and an
48 opportunity to appear before the board and defend the charge against
49 him.

50 4. Notwithstanding any other provision of this section, the district

1 attorney in each county having a population of 700 or less, as determined
2 by the last-preceding national census of the Bureau of the Census of the
3 United States Department of Commerce, regardless of where he resides
4 or where he keeps his office, shall:

5 (a) Attend all meetings, regular or special, of the board of county
6 commissioners.

7 (b) Spend the hours from 9 a.m. to 5 p.m. of not less than 1 day each
8 week at the county seat, and shall make himself available to the county
9 officers during such hours. The district attorney shall select the day of the
10 week for his attendance at the county seat and shall thereafter spend such
11 day each week at the county seat.

12 SEC. 292. NRS 252.120 is hereby amended to read as follows:

13 252.120 1. No district attorney or partner thereof shall appear
14 within his county as attorney in any criminal action, or directly or indi-
15 rectly aid, counsel or assist in the defense in any criminal action, begun
16 or prosecuted during his term; nor in any civil action begun or prosecuted
17 during his term, in behalf of any person suing or sued by the state or any
18 county thereof.

19 2. This section shall apply with equal effect to any and all partners of
20 district attorneys.

21 3. A violation of this section [is a misdemeanor, and] shall be pun-
22 ished by a fine of [not less than \$250 and] not more than \$1,000.

23 SEC. 293. NRS 252.190 is hereby amended to read as follows:

24 252.190 The district attorney may be [indicted for a misdemeanor]
25 *prosecuted for malfeasance* in office, or neglect of duty, and [be punished
26 by fine not exceeding \$1,000, or by removal from office, or by both fine
27 and removal from office.] *shall be punished for a gross misdemeanor and*
28 *as provided in NRS 197.230.*

29 SEC. 294. NRS 253.090 is hereby amended to read as follows:

30 253.090 1. On the 1st Monday of January, April, July and October,
31 public administrators shall make out and file with the boards of county
32 commissioners of their several counties a full and correct statement under
33 oath of all fees or compensation, of whatever nature or kind, received in
34 their several official capacities during the preceding 3 months. In the state-
35 ment they shall set forth the cause in which, and the services for which,
36 such fees or compensation were received.

37 2. Nothing in this section shall be so construed as to require personal
38 attendance in filing statements, which may be transmitted by mail or
39 otherwise directed to the clerk of the board of county commissioners.

40 3. Any public administrator who shall violate any of the provisions
41 of this section [shall be guilty of a misdemeanor, and upon conviction
42 thereof] shall be fined [in any sum not exceeding] *not more than* \$1,000.

43 SEC. 295. NRS 258.110 is hereby amended to read as follows:

44 258.110 If any constable shall willfully refuse to receive or arrest any
45 person charged with a criminal offense, such constable [shall, on convic-
46 tion thereof, be fined in any sum not less than \$1,000 nor more than
47 \$5,000, or imprisoned in the state prison not exceeding 5 years, and]
48 *is guilty of a gross misdemeanor and shall be removed from office.*

49 SEC. 296. NRS 258.120 is hereby amended to read as follows:

50 258.120 If any constable shall, directly or indirectly, purchase any

1 judgment, or any part thereof, on the docket of any justice of the peace
2 of the same township, he [shall, on conviction thereof, be fined for each
3 offense in a sum not less than \$100 nor more than \$1,000.] *is guilty of*
4 *a misdemeanor.*

5 SEC. 297. NRS 258.200 is hereby amended to read as follows:

6 258.200 Any constable who shall violate any of the provisions of
7 NRS 258.170, 258.180 and 258.190 [shall be guilty of a misdemeanor,
8 and upon conviction thereof] shall be fined [in any sum not exceeding]
9 *not more than \$1,000.*

10 SEC. 298. NRS 259.230 is hereby amended to read as follows:

11 259.230 Any coroner who shall violate any of the provisions of NRS
12 259.210 and 259.220 [shall be guilty of a misdemeanor, and upon con-
13 viction thereof] shall be fined [in any sum not exceeding] *not more than*
14 *\$1,000.*

15 SEC. 299. NRS 268.030 is hereby amended to read as follows:

16 268.030 1. After March 23, 1939, the city clerk and city council of
17 every incorporated city in this state, whether incorporated under the pro-
18 visions of chapter 266 of NRS or under the provisions of a special act,
19 shall cause to be published quarterly in some newspaper, published as
20 hereinafter provided, a statement of the finances of the city, showing
21 receipts and disbursements, exhibiting in detail the bills allowed and paid.
22 The statement shall be signed by the mayor and attested by the city
23 clerk, and shall be published in a newspaper published in such city. If
24 there shall be no newspaper published in such city, then the financial
25 statement shall be published in a newspaper published in the county, and
26 if there be no newspaper published in the county, such financial statement
27 shall be posted by the city clerk at the door of the city hall.

28 2. Any city officer in this state who shall violate the provisions of
29 this section shall be deemed guilty of a misdemeanor. [, and upon convic-
30 tion thereof shall be punished by a fine not exceeding \$500, or by impris-
31 onment in the county jail not to exceed 6 months, or by both fine and
32 imprisonment.]

33 SEC. 300. NRS 268.330 is hereby amended to read as follows:

34 268.330 1. It shall be unlawful for any alderman or member of the
35 common council of any city in this state, or for the trustees of any city,
36 to become a contractor under any contract or order for supplies or any
37 other kind of contract authorized by or for the aldermen or common
38 council, or board of trustees of which he is a member, or to be in any
39 manner interested, directly or indirectly, as principal, in any kind of con-
40 tract so authorized.

41 2. Any person violating the provisions of this section, directly or
42 indirectly, *is guilty of a gross misdemeanor and shall forfeit his office. [,*
43 *and shall be punished by a fine of not less than \$500 nor more than*
44 *\$5,000, or by imprisonment in the state prison for not less than 1 year*
45 *nor more than 10 years, or by both fine and imprisonment.]*

46 SEC. 301. NRS 268.340 is hereby amended to read as follows:

47 268.340 1. It shall be unlawful for any city officer to be interested
48 in any contract made by such officer, or be a purchaser or be interested
49 in any purchase of a sale made by such officer in the discharge of his
50 official duties.

1 2. Any person violating the provisions of this section, directly or
2 indirectly, *is guilty of a gross misdemeanor and* shall forfeit his office. [,
3 and shall be punished by a fine of not less than \$500 nor more than
4 \$5,000, or by imprisonment in the state prison for not less than 1 year
5 nor more than 10 years, or by both fine and imprisonment.]

6 SEC. 302. NRS 268.360 is hereby amended to read as follows:

7 268.360 1. The several city officers of this state are expressly pro-
8 hibited from purchasing or selling, or in any manner receiving to their
9 own use or benefit, or to the use and benefit of any person or persons
10 whatever, any city warrants, scrip, orders, demands, claim or claims, or
11 other evidences of indebtedness against the city.

12 2. Any officer who violates any of the provisions of this section shall
13 be guilty of a gross misdemeanor. [, and upon conviction thereof shall
14 be punished for each offense by a fine of not less than \$500 nor more
15 than \$1,000, and by imprisonment in the county jail for a term of not less
16 than 6 months nor more than 1 year.] A conviction shall operate as a
17 forfeiture of office, and the party convicted shall forever be disqualified
18 from holding any office of honor, profit or trust in this state.

19 SEC. 303. NRS 268.370 is hereby amended to read as follows:

20 268.370 1. All city officers are prohibited from purchasing or being
21 interested in, or receiving, or selling, or transferring, or causing to be pur-
22 chased, received, sold or transferred, either in person, or by agent, or
23 attorney, or by or through the agency or means of any person or persons
24 whatever, any interest, claim, demand or other evidences of indebtedness
25 against the city, either directly or indirectly. No clerk or employee of any
26 such officer or officers, nor the commissioners employed, or to be
27 employed, to fund any city indebtedness shall be allowed to make any
28 such purchase, sale, or transfer, or to receive any agency from other
29 parties to purchase, sell, transfer or bargain, in any manner, for any city
30 warrants, scrip, demands or other evidences of indebtedness against the
31 city.

32 2. Any person who violates any of the provisions of this section shall
33 be guilty of a gross misdemeanor. [, and upon conviction thereof shall be
34 punished by a fine of not less than \$500 nor more than \$1,000, and by
35 imprisonment in the county jail for a term of not less than 6 months nor
36 more than 1 year.] A conviction shall operate as a forfeiture of office, and
37 the party convicted shall forever be disqualified from holding any office of
38 honor, profit or trust in this state.

39 SEC. 304. NRS 269.045 is hereby amended to read as follows:

40 269.045 1. It shall be unlawful for any trustee of any town or village
41 to become a contractor under any contract or order for supplies or any
42 other kind of contract authorized by or for the board of trustees of which
43 he is a member, or to be in any manner interested, directly or indirectly,
44 as principal, in any kind of contract so authorized.

45 2. Any person violating the provisions of subsection 1, directly or
46 indirectly, *is guilty of a gross misdemeanor and* shall forfeit his office. [,
47 and shall be punished by a fine of not less than \$500 nor more than
48 \$5,000, or by imprisonment in the state prison for not less than 1 year
49 nor more than 10 years, or by both fine and imprisonment.]

50 SEC. 305. NRS 269.050 is hereby amended to read as follows:

1 269.050 1. It shall be unlawful for any town officer to be interested
2 in any contract made by such officer, or be a purchaser or be interested in
3 any purchase of a sale made by such officer, in the discharge of his official
4 duties.

5 2. Any person violating the provisions of subsection 1, directly or
6 indirectly, *is guilty of a gross misdemeanor and* shall forfeit his office. [,
7 and shall be punished by a fine of not less than \$500 nor more than
8 \$5,000, or by imprisonment in the state prison for not less than 1 year
9 nor more than 10 years, or by both fine and imprisonment.]

10 SEC. 306. NRS 269.060 is hereby amended to read as follows:

11 269.060 1. The several town officers of this state are expressly pro-
12 hibited from purchasing or selling, or in any manner receiving to their
13 own use or benefit, or to the use and benefit of any person or persons
14 whatever, any town warrants, scrip, orders, demands, claim or claims, or
15 other evidences of indebtedness against the town.

16 2. Any town officer who violates any of the provisions of this section
17 shall be guilty of a gross misdemeanor. [and, upon conviction thereof,
18 shall be punished for each offense by a fine of not less than \$500 nor
19 more than \$1,000, and imprisonment in the county jail for a term not
20 less than 6 months nor more than 1 year.] A conviction shall operate as
21 a forfeiture of office, and the person convicted shall forever be disquali-
22 fied from holding any office of honor, profit or trust in this state.

23 SEC. 307. NRS 269.065 is hereby amended to read as follows:

24 269.065 1. All town officers are prohibited from purchasing or being
25 interested in, or receiving, or selling, or transferring, or causing to be pur-
26 chased, received, sold or transferred, either in person or by agent or attor-
27 ney, or by or through the agency or means of any person or persons
28 whatever, any interest, claim, demand, or other evidences of indebtedness
29 against the town, either directly or indirectly. No clerk or employee of any
30 such officer or officers, nor the commissioners employed, or to be
31 employed, to fund any town corporation indebtedness, shall be allowed to
32 make any such purchase, sale or transfer, or to receive any agency from
33 other persons to purchase, sell, transfer or bargain in any manner, for any
34 town warrants, scrip, demands or other evidences of indebtedness against
35 the town.

36 2. Any person who violates any of the provisions of this section shall
37 be guilty of a gross misdemeanor. [and, upon conviction thereof, shall be
38 punished for each offense by a fine of not less than \$500 nor more than
39 \$1,000, and imprisonment in the county jail for a term not less than 6
40 months nor more than 1 year.] A conviction shall operate as a forfeiture
41 of office, and the person convicted shall forever be disqualified from hold-
42 ing any office of honor, profit or trust in this state.

43 SEC. 308. NRS 269.200 is hereby amended to read as follows:

44 269.200 1. The board of county commissioners of any county in this
45 state shall, when petitioned by 25 percent of the taxpayers of any town or
46 voting precinct not maintaining a separate and independent local govern-
47 ment, pass an ordinance to prevent the running at large of any horse,
48 mule, ass, kine, hog, sheep or goat in the town or precinct, and provide in
49 the ordinance for the impounding of the animals as estrays and the pay-
50 ment of certain fees and costs before the release of such animals.

1 2. When the ordinance is properly drawn and signed by the chairman
2 of the board of county commissioners, before going into effect it shall be
3 published, for a period of at least 10 days, in some newspaper of general
4 circulation published in the town or precinct, and if there be none, then
5 in some newspaper published in the county. The cost of publication shall
6 be paid by the county out of the general fund of the county the same as
7 other bills.

8 3. A violation of any such ordinance shall be a misdemeanor. [, and
9 punished by a fine of not less than \$5 nor more than \$100, or by impris-
10 onment in the county jail for not more than 10 days, or by both fine and
11 imprisonment.]

12 SEC. 309. NRS 269.265 is hereby amended to read as follows:

13 269.265 Any person, after being notified by a fire warden to repair
14 any defective chimney, flue, furnace, range, oven, stovepipe or fixture
15 therewith connected so as to prevent the same from endangering the prop-
16 erty of the city, town or village from destruction or loss by fire, who shall
17 neglect or refuse, for a longer time than 24 hours after notice in writing to
18 repair the same, to comply with the order and direction of the fire war-
19 den, and shall fail or refuse to make the required repairs, [shall be guilty
20 a misdemeanor, and upon conviction thereof] shall be fined in any sum
21 not [less than \$25 nor] more than \$500. [together with the costs of
22 prosecution in the case.]

23 SEC. 310. NRS 269.270 is hereby amended to read as follows:

24 269.270 [When a fire warden shall order the removal of any danger-
25 ous or inflammable material from the premises of any person, a failure to
26 comply or remove the same upon the part of the owner, occupant or
27 agent of the premises where the dangerous or inflammable material is
28 situated, for the period of 48 hours after notice in writing from the fire
29 warden to remove the same from the limits of the city, town or village, so
30 as to prevent danger therefrom, shall be a misdemeanor; and upon con-
31 viction thereof such person shall:

32 1. Be fined in any sum not less than \$10 nor more than \$100,
33 together with the costs of prosecution; and also

34 2. Be directed to remove the dangerous or inflammable article or
35 articles, or the same shall be removed by the fire warden, at the expense
36 of the defendant, in case the defendant neglects to remove the same for 1
37 day after notice by the justice of the peace or other officer so to do.]

38 1. *After receiving written notice from the fire warden ordering the*
39 *removal of any dangerous or inflammable material from the limits of the*
40 *city, town or village, any owner, occupant or agent in control of the prem-*
41 *ises where the dangerous or inflammable material is situated who has*
42 *failed to comply or to remove such matter within 48 hours after receipt of*
43 *such order shall be fined not more than \$500.*

44 2. *The court shall then issue an order for the removal of the danger-*
45 *ous or inflammable material, and if the owner, occupant or agent in con-*
46 *trol of the premises fails to remove such material within 24 hours after*
47 *receipt of the court order, the fire warden shall remove such material at*
48 *the expense of the person or persons against whom the court order was*
49 *issued.*

50 SEC. 311. NRS 278.590 is hereby amended to read as follows:

1 278.590 1. It shall be unlawful for any person to offer to sell, to con-
2 tract to sell, to sell or to transfer any subdivision or any part thereof until
3 the final map thereof in full compliance with the provisions of this chapter
4 and any local ordinance has been duly recorded in the office of the
5 recorder of the county in which any portion of the subdivision is located.

6 2. Any offer to sell, contract to sell, sale or transfer contrary to the
7 provisions of this chapter shall be a misdemeanor. [, and any person,
8 firm or corporation, upon conviction thereof, shall be punished by a fine
9 of not less than \$25 and not more than \$500, or imprisonment in the
10 county jail for a period of not more than 6 months, or by both fine and
11 imprisonment.] Nothing herein contained shall be deemed to bar any
12 legal, equitable or summary remedy to which any aggrieved municipality
13 or other political subdivision, or any person, firm or corporation may
14 otherwise be entitled, and any such municipality or other political subdivi-
15 sion or person, firm or corporation may file suit in the district court of
16 the county in which any property attempted to be subdivided or sold in
17 violation of this chapter is located to restrain or enjoin any attempted or
18 proposed subdivision or sale in violation of this chapter.

19 SEC. 312. NRS 281.060 is hereby amended to read as follows:

20 281.060 1. Only citizens or wards of the United States or persons
21 who have been honorably discharged from the military service of the
22 United States shall be employed by any officer of the State of Nevada,
23 any political subdivision of the state, or by any person acting under or for
24 such officer in any office or department of the State of Nevada, or poli-
25 tical subdivision of the state.

26 2. In all cases where persons are so employed, preference shall be
27 given, the qualifications of the applicants being equal:

28 (a) First: To honorably discharged soldiers, sailors and marines of
29 the United States who are citizens of the State of Nevada.

30 (b) Second: To other citizens of the State of Nevada.

31 3. Nothing in this section shall be construed to prevent:

32 (a) The working of prisoners by the State of Nevada, or by any polit-
33 ical subdivision of the state, on street or road work or other public work.

34 (b) The working of aliens, who have not forfeited their right to citizen-
35 ship by claiming exemption from military service, as common laborers in
36 the construction of public roads, when it can be shown that citizens or
37 wards of the United States or persons who have been honorably dis-
38 charged from the military service of the United States are not available
39 for such employment; but any alien so employed shall be replaced by a
40 citizen, ward or ex-service person of the United States applying for
41 employment.

42 (c) The employment of any teacher, instructor or professor authorized
43 to teach in the United States under the teacher-exchange programs as
44 authorized by federal laws enacted by the Congress of the United States.

45 (d) Employment of aliens by the University of Nevada in the technical,
46 graduate assistant and student held categories, but not more than 5 per-
47 cent of the total number of persons employed in the technical, graduate
48 assistant and student help categories may be aliens.

49 4. Subject to the exceptions contained in this section, no money shall
50 be paid out of the state treasury or out of the treasury of any political

1 subdivision of the state to any person employed on any of the work men-
2 tioned in this section unless such person shall be a citizen or ward or
3 naturalized citizen of the United States.

4 5. Any officer of the State of Nevada, or of any political subdivision
5 of the state, or any person acting under or for such officer, or any other
6 person who violates any of the provisions of this section shall be guilty of
7 a misdemeanor. [, and, upon conviction thereof, shall be punished by a
8 fine of not less than \$100 nor more than \$500, or by imprisonment in the
9 county jail not exceeding 6 months, or by both fine and imprisonment.]
10 The penalties provided for in this section shall not apply where violations
11 thereof are due to misrepresentations made by the employee or
12 employees by the production of fraudulent papers evidencing citizenship
13 in the United States.

14 SEC. 313. NRS 281.100 is hereby amended to read as follows:

15 281.100 1. Except as otherwise provided in this section, the services
16 and employment of all persons who are now, or may hereafter be,
17 employed by the State of Nevada, or by any county, city, town, township
18 or any other political subdivision thereof, are hereby limited and restricted
19 to not more than 8 hours in any 1 calendar day and not more than 56
20 hours in any 1 week.

21 2. The period of 8 hours' employment mentioned in this section shall
22 commence from the time the employee takes charge of any equipment of
23 the employer or acts as an assistant or helper to a person who is in charge
24 of any equipment of the employer, or enters upon or into any conveyance
25 of or operated by or for the employer at any camp or living quarters pro-
26 vided by the employer for the transportation of employees to the place
27 of work.

28 3. Nothing in this section shall apply to:

29 (a) Officials of the State of Nevada or of any county, city, town, town-
30 ship or other political subdivision thereof.

31 (b) Employees of the State of Nevada or of any county, city, town,
32 township or other political subdivision thereof who are engaged as
33 employees of a fire department, or to nurses in training or working in
34 hospitals, or to deputy sheriffs or jailers.

35 (c) Work done directly by any public utility company pursuant to an
36 order of the public service commission or other public authority.

37 4. Any employee whose hours are limited by subsection 1 may be
38 permitted, or in case of emergency where life or property is in imminent
39 danger may be required, at the discretion of the officer responsible for
40 his employment, to work more than the number of hours limited. If so
41 permitted or required, he shall receive, at the discretion of the responsi-
42 ble officer:

43 (a) Compensatory vacation time; or

44 (b) Overtime pay.

45 5. Any officer or agent of the State of Nevada, or of any county,
46 city, town, township, or other political subdivision thereof, whose duty
47 it shall be to employ, direct or control the services of an employee cov-
48 ered by this section, who violates any of the provisions of this section as
49 to the hours of employment of labor as herein provided, shall be guilty
50 of a misdemeanor. [, and, upon conviction thereof, shall be punished by

1 a fine not exceeding \$300, or by imprisonment in the county jail not
2 exceeding 6 months, or by both fine and imprisonment.】

3 SEC. 314. NRS 281.180 is hereby amended to read as follows:

4 281.180 1. Each officer authorized by law to take the proof or
5 acknowledgment of the execution of conveyances of real property, or
6 other instrument required by law to be proved or acknowledged, shall
7 keep a record of all his official acts in relation thereto in a book to be
8 provided by him for that purpose. There shall be entered in the book:

9 (a) The date of the proof or acknowledgment thereof.

10 (b) The date of the instrument.

11 (c) The name or character of the instrument proved or acknowledged.

12 (d) The names of each of the parties thereto, as grantor, grantee or
13 otherwise.

14 During business hours, the record shall be open to public inspection
15 without fee or reward.

16 2. An officer mentioned in subsection 1 who refuses or neglects to
17 comply with the requirements of this section shall: 【be guilty of a mis-
18 demeanor and shall, upon conviction:】

19 (a) Be punished by a fine of not 【less than \$50 nor】 more than \$500;
20 and

21 (b) Be liable on his official bond in damages to any person injured by
22 such refusal or neglect to the extent of the injury sustained by reason of
23 the refusal or neglect mentioned in this subsection.

24 SEC. 315. NRS 281.200 is hereby amended to read as follows:

25 281.200 If any public officer shall steal, embezzle, corrupt, alter,
26 withdraw, falsify or avoid any record, process, charter, gift, grant, con-
27 veyance, bond or contract, or shall, knowingly or willfully, take off, dis-
28 charge or conceal any issue, forfeited recognizance, or other forfeiture,
29 or shall forge, deface or falsify any document or instrument recorded,
30 or any registered acknowledgment or certificate, or shall alter, deface or
31 falsify any minute, document, book, or any proceedings whatever, of or
32 belonging to any public office within this state, the person so offending
33 【, being convicted thereof,】 shall be punished by a fine 【not exceeding
34 \$5,000, and】 *of not more than \$5,000*, or by imprisonment in the state
35 prison for 【a term of】 not less than 1 year nor more than 【11 years.】
36 *10 years, or by both fine and imprisonment.*

37 SEC. 316. NRS 281.210 is hereby amended to read as follows:

38 281.210 1. Except as provided in this section, it shall be unlawful
39 for any individual acting as a school trustee, state, township, municipal
40 or county official, or for any board, elected or appointed, to employ in
41 any capacity on behalf of the State of Nevada, or any county, township,
42 municipality or school district thereof, any relative of such individual or
43 of any member of such board, within the third degree of consanguinity
44 or affinity.

45 2. This section shall not be construed to apply:

46 (a) To school districts, when the teacher or other school employee so
47 related is not related to more than one of the trustees by consanguinity
48 or affinity and shall receive a unanimous vote of all members of the
49 board of trustees and approval by the state department of education.

50 (b) To school districts, when the teacher or other school employee so

1 related has been employed by an abolished school district or educational
2 district, which constitutes a part of the employing county school district,
3 and the county school district for 4 years or more prior to April 1, 1957.

4 (c) To the wife of the warden of the Nevada state prison.

5 (d) To relatives of blind officers and employees of the [welfare] serv-
6 ices to the blind division of the department of health and welfare when
7 such relatives are employed as automobile drivers for such officers and
8 employees.

9 3. Nothing in this section shall:

10 (a) Prevent any officer in this state, employed under a flat salary, from
11 employing any suitable person to assist in any such employment, when
12 the payment for any such service shall be met out of the personal funds
13 of such officer.

14 (b) Be deemed to disqualify any widow with a dependent or depend-
15 ents as an employee of any officer or board in this state, or any of its
16 counties, townships, municipalities or school districts.

17 4. No person employed contrary to the provisions of this section
18 shall be entitled to or allowed compensation for such employment.

19 5. Any person violating any provisions of this section shall be guilty
20 of a gross misdemeanor. [, and, upon conviction thereof, shall be pun-
21 ished by a fine of not less than \$100 nor more than \$1,000, or by impris-
22 onment in the county jail for not less than 30 days nor more than 6
23 months, or by both fine and imprisonment.]

24 SEC. 317. NRS 281.220 is hereby amended to read as follows:

25 281.220 1. It is unlawful for any officer of this state to become a
26 contractor under any contract or order for supplies, or any other kind of
27 contract authorized by or for the state, or any department thereof, or the
28 legislature or either branch thereof, or to be in any manner interested,
29 directly or indirectly, as principal, in any kind of contract so authorized.

30 2. It is unlawful for any state officer to be interested in any contract
31 made by such officer, or to be a purchaser or be interested in any pur-
32 chase of a sale made by him in the discharge of his official duties.

33 3. All contracts made in violation of the provisions of this section
34 may be declared void at the instance of the state or of any other party
35 interested in such contract, except the officer prohibited from making or
36 being interested in the contract.

37 4. Any person violating the provisions of this section, directly or
38 indirectly, is guilty of a gross misdemeanor and shall forfeit his office.
39 [, and shall be punished by a fine of not less than \$500 nor more than
40 \$5,000, or by imprisonment in the state prison for not less than 1 year
41 nor more than 5 years, or by both fine and imprisonment.]

42 SEC. 318. NRS 281.230 is hereby amended to read as follows:

43 281.230 1. The following persons shall not, in any manner, directly
44 or indirectly, receive any commission, personal profit or compensation of
45 any kind or nature inconsistent with loyal service to the people resulting
46 from any contract or other transaction in which the employing state,
47 county, municipality, township, district or quasi-municipal corporation is
48 in any way interested or affected:

49 (a) State, county, municipal, district and township officers of the State
50 of Nevada;

1 (b) Deputies and employees of state, county, municipal, district and
2 township officers; and

3 (c) Officers and employees of quasi-municipal corporations.

4 2. Any contract or transaction prohibited by this section entered into
5 with any of the persons designated in subsection 1, with the knowledge
6 of the party so entering into the same, shall be void.

7 3. Every person violating any of the provisions of this section shall
8 **],** upon conviction, forfeit his office or employment, and shall be pun-
9 ished by a fine of not less than \$500 nor more than \$5,000, or by impris-
10 onment in the state prison for not less than 1 year nor more than 5 years,
11 or by both such fine and imprisonment. **]** *be punished as provided in NRS*
12 *197.230 and:*

13 (a) *Where such commission, personal profit or compensation is \$250*
14 *or more, by imprisonment in the state prison for not less than 1 year nor*
15 *more than 10 years, or by a fine of not more than \$5,000, or by both*
16 *fine and imprisonment.*

17 (b) *Where such commission, personal profit or compensation is less*
18 *than \$250, for a gross misdemeanor.*

19 SEC. 319. NRS 281.240 is hereby amended to read as follows:

20 281.240 1. Every person holding or exercising any office under the
21 laws or constitution of this state, who shall, for any reward or gratuity
22 paid, or agreed to be paid, grant to another the right or authority to dis-
23 charge any of the duties of such office (except his lawful deputies), **]** shall
24 be guilty of a misdemeanor, and, upon conviction thereof, **]** shall be pun-
25 ished by a fine not exceeding \$5,000, and shall be removed from office.

26 2. Every person who shall give, or make any agreement to give, any
27 reward or gratuity in consideration of such grant or authority, shall **],**
28 upon conviction thereof, **]** be punished by a fine of not **]** less than \$500
29 nor **]** more than \$5,000.

30 SEC. 320. NRS 281.260 is hereby amended to read as follows:

31 281.260 1. No officer shall be allowed to charge or receive any fee
32 or compensation whatever for the return written upon any summons,
33 subpena, writ of attachment, execution, or of sale or other paper. Any
34 officer violating the terms of this subsection **]** shall be indicted, and upon
35 conviction **]** shall be fined **]** in any sum not less than \$300, **]** not more
36 than \$500, and shall be removed from office.

37 2. Where mileage is chargeable it shall be for the actual distance trav-
38 eled, and every fraction of a mile shall be computed as a mile. Where
39 mileage is chargeable by a sheriff, it shall be computed as provided in
40 NRS 248.400.

41 SEC. 321. NRS 281.280 is hereby amended to read as follows:

42 281.280 If any officer shall willfully refuse to receive or arrest any
43 person charged with a criminal offense, such officer **]** shall, upon con-
44 viction thereof, be punished by a fine of not less than \$1,000 nor more
45 than \$5,000, or by imprisonment in the state prison not exceeding 5
46 years, **]** is guilty of a gross misdemeanor and shall be removed from office.

47 SEC. 322. NRS 283.450 is hereby amended to read as follows:

48 283.450 1. Any civil officer in this state who shall, during his term
49 of office, become intoxicated or be under the influence of alcoholic, malt

1 or vinous liquors, or become or be addicted to the use of drugs or nar-
2 cotics, so that he shall not at all times be in proper condition for the dis-
3 charge of the duties of his office, [shall be guilty of misdemeanor in office,
4 and on conviction thereof shall be punished by a fine not exceeding
5 \$1,000, or by imprisonment not exceeding 1 year,] *is guilty of a gross*
6 *misdemeanor*, and shall, if he is a state officer, be subject to removal from
7 office by impeachment, or if he is a county or township officer he shall be
8 removed from office by the judgment of the court in which the conviction
9 is had, as a part of the penalty in such conviction.

10 2. Upon receiving information from any person that the provisions
11 of this section have been violated, sheriffs and their deputies, constables
12 and their deputies, district attorneys, and all other peace officers in this
13 state shall immediately institute proceedings in the proper court against
14 the person complained of, and shall prosecute the same with reasonable
15 diligence to final judgment.

16 3. If any person shall make and file a complaint under oath charging
17 the district attorney with a violation or violations of this section, the
18 attorney general shall prosecute such district attorney pursuant to the
19 terms of this section.

20 4. If any state officer is convicted under the provisions of this section,
21 the prosecuting officer obtaining the conviction shall file a certified copy
22 of the judgment roll with the secretary of state. The secretary of state
23 shall lay the certified copy of the judgment roll before the legislature at
24 its next session.

25 5. The provisions of this section shall be specially charged to the
26 grand juries of the several counties by district judges.

27 SEC. 323. NRS 284.430 is hereby amended to read as follows:

28 284.430 1. Any person who willfully violates any provision of this
29 chapter or any provision of the rules and regulations prescribed hereunder
30 shall be guilty of a misdemeanor. [, and upon conviction thereof shall be
31 punished by a fine of not more than \$500 or by imprisonment in the
32 county jail for not more than 6 months, or by both fine and imprison-
33 ment.]

34 2. Any person who is convicted of a misdemeanor under this chapter
35 shall, for a period of 5 years, be ineligible for appointment to or employ-
36 ment in a position in the public service, and if he is an officer or employee
37 of the state, he shall forfeit his office or position.

38 SEC. 324. NRS 293.587 is hereby amended to read as follows:

39 293.587 Any officer in whose office any nomination paper has been
40 filed, who shall wrongfully suppress, neglect or fail to cause the proper
41 filing thereof at the proper time and the proper place, is guilty of a misde-
42 meanor. [, and shall be punished by a fine of not less than \$100 nor more
43 than \$500, or by imprisonment in the county jail for not less than 30
44 days nor more than 6 months, or by both such fine and imprisonment.]

45 SEC. 325. NRS 293.605 is hereby amended to read as follows:

46 293.605 1. Any person who sells, gives away or furnishes or causes
47 to be sold, given away or furnished within this state during the hours
48 when the polls are open on any day upon which a general or primary
49 election is held, or within the limits of any county or city on any day upon
50 which any special or municipal election is held therein, any spirituous,

1 malt or fermented liquors or wines is guilty of a gross misdemeanor. [,
2 and shall be fined in a sum not less than \$100 nor more than \$1,000, or
3 by imprisonment in the county jail not less than 1 nor more than 6
4 months, or by both such fine and imprisonment.]

5 2. This section does not apply to:

6 (a) Any election at which the sole matter to be voted on relates to the
7 creation or assumption of any public indebtedness to be evidenced by
8 bonds or otherwise.

9 (b) A gratuitous serving of such beverages in private homes or places
10 of residence by the residents thereof during any election.

11 SEC. 326. NRS 309.150 is hereby amended to read as follows:

12 309.150 1. No director or any other officer named in this chapter
13 shall in any manner be interested, directly, in any contract awarded by the
14 board or in the profits to be derived therefrom.

15 2. For any violation of this section such director or officer shall be
16 deemed guilty of a *gross* misdemeanor, and [upon conviction thereof]
17 shall suffer a forfeiture of his office. [, and he shall be punished by a fine
18 not exceeding \$500 or by imprisonment in the county jail not to exceed
19 6 months, or by both fine and imprisonment.]

20 SEC. 327. NRS 331.190 is hereby amended to read as follows:

21 331.190 Any person who sells, barter, gives, or in any way disposes
22 of any spirituous or malt liquors, wines or cider, of any description what-
23 ever, within the Capitol Building of this state, shall be guilty of a misde-
24 meanor. [, and on conviction thereof shall be punished by a fine of not
25 less than \$100 nor more than \$500, or by imprisonment in the county
26 jail for not less than 1 month nor more than 6 months, or by both fine
27 and imprisonment.]

28 SEC. 328. NRS 331.200 is hereby amended to read as follows:

29 331.200 1. It shall be unlawful for any person to:

30 (a) Willfully deface, break down or destroy any fence upon or sur-
31 rounding the state capitol grounds; or

32 (b) Erect any bulletin board or other advertising device in or upon the
33 state capitol grounds; or

34 (c) Deposit any garbage, debris or other obstruction in or upon the
35 state capitol grounds; or

36 (d) Injure, break down or destroy any tree, shrub or other thing upon
37 the state capitol grounds; or

38 (e) Injure the grass upon the state capitol grounds by walking upon
39 the same.

40 2. Any person violating any of the provisions of this section shall be
41 guilty of a *public offense, as prescribed in section 8 of this act, propor-*
42 *tionate to the value of the property damaged or destroyed, and in no*
43 *event less than a misdemeanor.* [, and on conviction thereof shall be pun-
44 ished by a fine not exceeding \$500, or by imprisonment in the county jail
45 for not more than 6 months, or by both fine and imprisonment.]

46 SEC. 329. NRS 338.090 is hereby amended to read as follows:

47 338.090 Any person, firm or corporation, including the officers,
48 agents or employees of a public body, violating any of the provisions of
49 NRS 338.010 to 338.080, inclusive, shall be guilty of a misdemeanor. [,
50 and upon conviction thereof shall be punished by a fine of not less than

1 \$100 nor more than \$300, or by imprisonment in the county jail for not
2 less than 30 days nor more than 90 days, or by both fine and imprison-
3 ment.】

4 SEC. 330. NRS 338.100 is hereby amended to read as follows:

5 338.100 1. Each male person over the age of 18 years shall be paid
6 not less than \$5 for each 8-hour day or 62.5 cents per hour if employed
7 as unskilled labor:

8 (a) On all public buildings, public highways and other public works
9 which may be erected or constructed by or for the State of Nevada, or by
10 or for any county, district, municipality or other subdivision of the State
11 of Nevada, or any board or commission thereof; and

12 (b) On all public works carried on within State of Nevada by any
13 person, firm, association, company or corporation under contract with the
14 State of Nevada or with any county, district, municipality or other sub-
15 division of the State of Nevada, or with any board or commission thereof;
16 and

17 (c) On all public works carried on by any contractor within the State
18 of Nevada; and

19 (d) On all work and labor to be done in such erection or construction
20 or any matter or thing incident thereto by any person, firm, association,
21 company or corporation under contract with the State of Nevada.

22 2. Any person, firm, association, company or corporation conducting
23 or carrying on any such public work as that specified in subsection 1, or
24 any portion thereof, who violates any of the provisions of this section
25 [shall be guilty of a misdemeanor, and upon conviction thereof] shall be
26 punished by a fine of not [less than \$50 nor] more than \$150 for each
27 person so employed at such labor for less than \$5 for each 8-hour day,
28 or at less than 62.5 cents per hour. Each day any such person shall be
29 so employed at such labor for less than \$5 for each 8-hour day or at less
30 than 62.5 cents per hour shall be and constitute a separate offense.

31 SEC. 331. NRS 338.110 is hereby amended to read as follows:

32 338.110 1. Except as otherwise provided in this section, the serv-
33 ices and employment of all persons who are now, or may hereafter be,
34 employed by any contractor, subcontractor or other person having a con-
35 tract with the State of Nevada, or with any county, city, town, township
36 or any other political subdivision thereof, for the performance of public
37 work, is hereby limited and restricted to not more than 8 hours in any 1
38 calendar day and not more than 56 hours in any 1 week.

39 2. The period of 8 hours' employment mentioned in this section shall
40 commence from the time the employee takes charge of any equipment of
41 the employer or acts as assistant or helper to a person who is in charge
42 of any equipment of the employer, or enters upon or into any conveyance
43 of or operated by or for the employer at any camp or living quarters pro-
44 vided by the employer for the transportation of employees to the place
45 of work.

46 3. Every contract made with the State of Nevada or with any county,
47 city, town, township or any other political subdivision thereof shall con-
48 tain:

49 (a) A condition that no person shall be employed for more than 8
50 hours in any 1 day or more than 56 hours in any 1 week, except in cases

1 of emergency where life or property is in imminent danger. In such emer-
2 gency cases the person required to work over 8 hours per day or 56 hours
3 per week shall be paid regular wages for all overtime.

4 (b) A condition that the contract may be canceled at the election of
5 the State of Nevada or of any county, city, town, township or other politi-
6 cal subdivision thereof, which is concerned, for any failure or refusal on
7 the part of the contractor faithfully to perform the contract according to
8 its terms as provided in this section.

9 4. Nothing in this section shall apply to work done directly by any
10 public utility company pursuant to an order of the public service com-
11 mission or other public authority.

12 5. Except in cases of emergency where life or property is in immi-
13 nent danger, it shall be unlawful for any contractor, subcontractor or
14 other person having a contract as provided in this section, whose duty
15 it shall be to employ, direct or control the services of such employees, to
16 require or permit such employees to work more than 8 hours in any 1
17 calendar day or more than 56 hours in any 1 week.

18 6. Any contractor, subcontractor or other person whose duty it shall
19 be to employ, direct or control the services of an employee covered by
20 this section, who violates any of the provisions of this section as to the
21 hours of employment of labor as herein provided, shall be guilty of a
22 misdemeanor. [, and upon conviction thereof shall be punished by a fine
23 not exceeding \$300, or by imprisonment in the county jail not exceeding
24 6 months, or by both fine and imprisonment.]

25 SEC. 332. NRS 338.130 is hereby amended to read as follows:

26 338.130 1. Only citizens or wards of the United States or persons
27 who have been honorably discharged from the military service of the
28 United States shall be employed by any contractor with the State of
29 Nevada or any political subdivision of the state, or by any person acting
30 under or for such officer or contractor, in the construction of public
31 works.

32 2. In all cases where persons are so employed, preference shall be
33 given, the qualifications of the applicants being equal:

34 (a) First: To honorably discharged soldiers, sailors and marines of
35 the United States who are citizens of the State of Nevada.

36 (b) Second: To other citizens of the State of Nevada.

37 3. Nothing in this section shall be construed to prevent:

38 (a) The working of prisoners by the State of Nevada, or by any politi-
39 cal subdivision of the state, on street or road work or other public work.

40 (b) The working of aliens, who have not forfeited their right to citi-
41 zenship by claiming exemption from military service, as common laborers
42 in the construction of public roads, when it can be shown that citizens or
43 wards of the United States or persons who have been honorably dis-
44 charged from the military service of the United States are not available
45 for such employment; but any alien so employed shall be replaced by a
46 citizen, ward or ex-service person of the United States applying for
47 employment.

48 4. In each contract for the construction of public works a proviso
49 shall be inserted to the effect that if the provisions of this section are not
50 complied with by the contractor, the contract shall be void, and any

1 failure or refusal to comply with any of the provisions of this section
2 shall render any such contract void. All boards, commissions, officers,
3 agents and employees having the power to enter into contracts for the
4 expenditure of public money on public works shall file in the office of
5 the labor commissioner the names and addresses of all contractors hold-
6 ing contracts with the State of Nevada, or with any political subdivision
7 of the state. Upon the letting of new contracts the names and addresses of
8 such new contractors shall likewise be filed. Upon the demand of the
9 labor commissioner a contractor shall furnish a list of the names and
10 addresses of all subcontractors in his employ.

11 5. Subject to the exceptions contained in this section, no money shall
12 be paid out of the state treasury or out of the treasury of any political
13 subdivision of the state to any person employed on any work mentioned
14 in this section unless such person shall be a citizen or ward or naturalized
15 citizen of the United States.

16 6. Any contractor with the State of Nevada or with any political sub-
17 division of the state or any other person who violates any of the provi-
18 sions of this section shall be guilty of a misdemeanor. [, and upon
19 conviction thereof shall be punished by a fine of not less than \$100 nor
20 more than \$500, or by imprisonment in the county jail not exceeding 6
21 months, or by both fine and imprisonment.] The penalties provided for
22 in this section shall not apply where violations thereof are due to mis-
23 representations made by the employee or employees by the production
24 of fraudulent papers evidencing citizenship in the United States.

25 SEC. 333. NRS 351.060 is hereby amended to read as follows:

26 351.060 Any person who with intent to defraud uses on a public
27 security or an instrument of payment:

28 1. A facsimile signature, or any reproduction of it, of any authorized
29 officer; or

30 2. Any facsimile seal, or any reproduction of it, of this state or any
31 of its departments, agencies or other instrumentalities or of any of its
32 political subdivisions,

33 [is guilty of a felony.] *shall be punished by imprisonment in the state*
34 *prison for not less than 1 year nor more than 10 years, or by a fine of*
35 *not more than \$5,000, or by both fine and imprisonment.*

36 SEC. 334. NRS 353.080 is hereby amended to read as follows:

37 353.080 If the fiscal analyst willfully shall fail to perform the duties
38 imposed under the provisions of NRS 353.065 to 353.075, inclusive, or
39 willfully shall neglect or refuse to perform any duty enjoined thereunder,
40 he shall be deemed guilty of a misdemeanor [in office.] *and shall be*
41 *further punished as provided in NRS 197.230.*

42 SEC. 335. NRS 353.255 is hereby amended to read as follows:

43 353.255 1. The sums appropriated for the various branches of
44 expenditure in the public service of the state shall be applied solely to the
45 objects for which they are respectively made, and for no others.

46 2. Any person violating the provisions of subsection 1 [shall be
47 guilty of a misdemeanor, and on conviction thereof] shall be punished
48 by a fine of not [less than \$50 nor] more than \$300.

49 SEC. 336. NRS 353.260 is hereby amended to read as follows:

50 353.260 1. It is unlawful for any state officer, commissioner, head of

1 any state department or other employee, whether elected or appointed, to
2 expend more money than the sum specifically appropriated by law for
3 any such office, commission or department.

4 2. It is unlawful for any state officer, commissioner, head of any
5 department or employee of this state to bind, or attempt to bind, the
6 State of Nevada or any fund or department thereof in any amount in
7 excess of the specific amount provided by law, or in any other manner
8 than that provided by law, for any purpose whatever.

9 3. Every claim allowed in violation of the provisions of this section
10 shall be void.

11 4. Every officer of the State of Nevada, elective or appointive, who
12 violates any of the provisions of this section shall be guilty of malfeasance
13 in office.

14 5. Every person other than those specified in subsection 4 who vio-
15 lates any of the provisions of this section shall be guilty of a misde-
16 meanor. [, and upon conviction thereof shall be punished by a fine not
17 to exceed \$500 or by imprisonment in the county jail not to exceed 6
18 months.]

19 SEC. 337. NRS 354.260 is hereby amended to read as follows:

20 354.260 1. The board of county commissioners and the county audi-
21 tor of each county are hereby created a board of examiners.

22 2. In counties wherein at the last general election less than 1,200
23 votes were polled, the county auditor shall, in January, April, July and
24 October, furnish the board of county commissioners with a statement of
25 the amount of money, securities and other property in the custody of the
26 county treasurer, and shall, in company with the board of county com-
27 missioners, count, examine and inspect the same and carefully determine
28 whether the funds, securities and property of the county are all on hand
29 and properly protected in the full amounts belonging to the county. The
30 county treasurer shall assist and, as far as possible, facilitate such exam-
31 ination.

32 3. In counties wherein at the last general election 1,200 or more
33 votes were polled, the county auditor shall, once a month, furnish the
34 board of county commissioners with a statement of the amount of money,
35 securities and other property in the custody of the county treasurer, and
36 shall, in company with the board of county commissioners, count, examine
37 and inspect the same and carefully determine whether the funds, securities
38 and property of the county are all on hand and properly protected in the
39 full amounts belonging to the county. The county treasurer shall assist
40 and, as far as possible, facilitate such examination.

41 4. If any board of county commissioners, or any member thereof, or
42 the county auditor refuses or neglects to comply with the provisions of
43 this section, or if the county treasurer prevents such examination, such
44 person so neglecting or violating the provisions of this section is guilty of
45 a misdemeanor, [and on conviction thereof shall be punished by a fine of
46 not less than \$100 or more than \$500, or by imprisonment in the county
47 jail for not more than 6 months, or by both fine and imprisonment,] and
48 shall be removed from office.

49 SEC. 338. NRS 356.110 is hereby amended to read as follows:

50 356.110 Every state officer or official who willfully shall violate any

1 of the provisions of NRS 356.010 to 356.100, inclusive, shall be guilty of
2 malfeasance in office, and upon conviction thereof shall be punished by
3 imprisonment in the state prison for [a term of not exceeding 15] *not*
4 *less than 1 year nor more than 10 years* or by a fine of not [less than
5 \$10,000.] *more than \$5,000, or by both fine and imprisonment.*

6 SEC. 339. NRS 360.290 is hereby amended to read as follows:

7 360.290 1. All the provisions of this chapter with respect to county
8 assessors, sheriffs as ex officio collectors of licenses, boards of county
9 commissioners, and all other county officers having to do with the prepa-
10 ration of the assessment roll or collection of taxes or other revenues, and
11 persons summoned as witnesses, the requirement of witnesses to testify,
12 the examination of the books and accounts of persons, copartnerships and
13 corporations doing business in this state, are mandatory.

14 2. Any such county officer, or witness summoned, or witness required
15 to testify, or person, partner, or officer, director, superintendent, manager,
16 or agent of any corporation, who neglects, fails or refuses to comply with
17 such mandates shall, for the first offense, be deemed guilty of a misde-
18 meanor, [and subject to the penalty prescribed in NRS 193.150;] and
19 for persistence therein, constituting a second offense, shall be deemed
20 guilty of a gross misdemeanor. [and subject to the penalty prescribed in
21 NRS 193.140.] Any person who shall testify falsely shall be guilty of and
22 punished for perjury.

23 SEC. 340. NRS 361.090 is hereby amended to read as follows:

24 361.090 1. The property, to the extent of \$1,000 assessed valua-
25 tion, of any actual bona fide resident of the State of Nevada who:

26 (a) Was such a resident for a period of more than 3 years before
27 December 31, 1963, or who was such a resident at the time of his or her
28 entry into the Armed Forces of the United States, who has served a mini-
29 mum of 90 days on active duty, who was assigned to active duty at some
30 time between April 21, 1898, and June 15, 1903, or between April 6,
31 1917, and November 11, 1918, or between December 7, 1941, and
32 December 31, 1946, or between June 25, 1950, and January 31, 1955;
33 or

34 (b) Was such a resident at the time of his or her entry into the Armed
35 Forces of the United States, who has served a minimum of 90 continuous
36 days on active duty none of which was for training purposes, who was
37 assigned to active duty at some time between January 1, 1961, and what-
38 ever date may be proclaimed by the President of the United States as the
39 termination of hostilities in Viet Nam,
40 and who received, upon severance from service, an honorable discharge
41 or certificate of satisfactory service from the Armed Forces of the United
42 States, or who, having so served, is still serving in the Armed Forces of
43 the United States, shall be exempt from taxation.

44 2. For the purpose of this section the first \$1,000 assessed valuation
45 of property in which such person has any interest shall be deemed the
46 property of such person.

47 3. The exemption shall be allowed only to a claimant who shall make
48 an affidavit annually, on or before the 1st Monday in August, for the pur-
49 pose of being exempt on the tax roll, but the affidavit may be made at any
50 time by a person claiming exemption from taxation on personal property.

1 4. The affidavit shall be made before the county assessor to the effect
2 that the affiant is an actual bona fide resident of the State of Nevada, that
3 he or she meets all the other requirements of subsection 1, and that such
4 exemption is claimed in no other county within this state.

5 5. Persons in actual military service shall be exempt during the
6 period of such service from filing annual affidavits of exemption and the
7 county assessors are directed to continue to grant exemption to such per-
8 sons on the basis of the original affidavits filed. In the case of any person
9 who has entered the military service without having previously made and
10 filed an affidavit of exemption, such affidavit may be made in his or her
11 behalf during the period of such service by any person having knowledge
12 of the facts.

13 6. Before allowing any veteran's exemption pursuant to the provi-
14 sions of this chapter, the county assessor of each of the several counties of
15 this state shall require proof of status of such veteran, and for that pur-
16 pose shall require production of an honorable discharge or certificate of
17 satisfactory service or a certified copy thereof, or such other proof of
18 status as may be necessary.

19 7. If any person shall make a false affidavit or produce false proof to
20 the county assessor, and as a result of such false affidavit or false proof a
21 tax exemption is allowed to a person not entitled to such exemption, he
22 or she [shall be punished by a fine not exceeding \$1,000 or by imprison-
23 ment in the county jail for not more than 1 year, or by both fine and
24 imprisonment.] *is guilty of a gross misdemeanor.*

25 SEC. 341. NRS 361.185 is hereby amended to read as follows:

26 361.185 If any person shall willfully deliver any statement to the
27 officer charged with assessment of property for tax purposes in his county
28 containing a false statement of a material fact, whether it be an owner,
29 shipper, his agent, or a storageman or warehouseman of his agent, he
30 shall be guilty of a misdemeanor. [, and upon conviction shall be pun-
31 ished by a fine of not less than \$100 nor more than \$500 or by imprison-
32 ment in the county jail for not less than 10 days nor more than 6
33 months.]

34 SEC. 342. NRS 361.265 is hereby amended to read as follows:

35 361.265 1. For the purpose of enabling the county assessor to make
36 assessments, he shall demand from each person or firm, and from the
37 president, cashier, treasurer or managing agent of each corporation, asso-
38 ciation or company, including all banking institutions, associations or
39 firms within his county, a statement under oath or affirmation on forms to
40 be furnished by the county assessor of all the real estate and personal
41 property within the county, owned or claimed by such persons, firms, cor-
42 porations, associations or companies.

43 2. If the owners of any property not listed by another person shall be
44 absent or unknown, or fail to make the statement under oath or affirma-
45 tion as herein provided within 5 days after demand is made therefor, the
46 county assessor shall make an estimate of the value of such property and
47 assess the same accordingly. If the name of such absent owner is known
48 to the county assessor, the property shall be assessed in his name. If the
49 name of the owner is unknown to the county assessor, the property shall
50 be assessed to "unknown owner"; but no mistake heretofore or hereafter

1 made in the name of the owner or the supposed owner of real property
2 shall render the assessment or any sale of such property for taxes invalid.

3 3. At the end of each month the county assessor shall report to the
4 district attorney of the county the names of all persons neglecting or
5 refusing to give the statement as required by this section, and the district
6 attorney shall prosecute all persons so offending.

7 4. If any person, officer or agent shall neglect or refuse on demand
8 of the county assessor or his deputy to give under oath or affirmation the
9 statement required by this section, or shall give a false name, or shall
10 refuse to give his name, or shall refuse to swear or affirm, he shall be
11 guilty of a misdemeanor and shall be arrested upon the complaint of the
12 county assessor or his deputy. [Upon conviction, he shall be punished
13 by a fine of not less than \$10 nor more than \$500, or by imprisonment
14 in the county jail for not less than 10 days nor more than 3 months, or by
15 both fine and imprisonment.]

16 SEC. 343. NRS 361.440 is hereby amended to read as follows:

17 361.440 1. All the provisions of NRS 361.375 to 361.435, inclusive,
18 with respect to county assessors, boards of county commissioners, county
19 auditors and all other county officers having to do with the preparation
20 of the assessment roll or collection of taxes are mandatory.

21 2. Any such county officer who neglects, fails or refuses to comply
22 with such mandates [shall,] *is*, for the first offense, [be deemed] guilty
23 of a misdemeanor, [and subject to the penalty prescribed in NRS 193.-
24 150;] and for persistence therein, constituting a second offense, [shall
25 be deemed] *is* guilty of a gross misdemeanor. [and subject to the penalty
26 prescribed in NRS 193.140.] Any person who shall testify falsely shall
27 be guilty of and punished for perjury.

28 SEC. 344. NRS 361.525 is hereby amended to read as follows:

29 361.525 Should the county assessor give any other receipt on the
30 payment to him of any tax on movable personal property than that pro-
31 vided for in NRS 361.510, he shall be guilty of a felony, and on convic-
32 tion thereof shall be punished by imprisonment in the state prison for [a
33 term of] not less than 1 year nor more than [5] 6 years, *or by a fine of*
34 *not more than \$5,000, or by both fine and imprisonment*, and shall be
35 removed from office.

36 SEC. 345. NRS 361.540 is hereby amended to read as follows:

37 361.540 1. If, in any instance, the county assessor shall be unable to
38 find, seize and sell sufficient of the property of such person, persons, com-
39 pany or corporation to pay such taxes and costs of sale, and such person,
40 persons, company or corporation shall neglect or refuse to turn out to the
41 county assessor property sufficient to pay such taxes and costs of sale,
42 the county assessor shall, if the sum exceeds \$300, go before the district
43 court or the judge thereof, at chambers, and in cases where the sum is
44 \$300 and less, then before a justice of the peace of the township wherein
45 such person may reside, and make an affidavit of:

46 (a) The fact of assessment.

47 (b) The amount of taxes.

48 (c) The inability to find and seize property sufficient to pay such taxes
49 and costs of sale.

1 (d) The fact of neglect or refusal to pay the same, or turn out property
2 sufficient to pay the same and cost of sale.

3 2. On the filing of such affidavit, the court or judge, or justice of the
4 peace, as the case may be, shall issue a citation ordering the person to
5 appear forthwith, or at a subsequent period not to exceed 5 days, before
6 such court, judge or justice of the peace to answer under oath concerning
7 his property.

8 3. If it appears from the affidavit of the county assessor that such
9 person owing such taxes is about to absent himself from the county or is
10 about to convey his property with intent fraudulently to evade the pay-
11 ment of such taxes, the citation may direct the officer serving the same to
12 arrest such person and bring him before the court, judge or justice of the
13 peace issuing the same.

14 4. The citation may be served by the county assessor, sheriff or any
15 constable of the county, and shall be served by delivering a copy thereof
16 to such person personally. For service under the provisions of this section,
17 such fees shall be allowed as for similar services in civil cases, to be col-
18 lected only from persons owing such taxes.

19 5. It is unlawful for any person served with the citation mentioned in
20 this section to sell or transfer his property or effects, so as to defeat the
21 collection of taxes or costs, or any part thereof. Any person violating the
22 provisions of this subsection [shall be guilty of a misdemeanor, and upon
23 conviction thereof] shall be punished by a fine not to exceed \$200.

24 6. On the examination, if it shall appear that such person has any
25 money, goods, chattels or effects, the judge or justice of the peace shall
26 order sufficient thereof to be turned out to the county assessor to satisfy
27 such taxes and costs of sale, and also costs of proceeding on the citation.
28 In case of a willful neglect or refusal by such person either to obey the
29 order of citation or the order to pay, or to turn out property as ordered,
30 such person shall be deemed in contempt of such court, judge or justice
31 of the peace, and may be proceeded against as in other cases of contempt
32 in civil cases in the courts of justice in this state.

33 7. Should the taxes fail to be collected by such process, then no
34 future liability shall attach to the county assessor therefor.

35 8. In other respects than provided in this section, the proceedings
36 under this section shall be conducted as provided in NRS 21.270 to
37 21.340, inclusive, regulating proceedings supplementary to execution.

38 SEC. 346. NRS 361.550 is hereby amended to read as follows:

39 361.550 1. Should the county assessor neglect or refuse to make the
40 monthly statements of his collections of movable personal property tax as
41 required by law, or neglect or refuse to file the original schedules of his
42 assessments of such property, he shall be guilty of a misdemeanor, [in
43 office, and shall, on conviction, be punished by a fine of not less than
44 \$100 nor more than \$500 or by imprisonment in the county jail for not
45 less than 10 days nor more than 100 days, or by both fine and imprison-
46 ment,] and shall be removed from office.

47 2. In case of such neglect and refusal, the county auditor shall inform
48 the district attorney immediately of such facts, and the district attorney
49 shall commence proceedings against the county assessor under this sec-
50 tion.

1 SEC. 347. NRS 361.730 is hereby amended to read as follows:

2 361.730 If any district attorney shall fail or refuse to pay any money
3 collected by him for taxes to the county treasurer as provided in this
4 chapter, he shall:

5 1. Forfeit his office and shall be removed forthwith therefrom; and

6 2. Be guilty of a *gross* misdemeanor. [, and upon conviction thereof
7 shall be punished by a fine not exceeding \$5,000, or by imprisonment in
8 the county jail for a period not exceeding 1 year, or by both fine and
9 imprisonment.]

10 SEC. 348. NRS 363.180 is hereby amended to read as follows:

11 363.180 No receipt for poll tax, other than that mentioned in NRS
12 363.040, shall be used or given for the payment of such tax. Any county
13 assessor who shall receive any poll tax without delivering the proper
14 receipt required by law shall be guilty of a *gross* misdemeanor for each
15 poll tax so received. [, and on conviction thereof shall be punished by a
16 fine of not less than \$100 nor more than \$1,000, or by imprisonment in
17 the county jail for not less than 3 months nor more than 1 year, or by
18 both fine and imprisonment.]

19 SEC. 349. NRS 363.200 is hereby amended to read as follows:

20 363.200 If any person shall give the county assessor or his deputy a
21 false name, or shall refuse to give his name, or if any person having men
22 in his employ shall refuse to furnish the county assessor or his deputy,
23 when requested, the name and residence of each man employed by him, if
24 known, or if such person shall refuse to grant free access to the county
25 assessor or his deputy to the building or place where such men are
26 employed, he shall be guilty of a misdemeanor. [, and upon conviction
27 shall be punished by a fine of not less than \$10 nor more than \$100, or
28 by imprisonment in the county jail for not less than 2 days nor more than
29 3 months, or by both fine and imprisonment.]

30 SEC. 350. NRS 364.090 is hereby amended to read as follows:

31 364.090 If either the county treasurer, the county auditor, the sheriff,
32 or any other person shall issue, have in his possession with intent to issue
33 or put in circulation any other licenses than those properly issued to the
34 sheriff under the provisions of law, the person so offending shall be
35 [guilty of a felony.] *punished by imprisonment in the state prison for not*
36 *less than 1 year nor more than 10 years, or by a fine of not more than*
37 *\$5,000, or by both fine and imprisonment.*

38 SEC. 351. NRS 364.140 is hereby amended to read as follows:

39 364.140 1. Every person required by the laws of this state to obtain
40 a license for the transaction of any kind of business in any fixed or certain
41 locality therein shall post such license conspicuously in his establishment
42 or place of business, and keep the same so conspicuously posted until the
43 license has expired or he ceases to transact such business.

44 2. Any person who shall fail to post or keep posted a license as
45 required by this section [shall be guilty of a misdemeanor, and upon con-
46 viction thereof] shall be fined not [less than \$10 nor] more than \$100.

47 SEC. 352. NRS 364.150 is hereby amended to read as follows:

48 364.150 [1.] Any person who shall vend, by wholesale or retail,
49 any spirituous, malt or vinous liquors, or any goods, wares or merchan-
50 dise within any county in this state without first obtaining a license so to

1 do, as required by law, [shall be guilty of a misdemeanor, and upon con-
2 viction thereof] shall be punished by a fine of not [less than \$25 nor]
3 more than \$200 for each offense.

4 [2. Upon the trial of any criminal action provided for by this section,
5 the defendant shall be deemed not to have procured any such license
6 unless he prove the contrary to the satisfaction of the court or jury by
7 whom the same is tried.]

8 SEC. 353. NRS 365.570 is hereby amended to read as follows:

9 365.570 1. It is unlawful for any person:

10 (a) To refuse or neglect to make any statement, report or return
11 required by the provisions of this chapter;

12 (b) Knowingly to make, or aid or assist any other person in making, a
13 false statement in a report to the tax commission or in connection with an
14 application for refund of any tax;

15 (c) Knowingly to collect or attempt to collect or cause to be repaid to
16 him or to any person, either directly or indirectly, any refund of any tax
17 without being entitled to the same;

18 (d) To engage in business in this state as a dealer or to act as a carrier
19 of motor vehicle fuel or special fuel or other inflammable or combustible
20 liquids without being the holder of an uncanceled license authorizing him
21 to engage in such business or to act in such capacity;

22 (e) To sell any motor vehicle fuel upon which the tax imposed by this
23 chapter shall not be paid, purchased by or consigned to him by any per-
24 son other than a duly licensed dealer; or

25 (f) To act as an agent to sell any motor vehicle fuel, obtained in any
26 manner, upon which the tax imposed by this chapter shall not be paid.

27 2. Each day or part thereof during which any person shall engage in
28 business as a dealer without being the holder of an uncanceled license
29 shall constitute a separate offense within the meaning of this section.

30 3. Any person violating any of the provisions of this section is guilty
31 of a misdemeanor. [, and upon conviction thereof shall be punished by a
32 fine of not less than \$100 nor more than \$500, or by imprisonment in the
33 county jail for not less than 30 days nor more than 6 months, or by both
34 fine and imprisonment.]

35 SEC. 354. NRS 365.580 is hereby amended to read as follows:

36 365.580 Any [violation of the provisions of this chapter, except as
37 otherwise provided, is a misdemeanor, and any] person violating any of
38 [such] the provisions of this chapter [shall, upon conviction thereof, be
39 punished by a fine of not less than \$100 nor more than \$500, or by
40 imprisonment in the county jail for not less than 30 days nor more than
41 6 months, or by both fine and imprisonment.] *for which no specific pen-
42 alty is provided is guilty of a misdemeanor.*

43 SEC. 355. NRS 366.180 is hereby amended to read as follows:

44 366.180 1. It shall be unlawful for the department or any person
45 having an administrative duty under this chapter to divulge or to make
46 known in any manner whatever the business affairs, operations or infor-
47 mation obtained by an investigation of records of any person visited or
48 examined in the discharge of official duty, or the amount or source of
49 income, profits, losses, expenditures or any particular thereof set forth or
50 disclosed in any report, or to permit any report or copy thereof to be

1 seen or examined by any person except as provided by NRS 366.160 and
2 366.170.

3 2. Any violation of the provisions of this section shall be a *gross mis-*
4 *demeanor.* [and shall be punished by a fine not exceeding \$1,000, or by
5 imprisonment in the county jail not exceeding 1 year, or by both fine and
6 imprisonment.]

7 SEC. 356. NRS 366.710 is hereby amended as follows:

8 366.710 Any person required to make, render, sign or verify any
9 report who makes any false or fraudulent report with intent to defeat or
10 evade the assessment required by law to be made shall be guilty of a gross
11 misdemeanor. [He shall for each offense be fined not more than \$1,000,
12 or be imprisoned in the county jail not exceeding 1 year, or be subject
13 to both fine and imprisonment.]

14 SEC. 357. NRS 369.495 is hereby amended to read as follows:

15 369.495 1. It is unlawful for any person to make, store, possess or
16 transport liquor with intent to defraud the state.

17 2. Every person who violates the provisions of this section shall [,
18 upon conviction thereof,] be punished by a fine of not [less than \$1,000
19 nor] more than \$5,000, or by imprisonment in the state prison for [a
20 term of] not less than [2] 1 year nor more than 10 years [.] or by both
21 fine and imprisonment.

22 SEC. 358. NRS 370.380 is hereby amended to read as follows:

23 370.380 1. It shall be unlawful for any person, with intent to
24 defraud the state:

25 (a) To make, alter, forge or counterfeit any license, permit, stamp or
26 cigarette tax meter impression provided for in NRS 370.080 to 370.340,
27 inclusive; or

28 (b) To have in his possession any forged, counterfeited, spurious or
29 altered license, permit, stamp or cigarette tax meter impression, with
30 intent to use the same, knowing or having reasonable grounds to believe
31 the same to be such; or

32 (c) To have in his possession one or more cigarette stamps or cigarette
33 tax meter impressions which he knows have been removed from the
34 pieces of packages or packages of cigarettes to which they were affixed; or

35 (d) To affix to any piece of a package or package of cigarettes a stamp
36 or cigarette tax meter impression which he knows has been removed from
37 any other piece of a package or package of cigarettes; or

38 (e) To have in his possession for the purpose of sale cigarettes which
39 do not bear indicia of Nevada excise tax stamping. Presence of such
40 cigarettes in a cigarette vending machine shall be prima facie evidence of
41 the purpose to sell.

42 2. Any person who violates any of the provisions of subsection 1
43 shall [, upon conviction thereof,] be punished by a fine of [\$10,000, or
44 shall be imprisoned] not more than \$5,000, or by imprisonment in the
45 state prison for not less than [2 years] 1 year nor more than 10 years
46 [.] , or by both fine and imprisonment.

47 SEC. 359. NRS 370.390 is hereby amended to read as follows:

48 370.390 Except as otherwise provided in NRS 370.380, any person
49 violating any of the provisions of NRS 370.080 to 370.340, inclusive,
50 shall be punished by a fine of not [less than \$500 nor] more than \$1,000,

1 or by imprisonment in the state prison for a period of not less than 1 year
2 nor more than 3 years [.] , or by both fine and imprisonment.

3 SEC. 360. NRS 370.400 is hereby amended to read as follows:

4 370.400 Any person who:

5 1. Willfully fails, neglects or refuses to make any report required by
6 NRS 370.350 to 370.370, inclusive, or required by rules and regulations
7 lawfully promulgated under the provisions of NRS 370.350 to 370.370,
8 inclusive; or

9 2. Knowingly makes any false statement in any such report,
10 shall be guilty of a misdemeanor. [.] , and upon conviction thereof shall be
11 punished by a fine of not less than \$25 nor more than \$500, or by impris-
12 onment in the county jail for not less than 30 days nor more than 90
13 days.]

14 SEC. 361. NRS 372.760 is hereby amended to read as follows:

15 372.760 Any person required to make, render, sign or verify any
16 report who makes any false or fraudulent return, with intent to defeat or
17 evade the determination of an amount due required by law to be made,
18 [shall for each offense be fined not less than \$300 nor more than \$5,000,
19 or be imprisoned for not exceeding 1 year in the county jail, or be sub-
20 ject to both fine and imprisonment.] is guilty of a gross misdemeanor.

21 SEC. 362. NRS 379.160 is hereby amended to read as follows:

22 379.160 1. Any person who willfully detains any book, newspaper,
23 magazine, pamphlet, manuscript, filmstrip or other property of any pub-
24 lic library or reading room for more than 30 days after receipt of written
25 notice demanding the return of any such article or property [shall be
26 guilty of a misdemeanor, and upon conviction thereof] shall be punished
27 by fine of not [less than \$10 nor] more than \$50.

28 2. Any person who willfully cuts, tears, defaces, breaks or injures
29 any book, map, chart, picture, engraving, statue, coin, model, apparatus
30 or other work of literature, art, mechanics or object of curiosity, deposited
31 in any public library or reading room [.] , is guilty of a misdemeanor, and
32 upon conviction thereof] shall be punished by a fine of not [less than \$10
33 nor] more than \$50.

34 3. The parent or guardian of a minor who willfully and maliciously
35 commits any acts within the scope of subsection 1 or 2 shall be liable for
36 all damages so caused by the minor.

37 SEC. 363. NRS 381.227 is hereby amended to read as follows:

38 381.227 Any person violating any of the provisions of NRS 381.195
39 to 381.227, inclusive, shall be guilty of a misdemeanor. [.] , and upon con-
40 viction thereof shall be punished by a fine of not less than \$10 nor more
41 than \$500, or by imprisonment in the county jail for not less than 30
42 days nor more than 6 months, or by both fine and imprisonment.]

43 SEC. 364. NRS 388.320 is hereby amended to read as follows:

44 388.320 1. If any parent, guardian or other person having control
45 or charge of any child between the ages of 14 and 17 years shall fail to
46 comply with the provisions of NRS 388.200 to 388.320, inclusive, he
47 shall be guilty of a misdemeanor. [.] , and upon conviction thereof shall be
48 punished by a fine of not less than \$10 nor more than \$100, or by impris-
49 onment in the county jail for not less than 2 days nor more than 10 days,
50 or by both fine and imprisonment.]

1 2. Any person, firm or corporation employing any child between the
2 ages of 14 and 17 years contrary to the provisions of NRS 388.200 to
3 388.320, inclusive, shall be subject to a fine of not [less than \$10 nor]
4 more than \$100 for each separate offense.

5 SEC. 365. NRS 390.210 is hereby amended to read as follows:

6 390.210 1. Any person who shall sell or bargain to sell any of the
7 regularly adopted textbooks for any amount more than the prices agreed
8 upon by the several textbook publishers and the state textbook commis-
9 sion [shall be guilty of a misdemeanor, and upon conviction thereof]
10 shall be punished by a fine of not [less than \$20 nor] more than \$100.

11 2. Any local dealer in the state may, when sending out such books by
12 mail, include in the selling price the cost of postage necessary to send
13 such books by mail.

14 SEC. 366. NRS 390.230 is hereby amended to read as follows:

15 390.230 1. The textbooks adopted by the state textbook commission
16 shall be used in every public school in the state in the grades for which
17 they are adopted, and no other books shall be used as textbooks in such
18 grades.

19 2. This section shall not be interpreted in such a manner as to pro-
20 hibit:

21 (a) The continued use of such textbooks previously approved until
22 they become unserviceable.

23 (b) The use of supplemental books purchased by a school district with
24 the approval of the superintendent of public instruction.

25 (c) After approval by the state textbook commission, the temporary
26 use for tryout purposes of textbooks submitted by textbook publishers
27 for state adoption.

28 3. Any school officer or teacher who shall violate the provisions of
29 this chapter by requiring pupils to use textbooks other than those adopted
30 by the state textbook commission or other approved textbooks, or by per-
31 mitting the use of such other books as textbooks, [shall be guilty of a mis-
32 demeanor, and upon conviction thereof] shall be punished by a fine of
33 not [less than \$20 nor] more than \$100.

34 4. All superintendents, principals, teachers and school officers are
35 charged with the execution of this section, and the superintendent of pub-
36 lic instruction shall require the teachers of the several school districts or
37 the principals of the schools thereof to report annually as to the textbooks
38 used in their schools.

39 SEC. 367. NRS 391.060 is hereby amended to read as follows:

40 391.060 1. Except as provided in NRS 391.070, it shall be unlawful
41 for:

42 (a) A superintendent of public instruction or a board of trustees of a
43 school district to employ any teacher, instructor, principal or superintend-
44 ent of schools who is not a citizen of the United States or who has not
45 declared his intention to become a citizen of the United States.

46 (b) The state controller or any county auditor to issue any warrant to
47 any teacher, instructor, principal or superintendent of schools who is not
48 a citizen of the United States or who has not declared his intention of
49 becoming a citizen of the United States.

50 2. Any person violating any of the provisions of this section shall be

1 guilty of a misdemeanor. [, and upon conviction thereof shall be punished
2 by a fine of not less than \$100 nor more than \$500, or by imprisonment
3 in the county jail for not more than 6 months, or by both fine and impris-
4 onment.]

5 SEC. 368. NRS 392.120 is hereby amended to read as follows:

6 392.120 1. Any parent, guardian or other person who makes a false
7 statement concerning the age or school attendance of a child under 17
8 years of age who is under his control or charge, the false statement being
9 made with intent to deceive under NRS 392.040 to 392.120, inclusive, or
10 under NRS 392.130 to 392.220, inclusive, shall be guilty of a misde-
11 meanor. [, and upon conviction thereof shall be punished by a fine of not
12 more than \$50 or by imprisonment in the county jail for not more than
13 25 days, or by both fine and imprisonment.]

14 2. Any teacher, principal or superintendent of any public school is
15 authorized to require the parent or guardian of any pupil enrolled in his
16 school to furnish a birth certificate or other satisfactory evidence of the
17 age of the pupil.

18 SEC. 369. NRS 392.210 is hereby amended to read as follows:

19 392.210 Any parent, guardian or other person who has control or
20 charge of any child and to whom notice has been given of the child's
21 truancy as provided in NRS 392.130 and 392.140, and who fails to pre-
22 vent the child's subsequent truancy within that school year, is guilty of a
23 misdemeanor. [, and upon conviction thereof shall be punished, for the
24 first offense, by a fine of not more than \$10 or by imprisonment in the
25 county jail for not more than 5 days, or by both fine and imprisonment.
26 Upon conviction of each subsequent offense, he shall be punished by a
27 fine of not less than \$10 nor more than \$50, or by imprisonment in the
28 county jail for not less than 5 days nor more than 25 days, or by both fine
29 and imprisonment.]

30 SEC. 370. NRS 392.220 is hereby amended to read as follows:

31 392.220 1. Any person who induces or attempts to induce any child
32 to be absent from school unlawfully, or who knowingly employs or har-
33 bors, while school is in session, any child absent unlawfully from school,
34 is guilty of a misdemeanor. [, and upon conviction thereof shall be pun-
35 ished by a fine of not more than \$50 or by imprisonment in the county
36 jail for not more than 25 days, or by both fine and imprisonment.]

37 2. The attendance officer or any other school officer is empowered
38 to visit any place or establishment where minor children are employed
39 to ascertain whether the provisions of this Title of NRS are complied
40 with fully, and may demand from all employers of such children a list of
41 children employed, with their names and ages.

42 SEC. 371. NRS 392.260 is hereby amended to read as follows:

43 392.260 1. Any parent, guardian or other person who has control
44 or charge of any child and who fails to comply with the provisions of
45 NRS 392.230 to 392.290, inclusive, shall be guilty of a misdemeanor. [,
46 and upon conviction thereof shall be punished, for the first offense, by a
47 fine of not less than \$10 nor more than \$50, or by imprisonment in the
48 county jail for not less than 5 days nor more than 25 days. For each sub-
49 sequent offense, the parent, guardian or other person, upon conviction,
50 shall be punished by a fine of not less than \$25 nor more than \$50, or by

1 imprisonment in the county jail for not less than 12 days nor more than
2 25 days.】

3 2. Another proceeding may be begun at the expiration of 3 days after
4 each refusal of a parent, guardian or other person to comply with the
5 written demand of the principal or superintendent.

6 SEC. 372. NRS 392.410 is hereby amended to read as follows:

7 392.410 1. When operated for the transportation of pupils, every
8 school bus shall be equipped with a flashing red-light system of a type
9 approved by the department of motor vehicles, and installed at the
10 expense of the school district or operator. The driver shall operate this
11 signal:

12 (a) When pupils are unloading from the bus.

13 (b) When the bus is stopped for the purpose of loading pupils.

14 (c) In times of emergency or accident.

15 2. In addition to the equipment required by subsection 1, each school
16 bus shall be equipped and identified as required by the regulations of
17 the state board of education.

18 3. The agents and employees of the department of motor vehicles
19 and the state department of education may inspect school buses to deter-
20 mine if the provisions of this section concerning equipment and identifi-
21 cation of such school buses have been complied with, and shall report any
22 violations discovered thereby to the superintendent of schools of the
23 school district wherein such vehicles are operating.

24 4. If the superintendent of schools fails or refuses to take appropriate
25 action to correct any such violation within 10 days after receiving notice
26 of such violation from the department of motor vehicles or the state
27 department of education, he shall be guilty of a misdemeanor, and upon
28 conviction thereof [may] shall be removed from office.

29 5. Any person who violates any of the provisions or requirements of
30 this section shall be guilty of a misdemeanor. [, and upon conviction
31 thereof shall be punished by a fine of not less than \$50 nor more than
32 \$500, or by imprisonment in the county jail for not less than 15 days
33 nor more than 6 months, or by both fine and imprisonment.】

34 SEC. 373. NRS 392.470 is hereby amended to read as follows:

35 392.470 1. It is unlawful for any person, against the will of a pupil
36 attending any public school, to beat, whip, detain or otherwise interfere
37 with him while he is on his way to and from school.

38 2. Any person who violates any of the provisions of this section shall
39 be guilty of a misdemeanor. [and shall, upon conviction thereof, be pun-
40 ished by a fine of not more than \$300 or by imprisonment in the county
41 jail for not to exceed 6 months, or by both fine and imprisonment.】

42 SEC. 374. NRS 392.480 is hereby amended to read as follows:

43 392.480 1. It is unlawful for any person to disturb the peace of any
44 public school by using vile or indecent language, or by threatening or
45 assaulting any pupil or teacher within the building or grounds of the
46 school. For the purposes of this subsection, the grounds of every public
47 school shall extend to a distance of 50 yards in all directions from
48 the school building. Any person who violates any of the provisions of this
49 subsection shall be guilty of a misdemeanor. [, and shall, upon conviction
50 thereof, be punished by a fine of not more than \$300 or by imprisonment

1 in the county jail for not more than 6 months, or by both fine and impris-
2 onment.】

3 2. It is unlawful for any person maliciously and purposely in any
4 manner to interfere with or disturb any persons peaceably assembled
5 within a public schoolhouse. Any person who violates any of the pro-
6 visions of this subsection shall be guilty of a misdemeanor. 【, and upon
7 conviction thereof shall be punished by a fine of not more than \$200 or
8 by imprisonment in the county jail for not more than 6 months, or by both
9 fine and imprisonment.】

10 SEC. 375. NRS 393.070 is hereby amended to read as follows:

11 393.070 1. It is unlawful for any person:

12 (a) Willfully and maliciously to injure, mark or deface any public
13 schoolhouse, its fixtures, books or appurtenances; or

14 (b) To commit any nuisance in any public schoolhouse; or

15 (c) To loiter on or near the school grounds; or

16 (d) Purposely and maliciously to commit any trespass upon the
17 grounds attached to a public schoolhouse, or any fixtures placed thereon,
18 or any enclosure or sidewalk about the same.

19 2. Any person violating any of the provisions of this section shall be
20 guilty of a *public offense, as prescribed in section 8 of this act, proportion-*
21 *ate to the value of the property damaged or destroyed and in no event*
22 *less than a misdemeanor.* 【, and upon conviction thereof shall be pun-
23 ished by a fine of not more than \$200, or by imprisonment in the county
24 jail for not more than 6 months, or by both fine and imprisonment.】

25 SEC. 376. NRS 393.170 is hereby amended to read as follows:

26 393.170 1. The board of trustees of a school district shall purchase
27 all new textbooks and supplementary schoolbooks which are necessary
28 and have been approved by the state textbook commission, and school
29 supplies necessary to carry out the mandates of the school curriculum to
30 be used by the pupils of the school district. The cost of the same shall be
31 a legal charge against the school district fund.

32 2. All books purchased by the board of trustees shall be held as prop-
33 erty of the school district, and shall be loaned to the pupils of the school
34 in the school district while pursuing a course of study therein.

35 3. The parents and guardians of pupils shall be responsible for all
36 books and any and all other material or equipment loaned to the children
37 in their charge, and shall pay to the clerk of the board of trustees, or to
38 any other person authorized by the board to receive the same, the full
39 purchase price of all such books, material or equipment destroyed, lost or
40 so damaged as to make them unfit for use by other pupils succeeding to
41 their classes. The board of trustees shall establish reasonable rules and
42 regulations governing the care and custody of such school property, and
43 for the payment of fines for damage thereto.

44 4. Equipment and materials for use in manual training, industrial
45 training and teaching domestic science may be supplied to the pupils in
46 the same manner, out of the same fund, and on the same terms and con-
47 ditions as books. No private ownership can be acquired in such equipment
48 or material, unless sold in the manner prescribed by law when such equip-
49 ment or material shall be no longer used or required for the schools of
50 the school district.

5. Authorized supplementary books and desk books for the use of teachers shall be purchased under NRS 393.160 to 393.210, inclusive, and shall remain the property of the school district for which they were purchased, unless sold in accordance with the provisions of this chapter.

6. The clerk of the board of trustees shall turn over to the county treasurer, within 30 days after receiving the same, all moneys collected under the provisions of this section, and the same shall be credited to the school district fund.

7. Any person violating any of the provisions of this section shall be guilty of a misdemeanor. [and upon conviction thereof shall be punished by a fine of not more than \$20, or by imprisonment in the county jail for not more than 10 days, or by both fine and imprisonment.]

SEC. 377. NRS 394.140 is hereby amended to read as follows:

394.140 1. It shall be unlawful for any teacher or other person teaching in a private school in this state to cause to be taught or teach any subject or subjects, other than foreign languages, in a private school in this state in any language except the English language.

2. Any teacher or other person who violates any provision of subsection 1: [shall be guilty of a misdemeanor, and:]

(a) Upon conviction of the first offense shall be punished by a fine of not [less than \$100 nor] more than \$250.

(b) Upon conviction of each subsequent offense shall be punished [by a fine of not less than \$250 nor more than \$500, or by imprisonment in the county jail for not less than 30 days nor more than 6 months, or by both fine and imprisonment.] *for a misdemeanor.*

3. Each separate day or any portion thereof during which any violation of this section occurs or continues shall constitute a separate offense.

SEC. 378. NRS 394.180 is hereby amended to read as follows:

394.180 1. It is unlawful for any person:

(a) Willfully and maliciously to injure, mark or deface any private schoolhouse, its fixtures, books or appurtenances; or

(b) To commit any nuisance in any private schoolhouse; or

(c) To loiter on or near the school grounds; or

(d) Purposely and maliciously to commit any trespass upon the grounds attached to a private schoolhouse, or any fixtures placed thereon, or any enclosure or sidewalk about the same; or

(e) In any manner maliciously and purposely to interfere with or disturb any persons peaceably assembled within a private schoolhouse.

2. Any person violating any of the provisions of subsection 1 shall be guilty of a *public offense, as prescribed in section 8 of this act, proportionate to the value of the property damaged or destroyed and in no event less than a misdemeanor.* [and upon conviction thereof shall be punished by a fine not exceeding \$200 or by imprisonment in the county jail for not more than 6 months, or by both fine and imprisonment.]

SEC. 379. NRS 394.270 is hereby amended to read as follows:

394.270 Any person who violates any of the provisions of NRS 394.210 to 394.260, inclusive, is guilty of a misdemeanor. [and shall be punished by a fine of not more than \$500 or by imprisonment in the county jail for not more than 3 months.]

SEC. 380. NRS 394.420 is hereby amended to read as follows:

1 394.420 Any person who violates any of the provisions of NRS 394.-
2 380 to 394.410, inclusive, is guilty of a misdemeanor. [and shall be pun-
3 ished by a fine of not more than \$500 or by imprisonment in the county
4 jail for not more than 90 days.]

5 SEC. 381. NRS 403.150 is hereby amended to read as follows:

6 403.150 1. No county road supervisor shall:

7 (a) Act, directly or indirectly, as agent of, or in any way whatever rep-
8 resent or act for, any manufacturing concern or corporation or individual
9 selling or handling machinery, implements, material or any thing which
10 may be used in road work. No machinery, implements, material or thing,
11 except such as cost less than \$50 and is usually kept in stock and sold at
12 usual prices, shall be purchased in any manner whatever from any manu-
13 factory or store or any concern of any kind in which the county road
14 supervisor is interested directly or indirectly.

15 (b) Receive any gift or reward or other thing for recommending or
16 suggesting or in any [maner] manner influencing the expenditure of
17 money for any thing.

18 2. Every contract made in violation of this section shall be void.

19 3. Any county road supervisor who violates this section [shall, upon
20 conviction thereof, be punished as provided in NRS 244.325, and] shall
21 be removed from office and forfeit his bond [.] and shall be punished:

22 (a) *Where paragraph (b) of subsection 1 is violated, by imprisonment*
23 *in the state prison for not less than 1 year nor more than 10 years, and*
24 *may be further punished by a fine of not more than \$5,000.*

25 (b) *Where paragraph (a) of subsection 1 is violated, for a gross mis-*
26 *demeanor.*

27 SEC. 382. NRS 405.010 is hereby amended to read as follows:

28 405.010 1. Whenever, by reason of excessive moisture or a lack of
29 moisture, the public roads or highways under the supervision of either the
30 several boards of county highway commissioners or the boards of county
31 commissioners may be damaged by heavy loads thereon, the several
32 boards of county commissioners having supervision over the public roads
33 or highways, or the several boards of county highway commissioners hav-
34 ing supervision over the public roads or highways of this state, shall have
35 authority:

36 (a) To close any public road or highway to such extent and for such
37 times as may be necessary.

38 (b) To fix the maximum load limit which may pass over any road or
39 highway or any section thereof.

40 2. Notices of the closing of any road or highway or limiting the maxi-
41 mum load which may pass over the road or highway under the provisions
42 of this section shall be given by placing a notice at each end of the section
43 of road or highway to be protected, after such board of county highway
44 commissioners or board of county commissioners shall have passed a res-
45 olution to such effect, which resolution shall be spread upon the minutes
46 of such board of county highway commissioners or board of county com-
47 missioners. Such notice shall state that such road is closed to traffic or
48 state the maximum load which may be drawn or carried over the road or
49 highway or section thereof.

50 3. Any person, firm, company or corporation who shall deface,

1 destroy, shoot or remove any sign or notice so erected or placed shall be
2 guilty of a misdemeanor.

3 4. Any person, firm, company or corporation who shall pass over a
4 road so closed, or any part thereof, or who shall carry over such road or
5 any section thereof any load in excess of the weight stated in such resolu-
6 tion of the board of county highway commissioners or the board of
7 county commissioners and as stated in such notice, [shall be guilty of a
8 misdemeanor, and] shall be punished by a fine of not [less than \$100
9 nor] more than \$500, and shall be liable for any damage that may be
10 done to any public road or highway or any section thereof as the result of
11 such unlawful passage.

12 SEC. 383. NRS 405.100 is hereby amended to read as follows:

13 405.100 Any person, firm, association or corporation who shall erect
14 or maintain any billboard, sign, placard, poster or other form of adver-
15 tising in violation of any of the provisions of NRS 405.020 to 405.100,
16 inclusive, shall be guilty of a misdemeanor. [, and upon conviction
17 thereof shall be punished by a fine of not less than \$25 nor more than
18 \$100, or by imprisonment in the county jail for not less than 10 days nor
19 more than 30 days.]

20 SEC. 384. NRS 405.110 is hereby amended to read as follows:

21 405.110 1. No advertising signs, signboards, boards or other mate-
22 rials containing advertising matter shall:

- 23 (a) Be placed upon or over any state highway.
24 (b) Be placed within the highway right-of-way.
25 (c) Be placed upon any bridge or other structure thereon.
26 (d) Be so situated with respect to any public highway as to obstruct
27 clear vision of an intersecting highway or highways or otherwise so situ-
28 ated as to constitute a hazard upon or prevent the safe use of the state
29 highway.

30 2. With the permission of the department of highways, counties,
31 towns or cities of the State of Nevada may place at such points as may be
32 designated by the state highway engineer suitable signboards advertising
33 such counties, towns or municipalities.

34 3. If any such sign is placed in violation of this section it is thereby
35 declared a public nuisance and may be removed forthwith by the depart-
36 ment of highways or its employees.

37 4. Any person placing any such sign in violation of the provisions of
38 this section [shall be guilty of a misdemeanor, and] shall be punished by
39 a fine of not [less than \$10 nor] more than \$50, and shall also be liable
40 in damages for any injury or injuries incurred or for injury to or loss of
41 property sustained by any person by reason of a violation of the provi-
42 sions of this section.

43 SEC. 385. NRS 405.170 is hereby amended to read as follows:

44 405.170 1. All persons, corporations or associations conducting
45 water across any public road or highway, or across any street or alley in
46 any unincorporated town in this state, for domestic, mining, agricultural
47 or manufacturing purposes shall construct, at their own expense, good
48 and substantial culverts or bridges over such crossing, and shall in no case

1 allow any stream of water, diverted from its natural channel for such pur-
2 poses by them, to flood or wash any public road or any street or alley in
3 any unincorporated town of this state.

4 2. Any person, corporation or association violating any of the provi-
5 sions of subsection 1 [shall be guilty of a misdemeanor, and upon convic-
6 tion thereof] shall be punished by a fine of not [less than \$50 nor] more
7 than \$500.

8 SEC. 386. NRS 405.180 is hereby amended to read as follows:

9 405.180 1. If any person or persons being the owner or owners,
10 superintendent or managing agent of any water ditch, flume or artificial
11 watercourse within this state, or other person or corporation, shall will-
12 fully, maliciously, negligently or carelessly allow or let the water from
13 the ditch, flume or artificial watercourse run or flow into or upon any
14 public road, highway or common street or alley of any city or town within
15 this state, so as to make such public road, highway, street or alley impass-
16 able, or inconvenient to travel, or so as to injure the same, every person
17 so offending [shall be guilty of a misdemeanor, and upon conviction
18 thereof] shall be punished by a fine of not [less than \$20 nor] more than
19 \$500. [, and shall be imprisoned in the county jail until the fine is paid
20 at the rate of 1 day for every \$2 of the fine.]

21 2. Whenever the water from any ditch, flume or artificial watercourse
22 in this state shall run or flow into or upon any public road, highway,
23 street or alley of any city or town of this state, and the road supervisor
24 within whose road district such public road, highway, street or alley is
25 situated, if there be one, or if there is no road supervisor, then any mem-
26 ber of the board of county commissioners of the county within which
27 such public road, highway, street or alley is situated, shall notify the
28 owner or owners, superintendent or managing agent of such ditch, flume
29 or artificial watercourse, that the water from the same is or has been flow-
30 ing into or upon the public road, highway, street or alley, making the
31 same impassable or inconvenient to travel or pass, or is injuring or has
32 injured the same, and if the owner or owners, or superintendent or man-
33 aging agent of the ditch, flume or artificial watercourse refuse or neglect
34 for 5 days to repair the same and prevent the water from flowing into
35 or upon the public road, highway, street or alley, it shall be prima facie
36 evidence of negligence.

37 SEC. 387. NRS 405.220 is hereby amended to read as follows:

38 405.220 1. As used in this section:

39 (a) "Dead animals" means all dead animals or parts thereof, including
40 condemned meats, not intended to be used as food.

41 (b) "Dirt" includes loose earth, ashes, manure from barns, stables,
42 corrals and pens, offal from butcher houses and slaughterhouses, and all
43 foul and filthy substances.

44 (c) "Garbage" includes solid or semisolid kitchen refuse subject to
45 decay or putrefaction, and market waste of animal and vegetable matter
46 which has been or was intended to be used as food for man or animal.

47 (d) "Rubbish" means old tin and iron cans and containers, old wood
48 and paper boxes, old metals, wire, rope, cordage, bottles, bags and bag-
49 ging, rubber and rubber tires, paper, and all used or castoff articles or

1 material, including old plaster, brick, cement, glass, and all old building
2 material.

3 2. It shall be unlawful for any person to throw or deposit or cause to
4 be thrown or deposited on any public highway within the State of Nevada,
5 or within a distance of 1,000 feet from the center of any public highway,
6 any dead animal, dirt, garbage or rubbish as defined in subsection 1.

7 3. Any person violating the provisions of this section shall be guilty
8 of a *gross* misdemeanor. [, and shall be punished by a fine of not less
9 than \$25 nor more than \$100, or by imprisonment in the county jail for
10 not less than 10 days nor more than 60 days, or by both fine and impris-
11 onment.]

12 SEC. 388. NRS 405.230 is hereby amended to read as follows:

13 405.230 1. Any person or persons who shall, in any manner,
14 obstruct any road, street or alley, or in any manner injure the same, or
15 prevent travel thereon, or who shall obstruct, dam or divert any stream
16 or water so as to throw the same, or cause the flowage thereof, upon,
17 across or along the pathway of any road, highway, street or alley shall
18 be guilty of a *public offense, as prescribed in section 8 of this act, propor-*
19 *tionate to the extent of damage to the section of the road, street, alley or*
20 *highway damaged and in no event less than a misdemeanor.* [, and upon
21 conviction thereof shall be punished by a fine of not less than \$20 nor
22 more than \$500.]

23 2. The court before which such conviction shall be had shall order the
24 sheriff or any constable of the county to abate, as a nuisance, any fence
25 or other obstruction, to the free and convenient use and travel of such
26 road, street or alley, or any obstruction from such stream so as to allow
27 the same to flow in its natural bed.

28 SEC. 389. NRS 405.250 is hereby amended to read as follows:

29 405.250 1. Subject to the authority conferred by law on city authori-
30 ties, the boards of county commissioners or road supervisors, any owner
31 or occupant of land may construct and maintain a sidewalk in the high-
32 way along the line of his land.

33 2. Sidewalks already constructed and laid out, being of reasonable
34 limits as to width, and so as not to operate as an obstruction to the street
35 or highway, shall be maintained and protected under this section.

36 3. Any person who shall willfully and intentionally ride or drive,
37 or cause to be ridden or driven, any animal, vehicle or other thing over
38 or upon such sidewalk, without permission of the owner or occupant,
39 [shall be guilty of a misdemeanor, and upon conviction thereof] shall be
40 punished by a fine [in any sum not exceeding] *of not more than* \$20, in
41 addition to the costs of prosecution.

42 SEC. 390. NRS 405.260 is hereby amended to read as follows:

43 405.260 If the board of county commissioners has caused to be
44 placed in a conspicuous place at or near the end of such bridge, a notice
45 warning all persons not to ride or drive animals upon such bridge faster
46 than a walk, any person riding or driving any animal or animals upon
47 any county bridge faster than a walk shall be guilty of a misdemeanor. [,
48 and upon conviction thereof shall be punished by a fine not exceeding
49 \$100, or by imprisonment in the county jail not exceeding 6 months, or
50 by both fine and imprisonment.]

1 SEC. 391. NRS 406.130 is hereby amended to read as follows:

2 406.130 1. Any person who shall go upon or travel over a toll road
3 or any part thereof with an animal, vehicle or conveyance without having
4 first paid or tendered the toll or charges for the use of the toll road, as
5 established and fixed by the owner, to the person designated to receive
6 the same, shall be guilty of a misdemeanor. [, and upon conviction
7 thereof shall be punished by a fine not exceeding \$50, or by imprison-
8 ment in the county jail not exceeding 5 days, or by both fine and impris-
9 onment.]

10 2. Failure of such person to have in his possession the ticket provided
11 for in NRS 406.030 shall raise the presumption that such person has not
12 paid or tendered the required toll.

13 SEC. 392. NRS 406.140 is hereby amended to read as follows:

14 406.140 Any person who shall obstruct, injure or destroy a toll road
15 or any part thereof, or shall interfere with the removal of an obstruction
16 or the repair or maintenance of a toll road, shall be guilty of a *public*
17 *offense, as prescribed in section 8 of this act proportionate to the value*
18 *of the section of the toll road damaged or destroyed and in no event less*
19 *than a misdemeanor.* [, and upon conviction thereof shall be punished by
20 a fine of not to exceed \$50, or by imprisonment in the county jail for not
21 to exceed 5 days, or by both fine and imprisonment.]

22 SEC. 393. NRS 406.150 is hereby amended to read as follows:

23 406.150 If the board of county commissioners or the owner of a toll
24 bridge has caused to be placed in a conspicuous place at or near the end
25 of such bridge, a notice warning all persons not to ride or drive animals
26 upon such bridge faster than a walk, any person riding or driving any
27 animal or animals upon any toll bridge faster than a walk shall be guilty
28 of a misdemeanor. [, and upon conviction thereof shall be punished by
29 a fine not exceeding \$100, or by imprisonment in the county jail not
30 exceeding 6 months, or by both fine and imprisonment.]

31 SEC. 394. NRS 407.210 is hereby amended to read as follows:

32 407.210 1. The cutting or removal of any timber or other forest
33 growth, the destruction thereof by fire or other means, except where such
34 cutting or removal is authorized by proper authority for the proper admin-
35 istration or protection of any park or park lands, is hereby prohibited
36 within any of the park or recreational areas within the jurisdiction of
37 the system.

38 2. The destruction or removal of any buildings, parts of buildings,
39 other structures, tables, stoves or any appurtenances thereto, as well as
40 any historical relics, natural specimens such as petrified trees, petroglyphs
41 and other relics or material within the jurisdiction of the system is hereby
42 prohibited.

43 3. Any person who shall violate any of the provisions of this section
44 shall be guilty of a *public offense, as prescribed in section 8 of this act,*
45 *proportionate to the value of the property damaged, destroyed, removed,*
46 *burned or cut and in no event less than a misdemeanor.* [, and upon con-
47 viction thereof shall be punished by a fine of not less than \$20 nor more
48 than \$500, or by imprisonment in the county jail for not less than 10
49 days nor more than 6 months, or by both fine and imprisonment.]

50 SEC. 395. NRS 408.890 is hereby amended to read as follows:

1 408.890 1. No director of the board, no engineer and no employee
2 or officer of the department shall be interested, directly or indirectly, in
3 any contract of any kind or character for the construction, reconstruction,
4 improvement, supervision or maintenance of any highway, and such con-
5 tract shall be void.

6 2. Any director of the board, any engineer, or any officer or employee
7 who shall become interested, directly or indirectly, in any contract for
8 the construction, reconstruction, improvement, supervision, or mainte-
9 nance of any highway shall be guilty of a *gross misdemeanor*, and [upon
10 conviction thereof shall be punished by a fine of \$500, or by imprison-
11 ment in the county jail for not more than 6 months, or by both fine and
12 imprisonment.] *shall be further punished as provided in NRS 197.230.*

13 SEC. 396. NRS 408.950 is hereby amended to read as follows:

14 408.950 1. As a part of every plan and of all specifications and con-
15 tracts for the construction of highways, provision shall be made for the
16 erection of permanent guideposts and signboards at every point where
17 another road crosses or diverges from such highways and at all places
18 requiring warning to the traveling public as to the condition of the road,
19 such as dangerous turns and steep grades. Such guideposts and signboards
20 shall contain plain and accurate information as to the distances of towns
21 and other points such as is usually contained on signboards for the infor-
22 mation of the traveling public.

23 2. The department shall:

24 (a) Cause to be put up, and to be kept up thereafter, on and along
25 the highways, all such usual and necessary road markers and highway
26 signs as have been adopted or shall hereafter, from time to time, be
27 adopted by the American Association of State Highway Officials.

28 (b) Cause to be put up, and to be kept up thereafter, informative
29 signs, distinctive in color and design, pointing out, calling attention to
30 and descriptive of nearby points, location of and distance to water, and
31 objects of natural, scenic, geographical, geological, paleographical and
32 historical interest to the traveler within or passing through the state.

33 3. Any person who shall willfully tear down, dig up, or in any man-
34 ner deface, destroy or carry away any such guideboards, road markers,
35 highway signs or descriptive signs as provided in this section shall be
36 guilty of a *public offense, as prescribed in section 8 of this act, proportion-*
37 *ate to the value of the markers or signs destroyed, damaged, removed or*
38 *defaced and in no event less than a misdemeanor;* [and upon conviction
39 thereof shall be punished by a fine of not less than \$50 nor more than
40 \$300, or by imprisonment in the county jail for not less than 1 month nor
41 more than 6 months, or by both fine and imprisonment;] and the depart-
42 ment shall have a cause of action against such person in a court of com-
43 petent jurisdiction for the amount expended for repairs and replacement
44 of such signs and markers, together with the cost and expenses incurred
45 in such action.

46 SEC. 397. NRS 412.660 is hereby amended to read as follows:

47 412.660 Every commissioned officer of the National Guard who
48 willfully fails to attend any parade or encampment, and every member of
49 the National Guard who neglects or refuses to obey the lawful command
50 of his superior on any day of parade or encampment, or to perform such

1 military duty as may be lawfully required of him, may be punished by a
2 fine of not [less than \$5 nor] more than \$100.

3 SEC. 398. NRS 412.785 is hereby amended to read as follows:

4 412.785. 1. Any person other than an officer or enlisted man of the
5 National Guard of the State of Nevada, or of any other state, or of the
6 United States Army, Navy, Marine Corps, Coast Guard or Forest Service,
7 or inmate of any veterans' or soldiers' home, or honorably discharged
8 soldier, sailor or marine, or student at any high school or college within
9 this state where military science and tactics are regularly taught as pre-
10 scribed by regulations of the Department of the Army, who at any time
11 wears the uniform of the United States Army, Navy, Marine Corps or
12 National Guard, or any part of such uniform, or a uniform or part of a
13 uniform similar thereto, is guilty of a misdemeanor. [, and upon con-
14 viction thereof shall be punished by a fine of not less than \$100 nor more
15 than \$250, or by imprisonment in the county jail not exceeding 60 days,
16 or by both fine and imprisonment.]

17 2. Nothing in this chapter shall be construed as prohibiting:

18 (a) Persons of the theatrical profession from wearing such uniform
19 in any playhouse or theater while actually engaged in following their pro-
20 fession.

21 (b) The uniform rank of civic societies parading or traveling in a body
22 or assembling in a lodge room.

23 3. Whenever the National Guard, or any part thereof, is in active
24 service or is called into active service, no civic organization or member
25 thereof shall parade or appear in uniform in the locality where the
26 National Guard is in service.

27 SEC. 399. NRS 412.795 is hereby amended to read as follows:

28 412.795 1. When the commander in chief shall order the return to
29 the state of any arms, equipment, military stores or other military prop-
30 erty belonging to the state, such arms and military property shall be
31 delivered immediately to the officer authorized to receive it in the order.
32 The officer shall receipt for the same, describing its condition in the
33 receipt.

34 2. If the property mentioned in the order is not delivered promptly
35 as directed, the officer named in the order is authorized to take immediate
36 possession of the same in the name of the State of Nevada.

37 3. Any person resisting such officer in the performance of his duty
38 shall be [guilty of a misdemeanor, and upon conviction thereof shall be
39 punished by a fine not exceeding \$500 and by imprisonment in the county
40 jail for not more than 6 months.] *punished:*

41 (a) *Where a dangerous weapon is used in the course of such resistance,*
42 *by imprisonment in the state prison for not less than 1 year nor more*
43 *than 6 years.*

44 (b) *Where no dangerous weapon is used in the course of such resist-*
45 *ance, for a gross misdemeanor.*

46 SEC. 400. NRS 412.830 is hereby amended to read as follows:

47 412.830 Any person who illegally shall retain in his possession or
48 shall fail to surrender any article of military property shall be guilty of a
49 misdemeanor. [, and upon conviction thereof shall be punished by a fine

1 not exceeding \$100, or by imprisonment in the county jail not exceeding
2 50 days, or by both fine and imprisonment.】

3 SEC. 401. NRS 412.835 is hereby amended to read as follows:

4 412.835 1. It is unlawful for any person:

5 (a) Except when on military duty or by special permission of his com-
6 manding officer, to wear or use any arm, equipment, uniform or other
7 article or portion thereof of military property belonging to the state or the
8 company of which he is a member.

9 (b) To refuse or neglect to return any state military property to his
10 commanding officer within 1 day after being notified by the commanding
11 officer to make the return or to place the same in his charge.

12 (c) Willfully or wantonly to injure or destroy any state military prop-
13 erty and refuse or neglect to make good such injury or loss.

14 (d) To sell or dispose of any state military property or to secrete or
15 remove any state military property with intent to sell or dispose of the
16 same.

17 2. Any person violating any of the provisions of subsection 1 shall be
18 guilty of a misdemeanor. 【, and on conviction thereof shall be punished
19 by a fine of not less than \$10 nor more than \$100, or by imprisonment in
20 the county jail for not less than 5 days nor more than 50 days, or by both
21 fine and imprisonment.】

22 SEC. 402. NRS 424.100 is hereby amended to read as follows:

23 424.100 Any person who violates any of the provisions of NRS 424.-
24 010 to 424.100, inclusive, is guilty of a misdemeanor. 【, and upon con-
25 viction shall be punished by a fine of not less than \$50 nor more than
26 \$500, or by imprisonment in the county jail not to exceed 6 months, or
27 by both fine and imprisonment.】

28 SEC. 403. NRS 425.250 is hereby amended to read as follows:

29 425.250 Whoever knowingly obtains or attempts to obtain, or aids or
30 abets any person to obtain by means of a willfully false statement or rep-
31 resentation or by impersonation, or other fraudulent device, assistance to
32 which he is not entitled, or assistance greater than that to which he is
33 entitled, and with the intent to defeat the purposes of this chapter, shall be
34 guilty of a misdemeanor. 【, and upon conviction thereof shall be pun-
35 ished by a fine of not more than \$500 or imprisonment for not more than
36 3 months, or by both fine and imprisonment.】

37 SEC. 404. NRS 427.280 is hereby amended to read as follows:

38 427.280 1. It is unlawful for any person knowingly to obtain, or
39 attempt to obtain, or aid or abet any person to obtain, by means of a will-
40 fully false statement or representation or by impersonation or other fraud-
41 ulent device, assistance to which he is not entitled or assistance greater
42 than that to which he is justly entitled.

43 2. It is unlawful for any recipient to dispose of his property without
44 the consent of the welfare division and with the intent to defeat the pur-
45 poses of NRS 427.010 to 427.280, inclusive.

46 3. It is unlawful for any person to aid or abet in buying or in any way
47 disposing of the property, either personal or real, of a recipient of assist-
48 ance without the consent of the welfare division and with the intent to
49 defeat the purposes of NRS 427.010 to 427.280, inclusive.

50 4. Any person violating any of the provisions of this section shall be

1 guilty of a misdemeanor. [, and upon conviction thereof shall be pun-
2 ished by a fine of not more than \$500, or by imprisonment in the county
3 jail for not more than 3 months, or by both fine and imprisonment.] In
4 assessing the penalty the court shall take into consideration, among other
5 factors, the amount of money fraudulently received.

6 SEC. 405. NRS 428.110 is hereby amended to read as follows:

7 428.110 1. Every person, firm or corporation, or the officers, agents,
8 servants or employees of any person, firm or corporation, bringing into
9 or leaving within, or aiding in the bringing into or the leaving within, any
10 county in the State of Nevada any pauper or poor or indigent or incapaci-
11 tated or incompetent person mentioned in NRS 428.010, in which county
12 such person is not lawfully settled or not lawfully residing as defined in
13 NRS 428.020, knowing him to be such pauper or poor or indigent or
14 incapacitated or incompetent person, and for the purpose of imposing
15 such person as a public charge on the county to which such person shall
16 be taken, shall be guilty of a misdemeanor. [, and upon conviction
17 thereof shall be punished by a fine of not less than \$20 nor more than
18 \$500, or by imprisonment in the county jail for not more than 60 days,
19 or by both fine and imprisonment.]

20 2. If any person shall bring and leave any pauper in any county in
21 this state, wherein such pauper is not lawfully settled, knowing him to be
22 a pauper, he shall forfeit and pay the sum of \$100 for every such offense,
23 to be sued for and recovered by and to the use of such county in a civil
24 action before any court having jurisdiction of the same.

25 SEC. 406. NRS 433.640 is hereby amended to read as follows:

26 433.640 1. Any person who shall sell, barter, exchange or in any
27 manner dispose of [any opium, morphine, yen shee, cocaine, or any
28 byproduct thereof, or] any spirituous or malt liquor or beverage to
29 any person lawfully confined in the hospital [shall be guilty of a felony,
30 and upon conviction thereof shall be punished by imprisonment in the
31 state prison for a period of not less than 1 year nor more than 5 years.] *is*
32 *guilty of a gross misdemeanor.*

33 2. This section shall not apply to any physician prescribing or fur-
34 nishing any such [drug or] liquor to any such person, when the [drug
35 or] liquor is prescribed or furnished for medicinal purposes only.

36 SEC. 407. NRS 439.210 is hereby amended to read as follows:

37 439.210 1. The state board of health shall from time to time promul-
38 gate rules and regulations governing the control of communicable dis-
39 eases, and such rules shall have the full force and effect of law. The rules
40 and regulations shall list those diseases, cases of which shall be reportable,
41 and shall set forth the procedures of isolation and quarantine, if any, that
42 shall be in effect for each reportable disease. Cases of reportable diseases
43 shall be reported immediately by the attending physician to the local
44 health officer, who shall make a record thereof. In those counties with a
45 part-time health officer, such cases shall be reported immediately to the
46 principal office of the state board of health. Any attending physician who
47 shall fail or neglect to report forthwith, as defined in this section, any case
48 of a reportable disease shall be guilty of a misdemeanor. [, and upon
49 conviction thereof shall be punished by a fine of not less than \$100 nor

1 more than \$500, or by imprisonment in the county jail for not less than
2 10 days nor more than 30 days, or by both fine and imprisonment.】

3 2. The local health officer shall immediately establish and maintain
4 upon each case of communicable disease reported to him such procedures
5 of isolation or quarantine as shall be established by the rules and regula-
6 tions of the state board of health governing the control of communicable
7 diseases. Any person violating the rules and regulations of quarantine or
8 isolation as established by the local health officer shall be guilty of a mis-
9 demenor. 【, and upon conviction thereof shall be punished by a fine of
10 not less than \$100 nor more than \$500, or by imprisonment in the county
11 jail for not less than 10 days nor more than 30 days, or by both fine and
12 imprisonment.】

13 SEC. 408. NRS 439.580 is hereby amended to read as follows:

14 439.580 1. Any local health officer or his deputy who shall neglect
15 or fail to enforce the provisions of this chapter in his jurisdiction, or shall
16 neglect or refuse to perform any of the duties imposed upon him by this
17 chapter or by the instructions and directions of the health division 【, shall
18 be guilty of a misdemeanor, and upon conviction thereof】 shall be pun-
19 ished by a fine of not 【less than \$10 nor】 more than \$100.

20 2. Each person violating any of the provisions of this chapter or
21 refusing or neglecting to obey any lawful order, rule or regulation of the
22 state board of health shall be guilty of a misdemeanor. 【, and upon con-
23 viction thereof, where no different express penalty is provided, shall be
24 punished by a fine of not more than \$300, or by imprisonment in the
25 county jail for not more than 6 months, or by both fine and imprison-
26 ment.】

27 SEC. 409. NRS 440.720 is hereby amended to read as follows:

28 440.720 Any physician who was in medical attendance upon any
29 deceased person at the time of death who shall neglect or refuse to make
30 out and deliver to the undertaker, sexton or other person in charge of the
31 interment, removal or other disposition of the body, upon request, the
32 medical certificate of the cause of death 【shall be guilty of a misde-
33 meanor, and upon conviction thereof】 shall be punished by a fine of not
34 【less than \$5 nor】 more than \$50.

35 SEC. 410. NRS 440.730 is hereby amended to read as follows:

36 440.730 If any physician shall knowingly make a false certification of
37 the cause of death in any case, he 【shall be guilty of a misdemeanor, and
38 upon conviction thereof】 shall be punished by a fine of not 【less than
39 \$50 nor】 more than \$200.

40 SEC. 411. NRS 440.740 is hereby amended to read as follows:

41 440.740 Any physician or midwife in attendance upon a case of con-
42 finement or any person charged with responsibility for reporting births
43 who shall neglect or refuse to file a proper certificate of birth with the
44 local health officer within the time required by law 【shall be guilty of a
45 misdemeanor, and upon conviction thereof】 shall be punished by a fine
46 of not 【less than \$5 nor】 more than \$50.

47 SEC. 412. NRS 440.750 is hereby amended to read as follows:

48 440.750 Any undertaker, sexton or other person acting as undertaker
49 who inters, removes or otherwise disposes of the body of any deceased
50 person without having received a burial or removal permit 【shall be guilty

1 of a misdemeanor, and upon conviction thereof] shall be punished by a
2 fine of not [less than \$20 nor] more than \$100.

3 SEC. 413. NRS 440.760 is hereby amended to read as follows:

4 440.760 Any person who shall willfully alter any certificate of birth
5 or death, or the copy of any certificate of birth or death, on file in the
6 office of the local or state board of health, shall be guilty of a misde-
7 meanor. [, and upon conviction thereof shall be punished by a fine of not
8 less than \$10 nor more than \$100, or by imprisonment in the county jail
9 for not more than 60 days, or by both fine and imprisonment.]

10 SEC. 414. NRS 440.770 is hereby amended to read as follows:

11 440.770 Any person who shall furnish false information to a physi-
12 cian, undertaker, midwife or informant for the purpose of making incor-
13 rect certification of births or deaths [shall be guilty of a misdemeanor,
14 and upon conviction thereof] shall be punished by a fine of not [less than
15 \$5 nor] more than \$100.

16 SEC. 415. NRS 440.780 is hereby amended to read as follows:

17 440.780 Every person violating any of the provisions of this chapter
18 or refusing or neglecting to obey any lawful order, rule or regulation of
19 the state board of health shall be guilty of a misdemeanor. [, and upon
20 conviction thereof, where no different express penalty is provided, shall
21 be punished by a fine not exceeding \$300, or by imprisonment in the
22 county jail not exceeding 6 months, or by both fine and imprisonment.]

23 SEC. 416. NRS 441.290 is hereby amended to read as follows:

24 441.290 1. Any person violating any rule or regulation of the board,
25 or any provision of this chapter, or refusing to give any of the information
26 or to make any report, or refusing to submit to any treatment or examina-
27 tion required by this chapter, or refusing to perform any duty or act
28 required by this chapter, or knowingly exposing any person to or infect-
29 ing any person with any venereal disease, or any person infected with
30 venereal disease in an infectious state who knows of such condition and
31 who marries or has sexual intercourse, is guilty of a misdemeanor. [, and
32 upon conviction thereof shall be punished by a fine not exceeding \$500,
33 or by imprisonment in the county jail for not more than 6 months, or by
34 both fine and imprisonment.]

35 2. Any person causing the name of any person against whom any
36 mandamus proceeding or criminal prosecution is instituted, as provided
37 for by this chapter, to appear in any newspaper or magazine without the
38 consent of such person, or any person who reveals the name of any such
39 person except as authorized by this chapter, or as such person shall con-
40 sent, is guilty of a misdemeanor. [, and upon conviction thereof shall be
41 punished by a fine not exceeding \$500, or by imprisonment in the county
42 jail for not more than 6 months, or by both fine and imprisonment.]

43 SEC. 417. NRS 442.020 is hereby amended to read as follows:

44 442.020 Any person violating any of the provisions of NRS 442.010
45 shall be guilty of a misdemeanor. [, and upon conviction thereof shall be
46 punished by a fine not exceeding \$300, or by imprisonment in the county
47 jail not exceeding 6 months, or by both fine and imprisonment.]

48 SEC. 418. NRS 442.110 is hereby amended to read as follows:

49 442.110 Any physician, surgeon, midwife, obstetrician, nurse, man-
50 ager or person in charge of a maternity home or hospital, parent, relative

1 or person attending upon or assisting at the birth of an infant who violates
2 any of the provisions of NRS 442.030 to 442.100, inclusive, [shall be
3 guilty of a misdemeanor, and upon conviction thereof] shall be punished
4 by a fine of not [less than \$10 nor] more than \$100.

5 SEC. 419. NRS 443.260 is hereby amended to read as follows:

6 443.260 1. Any person who violates any provision of NRS 443.170
7 to 443.250, inclusive, is guilty of a misdemeanor. [and shall be punished
8 by a fine of not less than \$25 or more than \$500, or by imprisonment in
9 the county jail for not more than 90 days, or by both such fine and
10 imprisonment.]

11 2. Such person shall be guilty of a separate offense for each day any
12 such violation continues.

13 3. The district attorney of the county in which any violation of NRS
14 443.170 to 443.250, inclusive, occurs shall prosecute such violation and,
15 upon the request of a health officer, shall prosecute any violation of an
16 isolation, quarantine or examination order duly made and served.

17 SEC. 420. NRS 444.060 is hereby amended to read as follows:

18 444.060 1. It shall be unlawful for any person owning, operating or
19 managing a public place of any kind or character to exhibit for use or per-
20 mit the use of a common towel as described in NRS 444.050.

21 2. Any person violating any of the provisions of this section shall be
22 guilty of a misdemeanor. [, and upon conviction thereof shall be pun-
23 ished by a fine not exceeding \$100, or by imprisonment in the county jail
24 not exceeding 30 days, or by both fine and imprisonment.]

25 SEC. 421. NRS 444.120 is hereby amended to read as follows:

26 444.120 1. Any person, firm or corporation, whether as principal or
27 agent, or employer or employee, who violates any of the provisions of
28 NRS 444.070 to 444.110, inclusive, shall be guilty of a misdemeanor. [,
29 and upon conviction thereof shall be punished by a fine of not less than
30 \$25 nor more than \$500, or by imprisonment in the county jail for not
31 more than 6 months, or by both fine and imprisonment.]

32 2. Each day that conditions or actions in violation of NRS 444.070
33 to 444.110, inclusive, shall continue shall be deemed to be a separate and
34 distinct offense.

35 SEC. 422. NRS 444.200 is hereby amended to read as follows:

36 444.200 Any person, firm, corporation, agent or officer of a firm or
37 corporation, or any superintendent or overseer in charge of the work in or
38 at any camp coming under the provisions of NRS 444.130 to 444.190,
39 inclusive, who shall violate or fail to comply with the provisions of NRS
40 444.130 to 444.190, inclusive, is guilty of a misdemeanor. [, and shall,
41 upon conviction thereof, be punished by a fine of not more than \$200, or
42 by imprisonment in the county jail for not more than 60 days, or by both
43 fine and imprisonment.]

44 SEC. 423. NRS 444.210 is hereby amended to read as follows:

45 444.210 1. As used in this section, "garbage" includes any or all of
46 the following: Garbage, swill, refuse, cans, bottles, paper, vegetable mat-
47 ter, carcass of any dead animal, offal from any slaughter pen or butcher
48 shop, trash or rubbish.

49 2. Every person who places, deposits or dumps, or who causes to be
50 placed, deposited or dumped, or who causes or allows to overflow, any

1 sewage, sludge, cesspool or septic tank effluent, or accumulation of human
2 excreta, or any garbage, in or upon any street, alley, public highway or
3 road in common use or upon any public park or other public property
4 other than property designated or set aside for such purpose by the gov-
5 erning board or body having charge thereof, or upon any private property
6 into or upon which the public is admitted by easement, license or other-
7 wise, is guilty of a *gross* misdemeanor.

8 3. Every state fish and game warden, police officers of incorporated
9 cities and towns, sheriffs and their deputies, and other peace officers of
10 the State of Nevada, within their respective jurisdictions, shall enforce the
11 provisions of this section.

12 SEC. 424. NRS 445.010 is hereby amended to read as follows:

13 445.010 Any person or persons, firm, company, corporation, associa-
14 tion, city or town which shall deposit, or which shall permit or allow any
15 person or persons in their employ or under their control, management or
16 direction to deposit in any of the waters of the lakes, rivers, streams and
17 ditches in or running into or through the State of Nevada, or cause to be
18 washed or infiltrated into any of such waters, or place or deposit where the
19 same may be washed or infiltrated into any of such waters, any sawdust,
20 pulp, oils, rubbish, filth or poisonous or deleterious substance or sub-
21 stances which affects the health of persons, fish or livestock, or renders
22 such waters unpalatable or distasteful, shall be guilty of a *gross* misde-
23 meanor. [, and upon conviction thereof shall be punished by a fine of not
24 less than \$50 nor more than \$500, exclusive of court costs.]

25 SEC. 425. NRS 445.120 is hereby amended to read as follows:

26 445.120 Any person, firm, association or corporation violating any
27 of the provisions of NRS 445.080 to 445.110, inclusive, or of the rules
28 and regulations hereby established shall be guilty of a misdemeanor. [,
29 and upon conviction thereof shall be punished by a fine of not more
30 than \$500, or by imprisonment in the county jail not to exceed 3 months,
31 or by both fine and imprisonment.]

32 SEC. 426. NRS 446.630 is hereby amended to read as follows:

33 446.630 Any person violating any of the provisions of NRS 446.010
34 to 446.620, inclusive, or any of the provisions of the interpretive code
35 established pursuant to NRS 446.390 shall be guilty of a misdemeanor. [,
36 and upon conviction thereof shall be punished by a fine not exceeding
37 \$500, or by imprisonment in the county jail for not more than 6 months,
38 or by both fine and imprisonment.]

39 SEC. 427. NRS 447.210 is hereby amended to read as follows:

40 447.210 1. Every proprietor, owner, manager, lessee or other per-
41 son in charge of any hotel in this state, who shall fail to comply with
42 this chapter or any of the provisions of the regulations hereby established,
43 whether through the acts of himself, his agent or employees, shall be guilty
44 of a misdemeanor. [, and upon conviction thereof shall be punished by a
45 fine not exceeding \$500, or by imprisonment in the county jail not exceed-
46 ing 6 months, or by both fine and imprisonment.]

47 2. Every day that any hotel shall be kept in violation of any of the
48 provisions of this chapter, such keeping shall constitute a separate offense.

49 SEC. 428. NRS 448.030 is hereby amended to read as follows:

50 448.030 1. Any person who shall obtain care for any child in any

1 child care establishment with intent to defraud the keeper or proprietor
2 of such establishment shall be guilty of a misdemeanor. [, and upon
3 conviction thereof shall be punished by a fine not to exceed \$500, or
4 by imprisonment in the county jail for not more than 6 months, or by
5 both fine and imprisonment.]

6 2. This section shall not apply where there has been an agreement in
7 writing for delay in payment for a period exceeding 10 days.

8 SEC. 429. NRS 449.010 is hereby amended to read as follows:

9 449.010 1. It shall be unlawful for any person, firm, corporation or
10 association to locate or maintain any hospital for the treatment of dis-
11 eased or injured persons within 300 feet of any public school building.

12 2. Nothing in this section shall apply to hospitals being operated on
13 January 1, 1912.

14 3. Any person violating any of the provisions of this section [shall
15 be guilty of a misdemeanor, and upon conviction thereof] shall be pun-
16 ished by a fine of not [less than \$50 nor] more than \$300.

17 SEC. 430. NRS 449.210 is hereby amended to read as follows:

18 449.210 1. A violation of any provision of NRS 449.020 to 449.240,
19 inclusive, or the rules and regulations adopted thereunder [is a misde-
20 meanor and] shall be punished [, upon conviction,] by a fine of not
21 more than \$100 for the first offense, and \$500 for each subsequent
22 offense.

23 2. Each day of violation shall constitute a separate offense.

24 SEC. 431. NRS 451.030 is hereby amended to read as follows:

25 451.030 1. Every person who shall remove the dead body of a
26 human being, or any part thereof, from a grave, vault or other place
27 where the same has been buried or deposited awaiting burial or crema-
28 tion, without authority of law, with intent to sell the same, or for the
29 purpose of securing a reward for its return, or for dissection, or from
30 malice or wantonness, shall be punished by imprisonment in the state
31 prison for not *less than 1 year nor* more than [5] 6 years, or by a fine
32 of not more than \$1,000, or by both imprisonment and fine.

33 2. Every person who shall purchase or receive, except for burial or
34 cremation, any such dead body, or any part thereof, knowing that the
35 same has been removed contrary to the provisions of subsection 1, shall
36 be punished by imprisonment in the state prison for not *less than 1 year*
37 *nor* more than 3 years, or by a fine of not more than \$1,000, or by both
38 imprisonment and fine.

39 3. Every person who shall open a grave or other place of interment,
40 temporary or otherwise, or a building where such dead body is deposited
41 while awaiting burial or cremation, with intent to remove the body or
42 any part thereof, for the purpose of selling or demanding money for the
43 same, for dissection, from malice or wantonness, or with intent to sell or
44 remove the coffin or any part thereof or anything attached thereto, or
45 any vestment or other article interred or intended to be interred with the
46 body, shall be punished by imprisonment in the state prison for not *less*
47 *than 1 year nor* more than 3 years, or by a fine of not more than \$1,000,
48 or by both imprisonment and fine.

49 SEC. 432. NRS 451.050 is hereby amended to read as follows:

50 451.050 1. Any person, company, association or corporation in this

1 state who shall exhume or disinter, or who shall cause to be exhumed or
2 disinterred, any human remains, or any part of such remains, which have
3 been buried in the ground in this state, for the purpose of transporting
4 the same to any other state or foreign country, except under the condi-
5 tions provided in subsection 2, shall be guilty of a misdemeanor. [, and
6 upon conviction thereof shall be punished by a fine of not less than \$300
7 nor more than \$500, or by imprisonment in the county jail for not less
8 than 3 months nor more than 6 months, or by both fine and imprison-
9 ment.]

10 2. The boards of county commissioners of the several counties in
11 which human remains are buried or interred, as provided in subsection
12 1, are authorized to grant and to issue written permits for the disinter-
13 ment and removal of any such human remains referred to in subsection
14 1, whenever in their judgment the public health will not be endangered
15 by such disinterment and removal; but no such permit shall be granted
16 or issued under any circumstances or at any time where the person or
17 persons buried or interred have died from or with any contagious or
18 loathsome disease.

19 SEC. 433. NRS 451.060 is hereby amended to read as follows:

20 451.060 1. Any transportation company or common carrier trans-
21 porting or carrying, or accepting through its agents or employees for
22 transportation or carriage, the body of any deceased person, without an
23 accompanying permit issued in accordance with law, [shall be guilty of
24 a misdemeanor, and upon conviction thereof] shall be punished by a fine
25 of not [less than \$50 nor] more than \$200. If the death occurred outside
26 of the state and the body is accompanied by a burial, removal or transit
27 permit issued in accordance with the law or board of health regulations
28 in force where the death occurred, such burial, removal or transit permit
29 may be held to authorize the transportation or carriage of the body into
30 or through the state.

31 2. Any railroad, transportation or express company which shall
32 receive for transportation and shipment any dead human body, unless
33 the body has been prepared by a regularly licensed embalmer of the State
34 of Nevada, with the removal permit, his name and the number of his
35 embalmer's license attached thereon, and unless the body shall reach its
36 destination within the boundaries of this state and within 30 hours from
37 time of death, [shall be guilty of a misdemeanor, and upon conviction
38 thereof] shall be punished by a fine of not [less than \$25 nor] more
39 than \$500.

40 SEC. 434. NRS 452.040 is hereby amended to read as follows:

41 452.040 Any person who shall violate any of the provisions of NRS
42 452.010 to 452.030, inclusive, or who, after being notified by the board
43 of county commissioners, shall fail or refuse to place the cemetery under
44 his charge or ownership in an orderly condition, shall be guilty of a mis-
45 demeanor. [, and upon conviction thereof shall be punished by a fine of
46 not less than \$50 nor more than \$100, or by imprisonment in the county
47 jail for not less than 25 days nor more than 100 days.]

48 SEC. 435. NRS 452.180 is hereby amended to read as follows:

49 452.180 1. It shall be unlawful for a cemetery authority, its officers,
50 employees or agents, or a cemetery broker or salesman, to represent that

1 an endowment care fund or any other fund set up for maintaining care
2 is perpetual or permanent, or to sell, offer for sale or advertise any plot
3 under representation that the plot is under endowment care, before an
4 endowment care fund has been established for the cemetery in which the
5 plot is situated. Any person violating any of the provisions of NRS 452.-
6 050 to 452.180, inclusive, shall be personally liable for all damages
7 resulting to any person or persons by reason of such violation, and shall
8 also upon conviction thereof be guilty of a misdemeanor. [punishable
9 by a fine of not less than \$100 nor more than \$500, or by imprisonment
10 in the county jail for not less than 10 days nor more than 6 months, or
11 by both fine and imprisonment.]

12 2. The state board of finance, for the purpose of ascertaining the
13 assets, conditions, and affairs of any endowment care cemetery, may
14 examine the books, records, documents and assets of any endowment
15 care cemetery operating, or being organized to operate as such, in the
16 State of Nevada, and may make whatever other investigations as may be
17 necessary to determine that such cemeteries are complying fully with the
18 provisions of NRS 452.050 to 452.180, inclusive.

19 3. If, after an examination or investigation, the state board of finance
20 has just cause to believe that a cemetery granted a permit under the pro-
21 visions of NRS 452.050 to 452.180, inclusive, has failed to comply with
22 the provisions and requirements of NRS 452.050 to 452.180, inclusive,
23 it may, after due notice and hearing, if it finds the cemetery authority has
24 violated the requirements or regulations contained herein, revoke or
25 refuse to renew the permit of such cemetery authority and refer the vio-
26 lation to the attorney general to determine if further action should be
27 taken under subsection 1.

28 SEC. 436. NRS 452.200 is hereby amended to read as follows:

29 452.200 Any member of a board of trustees or any officer or direc-
30 tor of a corporation or association violating any of the provisions of NRS
31 452.190 shall be personally liable therefor, and shall upon conviction
32 thereof be guilty of a misdemeanor. [punishable by a fine of not less
33 than \$100 nor more than \$500, or by imprisonment in the county jail
34 for not less than 10 days nor more than 6 months, or by both fine and
35 imprisonment.]

36 SEC. 437. NRS 452.270 is hereby amended to read as follows:

37 452.270 [1.] Any person, any member of a firm, or any officer or
38 director of a corporation failing to comply with each and every provision
39 of NRS 452.210 to 452.260, inclusive, shall be personally liable therefor,
40 and [shall, upon conviction thereof, be] is guilty of a misdemeanor.

41 [2. A violation of any of the provisions of NRS 452.210 to 452.260,
42 inclusive, shall be punishable by a fine of not less than \$100 nor more
43 than \$500, or by imprisonment in the county jail for not less than 10
44 days nor more than 6 months, or by both fine and imprisonment.]

45 SEC. 438. NRS 452.280 is hereby amended to read as follows:

46 452.280 Any person who willfully, unlawfully and maliciously
47 breaks, destroys, removes, damages or injures in any manner any monu-
48 ment, gravestone, curbing or vault in any enclosed private or public
49 cemetery is guilty of a [misdemeanor, and upon conviction thereof shall

1 be punished by a fine in any sum not exceeding \$300, or by imprison-
2 ment in the county jail for not more than 6 months, or by both fine and
3 imprisonment.】 *public offense, as prescribed in section 8 of this act, pro-*
4 *portionate to the value of the property damaged, removed or destroyed.*

5 SEC. 439. NRS 452.290 is hereby amended to read as follows:

6 452.290 Any person who shall pasture or cause to be pastured any
7 livestock of any description within an enclosed private or public cemetery
8 is guilty of a misdemeanor. 【, and upon conviction thereof shall be pun-
9 ished by a fine in any sum not exceeding \$300, or by imprisonment in the
10 county jail for not more than 6 months, or by both fine and imprison-
11 ment.】

12 SEC. 440. NRS 453.210 is hereby amended to read as follows:

13 453.210 1. (a) Except as otherwise provided in subsections 2 and 3
14 of this section, any person who violates any provision of NRS 453.010
15 to 453.240, inclusive, shall 【, upon conviction, be fined not more than
16 \$2,000 and be imprisoned in the state prison not less than 2 years or
17 more than 5 years.】 *be punished by imprisonment in the state prison for*
18 *not less than 1 year nor more than 6 years, and may be further punished*
19 *by a fine of not more than \$2,000.*

20 (b) For a second offense, or if, in case of a first conviction or viola-
21 tion of any provision of NRS 453.010 to 453.240, inclusive, the offender
22 shall previously have been convicted of any violation of the laws of the
23 United States or of any state, territory or district relating to narcotic
24 drugs or marihuana, the offender shall be 【fined not more than \$2,000
25 and be imprisoned in the state prison not less than 5 years or more than
26 10 years.】 *punished by imprisonment in the state prison for not less than*
27 *1 year nor more than 10 years and may be further punished by a fine of*
28 *not more than \$2,000.*

29 (c) For a third or subsequent offense, or if the offender shall pre-
30 viously have been convicted two or more times in the aggregate of any
31 violation of the law of the United States or of any state, territory or dis-
32 trict relating to narcotic drugs or marihuana, the offender shall be 【fined
33 \$2,000 and be imprisoned in the state prison not less than 10 years or
34 more than 20 years.

35 (d) Except in the case of conviction for a first offense, the imposition
36 or execution of sentence shall not be suspended and probation or parole
37 shall not be granted until the minimum imprisonment herein provided
38 for the offense shall have been served.】 *punished by imprisonment in the*
39 *state prison for not less than 1 year nor more than 20 years and may be*
40 *further punished by a fine of not more than \$5,000.*

41 2. Any person who is convicted of the illegal sale, exchange, barter,
42 supplying or giving away of narcotic drugs or marihuana to a person who
43 is:

44 (a) Twenty-one years of age or older shall be 【fined \$10,000 and
45 imprisoned in the state prison for not less than 20 years or more than 40
46 years.】 *punished by imprisonment in the state prison for not less than 1*
47 *year nor more than 20 years and may be further punished by a fine of not*
48 *more than \$5,000.* For a second or subsequent offense, such offender
49 shall 【, upon conviction, be fined \$10,000 and imprisoned in the state
50 prison for not less than 40 years, which term may be extended to life.】

1 *be punished by imprisonment in the state prison for life, without pos-*
2 *sibility of parole, and may be further punished by a fine of not more than*
3 *\$5,000.*

4 (b) Under 21 years of age shall be **[**fined \$10,000 and imprisoned**]**
5 *punished by imprisonment in the state prison for life **[.]**, with pos-*
6 *sibility of parole and may be further punished by a fine of not more than*
7 *\$5,000. Eligibility for parole begins when a minimum of 7 years has been*
8 *served. For a second or subsequent offense, such offender shall be pun-*
9 *ished by imprisonment in the state prison for life without possibility of*
10 *parole.*

11 3. Any person who supplies narcotic drugs or marihuana to another
12 person knowing that such other person intends illegally to sell, exchange,
13 barter, supply or give away such drugs or marihuana, and such other
14 person illegally sells, exchanges, barter, supplies or gives away such
15 drugs or marihuana **[**to a person who is:

16 (a) Twenty-one years of age or older shall, upon conviction, be impris-
17 oned in the state prison for not less than 30 years or more than 60 years.
18 For a second and subsequent offense, the offender shall, upon conviction,
19 be imprisoned in the state prison for life.

20 (b) Under 21 years of age shall, upon conviction, be imprisoned in
21 the state prison for life. **]** *shall be punished by imprisonment in the state*
22 *prison for life with possibility of parole and may be further punished by*
23 *a fine of not more than \$5,000. Eligibility for parole begins when a mini-*
24 *imum of 7 years has been served. For a second or subsequent offense, such*
25 *offender shall be punished by imprisonment in the state prison for life*
26 *without possibility of parole.*

27 4. Any term of imprisonment imposed under the provisions of sub-
28 sections 2 and 3 shall be served without possibility of probation. **[**or
29 **parole.]**

30 SEC. 441. NRS 453.330 is hereby amended to read as follows:

31 453.330 1. Every person who knowingly plants, cultivates, harvests,
32 dries or processes any marihuana or any part thereof shall **[**, upon con-
33 viction, be imprisoned in the state prison not less than 2 years or more
34 than 5 years.

35 2. Upon conviction of a second offense the offender shall be impris-
36 oned in the state prison not less than 5 years nor more than 10 years.

37 **3.] be punished:**

38 (a) *For a first offense, by imprisonment in the state prison for not*
39 *less than 1 year nor more than 6 years, and may be further punished by*
40 *a fine of not more than \$2,000.*

41 (b) *For a second offense, by imprisonment in the state prison for not*
42 *less than 1 year nor more than 10 years and may be further punished by*
43 *a fine of not more than \$2,000.*

44 (c) *For a third or subsequent offense, by imprisonment in the state*
45 *prison for not less than 1 year nor more than 20 years and may be further*
46 *punished by a fine of not more than \$5,000.*

47 2. Conviction and punishment under the provisions of this section
48 shall be in addition to, and not in lieu of, punishment for any other act
49 for which a penalty is provided in this chapter.

50 SEC. 442. NRS 454.170 is hereby amended to read as follows:

1 454.170 Any person violating any of the provisions of NRS 454.010
2 to 454.160, inclusive, shall be guilty of a misdemeanor. [, and upon con-
3 viction thereof shall be punished by a fine of not less than \$30 nor more
4 than \$100, or by imprisonment in the county jail for not more than 50
5 days, or by both fine and imprisonment.]

6 SEC. 443. NRS 454.380 is hereby amended to read as follows:

7 454.380 1. Every person who violates any provision of NRS 454.-
8 180 to 454.450, inclusive, by use of a minor as an agent or by unlawfully
9 furnishing any dangerous drug to a minor [is guilty of a felony.] *shall be*
10 *punished by imprisonment in the state prison for not less than 1 year nor*
11 *more than 10 years, or by a fine of not more than \$5,000, or by both fine*
12 *and imprisonment.*

13 2. Nothing contained in this section shall apply to a registered phar-
14 macist furnishing such drugs pursuant to a prescription.

15 SEC. 444. NRS 456.100 is hereby amended to read as follows:

16 456.100 Any person violating the provisions of this chapter shall be
17 guilty of a misdemeanor. [, and upon conviction thereof shall be punished
18 by a fine of not less than \$100 nor more than \$500, or by imprisonment
19 in the county jail for not less than 30 days nor more than 6 months, or by
20 both fine and imprisonment.]

21 SEC. 445. NRS 457.220 is hereby amended to read as follows:

22 457.220 Every person convicted of a violation of any provision of
23 this chapter, who has previously been convicted twice or more of viola-
24 tions of any provisions of this chapter, [is guilty of a felony.] *shall be*
25 *punished by imprisonment in the state prison for not less than 1 year nor*
26 *more than 10 years, or by a fine of not more than \$5,000, or by both*
27 *fine and imprisonment.*

28 SEC. 446. NRS 463.340 is hereby amended to read as follows:

29 463.340 1. It shall be unlawful to conduct, carry on, operate, deal
30 or allow to be conducted, carried on, operated or dealt any cheating or
31 thieving game or device, or to deal, conduct, carry on, operate or expose
32 for play any game or games played with cards, dice, or any mechanical
33 device, or any combination of the same, which may have in any manner
34 been marked or tampered with to deceive the public or equipped with
35 electrical or any other device whatever which might render the game
36 more liable to win or lose. The use of marked cards, loaded dice, plugged
37 or tampered-with machines or devices to deceive the public is expressly
38 made unlawful.

39 2. Any violation of the provisions of this section [shall be deemed]
40 *is a gross misdemeanor.* [, and shall be punished by a fine of not less
41 than \$1,000, or by imprisonment in the county jail for not less than 6
42 months, or by both fine and imprisonment.]

43 SEC. 447. NRS 463.360 is hereby amended to read as follows:

44 463.360 1. Conviction by a court of competent jurisdiction of the
45 violation of any of the provisions of this chapter may act as an immediate
46 revocation of any and all licenses which may have been issued to the vio-
47 lator, and, in addition, the court may, upon application of the district
48 attorney of the county or of the commission, order that no new or addi-
49 tional license under this chapter be issued to such violator, or be issued

1 to any person for the room or premises in which such violation occurred,
2 for a period of 1 year from the date of such revocation.

3 2. The violation of any of the provisions of this chapter, the penalty
4 for which is not herein specifically fixed, [shall be deemed] is a gross
5 misdemeanor. [and shall be punished by a fine of not less than \$1,000,
6 or by imprisonment in the county jail for not less than 6 months, or by
7 both fine and imprisonment.]

8 SEC. 448. NRS 463.480 is hereby amended to read as follows:

9 463.480 Any person, firm, association or corporation, or any of their
10 officers or agents, violating any of the provisions of NRS 463.430 to
11 463.470, inclusive, shall be guilty of a felony, and upon conviction thereof
12 shall be punished by a fine of *not more than* \$5,000, or by imprisonment
13 in the state prison for not [to exceed 5] *less than 1 year nor more than 6*
14 *years, or by both fine and imprisonment.*

15 SEC. 449. NRS 464.100 is hereby amended to read as follows:

16 464.100 The violation of any of the provisions of this chapter or the
17 regulations promulgated hereunder [shall be deemed] is a misdemeanor.
18 [and shall be punished by a fine of not more than \$500, or imprisonment
19 in the county jail for a term of not more than 6 months, or by both fine
20 and imprisonment.]

21 SEC. 450. NRS 465.030 is hereby amended to read as follows:

22 465.030 If any person shall keep, exhibit, or have in his possession
23 any cards, tables, checks, wheels, slot machines or gambling devices of
24 any nature used or kept for the purpose of playing any of the games
25 mentioned in NRS 465.010, or shall aid, assist or permit others to do the
26 same, [upon conviction thereof, shall be punished by a fine of not less
27 than \$100 nor more than \$500, or by imprisonment in the county jail
28 for not less than 1 month nor more than 6 months, or by both fine and
29 imprisonment.] *such person is guilty of a misdemeanor.*

30 SEC. 451. NRS 465.070 is hereby amended to read as follows:

31 465.070 1. Every person who, by color, or aid of any trick or sleight-
32 of-hand performance, or by any fraud or fraudulent scheme, cards, dice
33 or device, shall win for himself or for another any money or property, or
34 representative of either, shall be punished by imprisonment in the state
35 prison for not *less than 1 year nor more than 10 years* [.], *or by a fine*
36 *of not more than \$5,000, or by both fine and imprisonment.*

37 2. Every person who shall entice or induce another, upon any pre-
38 tense, to go to any place where any gambling game, scheme or device,
39 or any trick, sleight-of-hand performance, fraud or fraudulent scheme,
40 cards, dice or device is being conducted or operated; or while in such
41 place shall entice or induce another to bet, wager or hazard any money
42 or property, or representative of either, upon any such game, scheme,
43 device, trick, sleight-of-hand performance, fraud or fraudulent scheme,
44 cards, dice or device, or to execute any obligation for the payment of
45 money, or delivery of property, or to lose, advance, or loan any money or
46 property, or representative of either, shall be punished by imprisonment
47 in the state prison for not *less than 1 year nor more than 10 years* [.],
48 *or by a fine of not more than \$5,000, or by both fine and imprisonment.*

49 SEC. 452. NRS 465.080 is hereby amended to read as follows:

1 465.080 1. It shall be unlawful for any person playing any licensed
2 gambling game:

3 (a) To use bogus or counterfeit chips, or to substitute and use in any
4 such game cards or dice that have been marked, loaded or tampered with;
5 or

6 (b) To employ or have on his person any cheating device to facilitate
7 cheating in such games.

8 2. It shall be unlawful for any person, in playing or using any slot
9 machine, lawful vending machine, coin box, telephone or other receptacle
10 designed to receive or be operated by lawful coin of the United States of
11 America in furtherance of or in connection with the sale, use or enjoy-
12 ment of property or service:

13 (a) To use other than lawful coin, legal tender of the United States of
14 America, not of the same denomination as the coin intended to be used
15 in such device, except that in the playing of any slot machine, it shall be
16 lawful for any such person to use tokens or similar objects therein which
17 are approved by the state gaming control board; or

18 (b) To use or have on his person any cheating or thieving device to
19 facilitate removing from any slot machine, lawful vending machine, coin
20 box, telephone or other receptacle any part of the contents thereof.

21 3. Any violation of the provisions of this section shall be a gross mis-
22 demeanor. [and shall be punishable by a fine not less than \$1,000, or
23 by imprisonment in the county jail for not less than 6 months nor more
24 than 1 year or by both fine and imprisonment.]

25 SEC. 453. NRS 465.090 is hereby amended to read as follows:

26 465.090 1. It is unlawful for any person, firm or corporation to fur-
27 nish or disseminate any information whatever in regard to racing or
28 races, from any point within this state to any point without the State of
29 Nevada, by means of telephone, telegraph, teletype, radio or any signal-
30 ing device, with the intention that such information is to be used to induce
31 betting or wagering on the result of such race or races, or with the inten-
32 tion that such information is to be used to decide the result of any bet or
33 wager made upon such race or races.

34 2. Nothing in this section shall be construed as to prohibit newspa-
35 pers of general circulation from printing and disseminating news concern-
36 ing races that are to be run or the results of races that have been run.

37 3. Any violation of the provisions of this section shall be a felony
38 and shall be punishable by a fine of not [less than \$1,000 nor] more
39 than \$5,000, or by imprisonment in the state prison for not less than 1
40 year nor more than 3 years, or by both fine and imprisonment.

41 SEC. 454. NRS 466.220 is hereby amended to read as follows:

42 466.220 1. Any person failing to appear before the Nevada racing
43 commission at the time and place specified in answer to a summons issued
44 pursuant to NRS 466.180, or refusing to testify, shall be guilty of a mis-
45 demeanor. [, and upon conviction shall be punished by a fine of not
46 more than \$1,000, or by imprisonment in the county jail for not more
47 than 6 months, or by both fine and imprisonment.]

48 2. Any false swearing on the part of any witness having appeared
49 before the commission shall be deemed perjury and shall be punished as
50 such.

1 3. Any person aiding or abetting in the conduct of any meeting
2 within the State of Nevada at which races of horses shall be permitted for
3 any stake, purse or reward, except in accordance with a license duly
4 issued and unsuspended or unrevoked by the Nevada racing commission,
5 shall be guilty of a gross misdemeanor. [, and upon conviction shall be
6 punished by a fine of not less than \$500 nor more than \$2,000, or by
7 imprisonment not exceeding 1 year, or by both fine and imprisonment.]

8 4. Any violation of the provisions of this chapter, or the rules and
9 regulations of the commission, for which no other penalty is provided in
10 this section is a misdemeanor.

11 SEC. 455. NRS 475.030 is hereby amended to read as follows:

12 475.030 1. It is unlawful for any person willfully or negligently:

13 (a) To throw or place any lighted cigarette, cigar, ashes, match or
14 other material which may cause a fire in any place where such lighted
15 cigarette, cigar, match, ashes or other material may start a fire.

16 (b) To throw or place from a moving vehicle any lighted cigarette,
17 cigar or ashes which may cause a fire.

18 2. Any person violating any of the provisions of this section shall be
19 guilty of a misdemeanor. [, and upon conviction thereof shall be punished
20 by a fine of not less than \$15 nor more than \$500, or by imprisonment
21 in the county jail for not more than 6 months, or by both fine and impris-
22 onment.]

23 SEC. 456. NRS 475.040 is hereby amended to read as follows:

24 475.040 Every person who lights a fire for any purpose along the
25 road through any woodland, or upon the same, or at any other place in
26 the open, and thereby, or by any other means, sets fire to any growing
27 timber or forest, shrubbery, crops, grass or vegetation, and thereby causes
28 the destruction of any timber, forest, crops, grass, vegetation or property
29 not his own, [of the value of \$50 or more, shall be guilty of a felony and
30 imprisoned in the state prison for not less than 1 year nor more than 5
31 years, and in addition thereto may be fined in a sum not exceeding
32 \$10,000 and not exceeding twice the value of the property destroyed,] *is*
33 *guilty of a public offense, as prescribed in section 8 of this act, propor-*
34 *tionate to the value of the loss resulting therefrom, in addition to being*
35 *liable to the owner of such property for the full value thereof in a civil*
36 *action.*

37 SEC. 457. NRS 475.080 is hereby amended to read as follows:

38 475.080 Every person who, with intent to prevent or obstruct the
39 extinguishment of any fire, shall cut or remove any bell rope, wire or
40 other apparatus for communicating an alarm of fire, or cut, injure
41 or destroy any engine, hose or other fire apparatus, or otherwise prevent
42 or obstruct the extinguishment of any fire, [shall be punished by impris-
43 onment in the state prison for not more than 5 years, or by imprisonment
44 in the county jail for not more than 1 year, or by a fine of not more than
45 \$1,000.] *is guilty of a public offense, as prescribed in section 8 of this*
46 *act, proportionate to the value of the loss resulting therefrom and in no*
47 *event less than a misdemeanor.*

48 SEC. 458. NRS 475.100 is hereby amended to read as follows:

49 475.100 1. It is unlawful for any person intentionally to give or

1 cause to be given, or turn in or cause to be turned in, any false alarm of
2 fire in any city, town or community in this state.

3 2. Any person violating any of the provisions of this section shall be
4 guilty of a misdemeanor. [, and upon conviction thereof shall be pun-
5 ished by a fine not exceeding \$100, or by imprisonment in the county jail
6 for not more than 50 days.]

7 3. This section shall not be construed to apply to alarms given for
8 practice by any chief of a fire department or by any other person properly
9 authorized to give such alarms, nor to alarms given by any person to
10 attract attention of police, firemen or other people to acts of violence, dis-
11 order or menace.

12 SEC. 459. NRS 475.110 is hereby amended to read as follows:

13 475.110 1. All sheriffs, their deputies, firewardens, other peace offi-
14 cers or any national forest officer shall have authority to call upon able-
15 bodied male persons within the State of Nevada who are between the ages
16 of 16 years and 50 years for assistance in extinguishing fires in timber or
17 in brush.

18 2. Such persons who refuse to obey such summons or who refuse to
19 assist in fighting fire for the period of time stated in subsection 3, unless
20 they present good and sufficient reasons, shall be guilty of a misdemeanor.
21 [, and upon conviction thereof shall be punished by a fine of not less
22 than \$15 nor more than \$50, or by imprisonment in a county jail of the
23 county in which such conviction shall be had for not less than 10 days nor
24 more than 30 days, or by both fine and imprisonment.]

25 3. No male person shall be required to fight fire a total of more than
26 5 days during any 1 year.

27 4. The board of county commissioners is authorized to fix the
28 amount of compensation to be paid to male persons drafted to fight fires
29 as provided in this section, and the sums so fixed shall be allowed and
30 paid as other claims against the county are paid.

31 5. For the purpose of obtaining the benefits of the Nevada Industrial
32 Insurance Act, male persons drafted to fight fires shall be considered
33 employees of the county demanding their services, and they shall be
34 entitled to receive for disability incurred by reason thereof the benefits
35 under the Nevada Industrial Insurance Act. The county shall report and
36 pay premiums to the Nevada industrial commission for persons so
37 engaged.

38 SEC. 460. NRS 476.050 is hereby amended to read as follows:

39 476.050 Every person who shall maliciously place any explosive sub-
40 stance or material in, upon, under, against or near any building, car,
41 vessel, railroad track or structure, in such manner or under such circum-
42 stances as to destroy or injure the same if exploded, shall be guilty of a
43 felony, and shall be punished by imprisonment in the state prison for not
44 less than 1 year nor more than 20 years.

45 SEC. 461. NRS 476.060 is hereby amended to read as follows:

46 476.060 1. Whenever there shall be filed with the board of county
47 commissioners of any county a petition signed by 10 percent of the resi-
48 dents of any town or incorporated city within the county, the 10 percent
49 to be computed from the number of persons paying taxes in the town or
50 incorporated city according to the last preceding assessment roll, praying

1 that the storage of gunpowder, explosive or combustible materials be pro-
2 hibited within the limits of such town or city, the board shall, at the meet-
3 ing of such board when the petition is filed, make and enter on the
4 minutes of its proceedings an order prohibiting the storage of explosives
5 or combustible materials within such distance of the town or city as
6 the board may deem safe and proper, but the distance named in the order
7 for such storage shall not be less than one-fourth of a mile from the lim-
8 its of the town or city.

9 2. The order mentioned in subsection 1 to be made by the board
10 may be published by the clerk of the board of county commissioners for
11 2 weeks successively in some newspaper published and printed in the
12 town or city to which the order applies, or a copy of the order shall be
13 posted conspicuously in three public places in the town or city. The pub-
14 lication or posting shall constitute due notice to all concerned.

15 3. Nothing contained in this section shall be so construed as to pro-
16 hibit or prevent:

17 (a) The storage by any person, firm or corporation within the limit
18 prescribed by the order of any board, of not more than 100 pounds of
19 black and smokeless gunpowder or rifle powder, and not more than 500
20 gallons of kerosene oil.

21 (b) The keeping within such limit of shotgun or rifle shells and car-
22 tridges and cartridge percussion caps by any business firm or individual.

23 (c) The storing of powder underground in mines.

24 4. Any board of county commissioners, or any member thereof, fail-
25 ing, neglecting or refusing to comply with all of the provisions of subsec-
26 tion 1 shall be guilty of a misdemeanor, and proceedings shall at once be
27 instituted by the district attorney, or may be instituted by any citizen of
28 the county against such board, or against any member thereof. [Upon
29 conviction, the members or any member of the board shall be punished
30 by a fine of not less than \$100 nor more than \$500, or by imprisonment
31 in the county jail for not less than 30 days nor more than 6 months, or
32 by both fine and imprisonment.] Such conviction shall ipso facto remove
33 such board, or any member thereof so convicted, from office. Notice of
34 the vacancy thereby created shall be certified by the district attorney to
35 the governor. Within 20 days from the receipt of such notice, the gov-
36 ernor shall make appointments to fill such vacancy as may be created.

37 5. Any person, firm, company or corporation continuing to store
38 any explosive or combustible materials within the limit prescribed by
39 such order and notice, after 2 weeks subsequent to the giving of notice,
40 or after 3 weeks subsequent to the making of such order, shall be guilty
41 of a misdemeanor. [, and upon conviction thereof shall be punished by
42 a fine of not less than \$100 nor more than \$500, or by imprisonment in
43 the county jail for not less than 30 days nor more than 6 months, or by
44 both fine and imprisonment.]

45 SEC. 462. NRS 482.355 is hereby amended to read as follows:

46 482.355 Any person violating the provisions of NRS 482.320 to
47 482.350, inclusive, shall be guilty of a misdemeanor. [, and upon convic-
48 tion thereof shall be punished by a fine of not less than \$50 nor more
49 than \$500, or by imprisonment in the county jail for not less than 20
50 days nor more than 6 months, or by both fine and imprisonment.]

1 SEC. 463. NRS 482.470 is hereby amended to read as follows:

2 482.470 1. Whenever any vehicle is dismantled, junked or rendered
3 inoperative and unfit for further use in accordance with the original pur-
4 pose for which it was constructed, the owner shall return the certificate
5 of ownership and the certificate of registration to the department. The
6 department shall rescind and cancel the certificates.

7 2. Any owner who fails to comply with the provisions of this section
8 shall be guilty of a misdemeanor. **[**, and upon conviction thereof shall be
9 punished by a fine of not less than \$50 nor more than \$500, or by
10 imprisonment in the county jail for not less than 20 days nor more than 6
11 months, or by both fine and imprisonment.**]**

12 SEC. 464. NRS 482.555 is hereby amended to read as follows:

13 482.555 **[1.]** In addition to any other penalty provided by this
14 chapter, it shall be unlawful and constitute a misdemeanor for any per-
15 son to violate any of the provisions of this chapter unless such violation
16 is by this chapter or other law of this state declared to be a gross mis-
17 demenor or a felony.

18 **[2.]** Every person convicted of a misdemeanor, as provided by sub-
19 section 1, for the violation of any provision of this chapter shall be pun-
20 ished by a fine of not more than \$500, or by imprisonment in the county
21 jail for not more than 6 months, or by both fine and imprisonment.

22 3. Notwithstanding the provisions of subsections 1 and 2 of this sec-
23 tion, any owner who moves or permits his mobile home to be moved,
24 and any transporter who moves such mobile home for remuneration, in
25 violation of any of the provisions of NRS 482.397 is guilty of a misde-
26 meanor and shall be punished by a fine of:

27 (a) Not less than \$50 in the case of an owner.

28 (b) Not less than \$200 in the case of a transporter.**]**

29 SEC. 465. NRS 483.550 is hereby amended to read as follows:

30 483.550 1. It is unlawful for any person to operate a motor vehicle
31 upon a public street or highway in this state without being the holder of a
32 valid operator's or chauffeur's license.

33 2. Any person convicted of violating the provisions of this section
34 **[**shall be guilty of a misdemeanor, and upon conviction thereof**]** shall be
35 punished by a fine of not **[**less than \$10 or**]** more than \$100. The court
36 shall require the person convicted to obtain a valid operator's license or
37 chauffeur's license or produce a notice of disqualification from the depart-
38 ment.

39 SEC. 466. NRS 483.560 is hereby amended to read as follows:

40 483.560 1. Whenever the department has suspended or revoked the
41 license of any operator or chauffeur, it shall be unlawful for such opera-
42 tor or chauffeur to operate a vehicle on the public streets and highways
43 of this state during the period of suspension or revocation.

44 2. Any person convicted of violating the provisions of this section
45 shall be guilty of a misdemeanor. **[**, and shall be punished by a fine of
46 not less than \$100 nor more than \$500, or by imprisonment in the county
47 jail for not less than 30 days nor more than 6 months, or by both fine and
48 imprisonment.**]**

49 SEC. 467. NRS 483.620 is hereby amended to read as follows:

50 483.620 **[1.]** It is a misdemeanor for any person to violate any of

1 the provisions of NRS 483.010 to 483.630, inclusive, unless such viola-
2 tion is by NRS 483.010 to 483.630, inclusive, or other law of this state
3 declared to be a felony.

4 **【2. Unless another penalty is in NRS 483.010 to 483.630, inclusive,**
5 **or by the laws of this state provided, every person convicted of a misde-**
6 **meanor for the violation of any provisions of NRS 483.010 to 483.630,**
7 **inclusive, shall be punished by a fine of not more than \$500, or by**
8 **imprisonment in the county jail for not more than 6 months, or by both**
9 **fine and imprisonment.】**

10 SEC. 468. NRS 484.010 is hereby amended to read as follows:

11 484.010 1. Whenever an automobile, motorcycle or any other vehi-
12 cle whatever, regardless of the power by which the same is drawn or
13 propelled, strikes any person or collides with any vehicle containing a
14 person, the driver of such vehicle and all persons in such vehicle who
15 have or assume authority over such driver shall immediately cause such
16 vehicle to stop, and shall render to the person struck, or the occupants
17 of the vehicle collided with, all necessary assistance, including the carry-
18 ing of such person or occupant to a physician or surgeon for medical or
19 surgical treatment, if such treatment be required, or if such carrying be
20 requested by the person struck, or the occupant of the vehicle struck.

21 2. Such driver and the person having or assuming authority over such
22 driver shall further give to the occupants of such vehicle, or such person
23 struck, the number of his vehicle, the name of the owner thereof, and the
24 name of the passenger or passengers in each vehicle at the time of such
25 striking or collision.

26 3. As soon as possible, every such driver shall make a full report of
27 the collision, with all details and circumstances thereof, to the sheriff of
28 the county in which the collision occurred, and to the nearest office of the
29 Nevada highway patrol or office of a duly authorized police authority, or,
30 if such a collision occurs within an incorporated city, to the chief of
31 police of the city.

32 4. Except as otherwise provided in subsection 5, any person violating
33 any of the provisions of this section shall be guilty of a gross misde-
34 meanor.

35 5. If a person is struck and physically injured or if an occupant of a
36 vehicle collided with is physically injured and the driver of the vehicle so
37 striking and injuring the person or colliding with such vehicle fails to
38 stop and render assistance as required by subsection 1, such driver and
39 all persons in such vehicle who have or assume authority over such driver
40 shall be **【guilty of a felony.】** *punished by imprisonment in the state*
41 *prison for not less than 1 year nor more than 10 years, or by a fine of*
42 *not more than \$5,000, or by both fine and imprisonment.*

43 SEC. 469. NRS 484.040 is hereby amended to read as follows:

44 484.040 Any person while intoxicated or under the influence of
45 intoxicating liquor who drives or operates a vehicle of any kind, and who,
46 by reason of such intoxication or condition, does any act or neglects any
47 duty now or hereafter imposed by law, which act or neglect of duty
48 causes the death of, or bodily injury to, any person, shall be punished
49 **【as for a felony.】** *by imprisonment in the state prison for not less than*

1 *1 year nor more than 10 years, or by a fine of not more than \$5,000, or*
2 *by both fine and imprisonment.*

3 SEC. 470. NRS 484.050 is hereby amended to read as follows:

4 484.050 1. It shall be unlawful for any person, while either intoxi-
5 cated or under the influence of intoxicating liquor, or of stimulating or
6 stupefying drugs, to drive or conduct any vehicle on any street or high-
7 way in this state.

8 2. Any person who violates the provisions of this section shall be
9 guilty of a misdemeanor. [, and upon conviction thereof shall be pun-
10 ished by a fine of not less than \$25 nor more than \$500, or by imprison-
11 ment in the county jail for a period to be fixed by the court not to exceed
12 6 months, or by both fine and imprisonment.] The convicted person's
13 license to operate a vehicle in this state may, by the decision of the court,
14 be suspended by the department of motor vehicles for a period of not
15 less than 30 days nor more than 1 year.

16 3. Upon a subsequent conviction for an offense under the provisions
17 of this section, the person so convicted shall be punished by a fine of not
18 less than \$100 nor more than \$500 and by imprisonment in the county
19 jail for not less than 10 days nor more than 6 months. His license to
20 operate a vehicle in this state shall be revoked for 2 years by the depart-
21 ment of motor vehicles.

22 4. No judge or justice of the peace in imposing sentences provided
23 for in this section shall suspend the same or any part thereof.

24 SEC. 471. NRS 484.210 is hereby amended to read as follows:

25 484.210 1. Except as provided in subsection 2, the driver of any
26 vehicle upon a highway, street or road, when meeting or overtaking, from
27 either direction, any school bus, equipped with signs and signals required
28 by law, which has stopped on the highway, street or road for the purpose
29 of receiving or discharging any pupil and is displaying a flashing red light
30 signal visible from the front and rear, shall bring his vehicle to a stop
31 immediately and shall not proceed past the school bus until the flashing
32 red signal ceases operation.

33 2. The driver of a vehicle upon a highway, street or road with sepa-
34 rate roadways need not stop upon meeting or passing a school bus which
35 is upon the other roadway. The driver of a vehicle need not stop upon
36 meeting or passing a school bus when the school bus is stopped at an
37 intersection or a place where traffic is controlled by a traffic officer or an
38 official traffic signal.

39 3. Any person who violates any of the provisions of this section shall
40 be guilty of a misdemeanor. [, and upon conviction thereof shall be pun-
41 ished by a fine of not less than \$50 nor more than \$500, or by imprison-
42 ment in the county jail for not less than 15 days nor more than 6 months,
43 or by both fine and imprisonment.]

44 SEC. 472. NRS 484.220 is hereby amended to read as follows:

45 484.220 1. For the purpose of this section, a "temporary road-
46 block" means any structure, device or means used by the duly elected or
47 appointed law enforcement officers, and their deputies, for the purpose of
48 controlling all traffic through a point on the highway whereby all vehicles
49 may be slowed or stopped for the purpose of identifying the occupants.

50 2. The duly elected or appointed law enforcement officers, and their

1 deputies, in this state are hereby authorized to establish, in their respective
2 jurisdiction, or in other jurisdictions within the state, temporary road-
3 blocks upon the highways of this state for the purpose of apprehending
4 persons known to such officers to be wanted for violation of the laws of
5 this state, or of any other state, or of the United States, and using the
6 highways of this state for the purpose of escape.

7 3. For the purpose of warning and protecting the traveling public,
8 the minimum requirements to be met by such officers establishing tem-
9 porary roadblocks are:

10 (a) The temporary roadblock must be established at a point on the
11 highway clearly visible at a distance of not less than 100 yards in either
12 direction.

13 (b) At the point of the temporary roadblock, a sign shall be placed
14 on the centerline of the highway displaying the word "Stop" in letters
15 of sufficient size and luminosity to be readable at a distance of not less
16 than 50 yards, in both directions, either in daytime or darkness.

17 (c) At the same point of the temporary roadblock, at least one red
18 light, on and burning, must be placed at the side of the highway, which
19 shall be a flashing or intermittent beam of light, clearly visible to the
20 oncoming traffic at a distance of not less than 100 yards.

21 (d) At a distance of not less than one-quarter of a mile from the point
22 of the temporary roadblock, warning signs must be placed at the side of
23 the highway, containing any wording of sufficient size and luminosity, to
24 warn the oncoming traffic that a "police stop" lies ahead. A burning beam
25 light, flare or lantern must be placed near such signs for the purpose of
26 attracting the attention of the traffic to the sign.

27 4. Nothing in this section shall be deemed to limit, or encroach upon,
28 the existing authority of Nevada law enforcement officers in the perform-
29 ance of their duties involving traffic control.

30 5. Any person who shall proceed or travel through a roadblock with-
31 out subjecting himself to the traffic control so established shall be guilty
32 of a misdemeanor. [, and upon conviction thereof shall be punished by
33 a fine of not more than \$500, or by imprisonment in the county jail for
34 not more than 6 months, or by both fine and imprisonment.]

35 SEC. 473. NRS 484.460 is hereby amended to read as follows:

36 484.460 1. It shall be unlawful for any person, firm, company or
37 corporation to operate or cause to be operated upon the public highways
38 of the State of Nevada any out-of-state or foreign privately owned motor
39 vehicle equipped with a red light or lights or with a siren or sirens
40 attached thereto as a part of the equipment of the vehicle.

41 2. This section is not intended to repeal, amend or in any manner
42 change the present existing law insofar as it applies to domestic and for-
43 eign motor vehicles except in the particular instance set out in subsection
44 1; nor shall this section apply to motor vehicles registered in foreign states
45 having reciprocal arrangements made with the department of motor
46 vehicles in relation to the use of red lights and sirens upon out-of-state
47 motor vehicles.

48 3. A violation of the provisions of this section is [a misdemeanor]
49 punishable by a fine [not to exceed] of *not more than* \$250.

50 SEC. 474. NRS 485.330 is hereby amended to read as follows:

1 485.330 Any person whose license or registration or nonresident's
2 operating privilege has been suspended or revoked under this chapter
3 and who, during such suspension or revocation, drives any motor vehicle
4 upon any highway or knowingly permits any motor vehicle owned by
5 such person to be operated by another upon any highway, except as per-
6 mitted under this chapter, shall be guilty of a misdemeanor. [, and upon
7 conviction thereof shall be punished by a fine not exceeding \$500, or by
8 imprisonment in the county jail not exceeding 6 months, or by both fine
9 and imprisonment.]

10 SEC. 475. NRS 485.340 is hereby amended to read as follows:

11 485.340 Any person willfully failing to return a license or registra-
12 tion as required in NRS 485.320 shall be guilty of a misdemeanor. [, and
13 upon conviction thereof shall be punished by a fine not exceeding \$500,
14 or by imprisonment in the county jail not exceeding 6 months, or by both
15 fine and imprisonment.]

16 SEC. 476. NRS 485.350 is hereby amended to read as follows:

17 485.350 Any person who forges or, without authority, signs any
18 notice provided for under this chapter that a policy or bond is in effect,
19 or any evidence of proof of financial responsibility, or who files or offers
20 for filing any such notice or evidence of proof knowing or having reason
21 to believe that it is forged or signed without authority, shall be guilty of
22 a gross misdemeanor. [, and upon conviction thereof shall be punished
23 by a fine not exceeding \$1,000, or by imprisonment in the county jail for
24 not more than 1 year, or by both fine and imprisonment.]

25 SEC. 477. NRS 485.360 is hereby amended to read as follows:

26 485.360 Any person who shall violate any provision of this chapter
27 for which no penalty is otherwise provided shall be guilty of a misde-
28 meanor. [, and upon conviction thereof shall be punished by a fine not
29 exceeding \$500, or by imprisonment in the county jail not exceeding 60
30 days, or by both fine and imprisonment.]

31 SEC. 478. NRS 493.100 is hereby amended to read as follows:

32 493.100 Any aeronaut or passenger who, while in flight over a thickly
33 inhabited area or over a public gathering within this state, shall engage
34 in trick or acrobatic flying, or in any acrobatic feat, or shall, except while
35 in landing or taking off, fly at such a low level as to endanger the persons
36 on the surface, or drop any object except loose water or loose sand bal-
37 last, shall be guilty of a misdemeanor. [and punishable by a fine of not
38 more than \$500, or imprisonment for not more than 6 months in the
39 county jail, or both.]

40 SEC. 479. NRS 493.110 is hereby amended to read as follows:

41 493.110 1. Except as otherwise provided in subsection 2, any
42 aeronaut or passenger who, while in flight within this state, shall intention-
43 ally kill or attempt to kill any birds or animals shall be guilty of a misde-
44 meanor. [and punishable by a fine of not more than \$500, or by
45 imprisonment in the county jail for not more than 6 months, or both.]

46 2. Wolves, coyotes, Canadian lynx, bobcats, or mountain lions may
47 be hunted and killed from aircraft under permit of the state department
48 of agriculture which is authorized to cooperate with the United States

1 Fish and Wildlife Service and to promulgate reasonable rules and regula-
2 tions, not inconsistent with the provisions of this section, for its adminis-
3 tration.

4 SEC. 480. NRS 493.130 is hereby amended to read as follows:

5 493.130 Any person operating an aircraft in the air, or on the ground
6 or water, while under the influence of intoxicating liquor, narcotics or
7 other habit-forming drug, or operating an aircraft in the air or on the
8 ground or water, in a careless or reckless manner so as to endanger the
9 life or property of another shall be guilty of a gross misdemeanor. [and
10 punishable by a fine of not more than \$1,000, or by imprisonment for
11 not more than 1 year, or both fine and imprisonment.]

12 SEC. 481. NRS 493.200 is hereby amended to read as follows:

13 493.200 Unless a specific penalty is otherwise provided, any person
14 violating any of the provisions of NRS 493.130 to 493.200, inclusive,
15 [shall be punishable by a fine of not more than \$100 or by imprisonment
16 of not more than 90 days, or both fine and imprisonment.] *is guilty of a*
17 *misdemeanor.*

18 SEC. 482. NRS 497.260 is hereby amended to read as follows:

19 497.260 1. Each violation of this chapter or of any regulations,
20 orders, or rulings promulgated or made pursuant to this chapter, shall
21 constitute a misdemeanor, [and shall be punishable by a fine of not more
22 than \$100 or imprisonment for not more than 90 days, or by both fine
23 and imprisonment,] and each day's violation of this chapter or of any
24 regulations, orders or rulings promulgated or made pursuant to this chap-
25 ter shall constitute a separate offense.

26 2. In addition, the political subdivision or agency adopting zoning
27 regulations under this chapter may institute in any court of competent
28 jurisdiction an action to prevent, restrain, correct or abate any violation
29 of this chapter, or of airport zoning regulations adopted under this
30 chapter, or of any order or ruling made in connection with their adminis-
31 tration or enforcement, and the court shall adjudge to the plaintiff such
32 relief, by way of injunction (which may be mandatory) or otherwise, as
33 may be proper under all the facts and circumstances of the case, in order
34 fully to effectuate the purposes of this chapter and of the regulations
35 adopted and orders and rulings made pursuant thereto.

36 SEC. 483. NRS 501.365 is hereby amended to read as follows:

37 501.365 1. [Except as otherwise specifically provided in this Title,
38 every person who is guilty of a misdemeanor under this Title shall, upon
39 conviction thereof, be punished by a fine of not less than \$50 nor more
40 than \$500, or by imprisonment in the county jail for not less than 25
41 days nor more than 6 months, or by both fine and imprisonment.

42 2.] Upon a second conviction within 5 years of a violation of the
43 provisions of this Title, in addition to the penalty provided [in subsection
44 1,] *for such violation*, the court:

45 (a) Shall require the surrender of all licenses issued under the provi-
46 sions of this Title and held by the convicted person; and

47 (b) May recommend to the commission that no license be issued to
48 such person for any period not to exceed 2 years from the date of such
49 conviction.

50 Upon receipt of any recommendation from the court as provided in

1 paragraph (b), the commission may refuse to issue any license to the
2 convicted person during the period recommended by the court.

3 **[3.]** 2. In addition **[to the fine or imprisonment,]** *to the penalty*
4 *provided for the violation of any of the provisions of this Title,* the court
5 **[, upon conviction of the defendant,]** may cause to be confiscated all
6 wild animals, wild birds or fish taken or possessed by the violator, and
7 may, in its discretion, confiscate any fishing or hunting equipment used in
8 any unlawful taking of fish and game. All confiscated fish and game shall
9 be placed in the hands of the county board of the county in which the
10 conviction is had for disposal to the needy or for destruction, or the com-
11 mission, through its bona fide employees, may so dispose of confiscated
12 fish or game or salvaged fish and game to the needy or by destruction, if
13 unfit for human consumption.

14 SEC. 484. NRS 502.290 is hereby amended to read as follows:

15 502.290 1. The commission is authorized to give to those persons
16 serving in the Armed Forces of the United States who are bona fide resi-
17 dents of the State of Nevada fishing or hunting licenses without charge,
18 provided those persons requesting such licenses are at the time on active
19 duty in the Armed Forces of the United States and are not stationed in
20 the State of Nevada.

21 2. The commission may require whatever proof it deems necessary to
22 determine whether or not such persons come within the provisions of this
23 section.

24 3. Any person who is guilty of giving false information for the pur-
25 pose of obtaining a license as provided in this section is guilty of a misde-
26 meanor. **[, and upon conviction thereof shall be punished by a fine of not**
27 **less than \$50 nor more than \$500, or by imprisonment in the county jail**
28 **for not less than 25 days nor more than 6 months, or by both fine and**
29 **imprisonment.]**

30 SEC. 485. NRS 503.210 is hereby amended to read as follows:

31 503.210 Any person who, at any time, captures or destroys any game
32 animal, except fur-bearing animals, of this state and detaches or removes
33 from the carcass only the head, hide, antlers, horns, tusks, or any or all
34 of the aforesaid parts, shall be guilty of a misdemeanor. **[, and upon con-**
35 **viction thereof shall be punished by a fine of not less than \$50 nor more**
36 **than \$500, or by imprisonment in the county jail of the county wherein**
37 **such unlawful act was committed for not less than 25 days nor more than**
38 **6 months, or by both fine and imprisonment.]**

39 SEC. 486. NRS 503.240 is hereby amended to read as follows:

40 503.240 1. It shall be unlawful for any person to shoot or discharge
41 firearms or to hunt upon or within any enclosed grounds which are pri-
42 vate property and where signs are displayed forbidding such hunting or
43 shooting, without permission obtained from the owner or person in pos-
44 session of such enclosed grounds.

45 2. Any person who violates any of the provisions of this section shall
46 be guilty of a misdemeanor. **[, and upon conviction thereof shall be pun-**
47 **ished by a fine of not less than \$50 nor more than \$200, or by imprison-**
48 **ment in the county jail of the county in which the conviction is had for**
49 **not more than 6 months, or by both fine and imprisonment.]**

50 SEC. 487. NRS 503.250 is hereby amended to read as follows:

1 503.250 1. It shall be unlawful for any person to hunt with bow and
2 arrow, gun, dog or trap upon occupied, cultivated and fenced property of
3 another without first obtaining written permission from the owner, occu-
4 pant or agent thereof.

5 2. Any person who violates any of the provisions of this section shall
6 be guilty of a misdemeanor. [, and upon conviction thereof shall be pun-
7 ished by a fine of not less than \$50 nor more than \$200, or by imprison-
8 ment in the county jail for not less than 25 days nor more than 60 days,
9 or by both fine and imprisonment.]

10 SEC. 488. NRS 503.560 is hereby amended to read as follows:

11 503.560 1. Any person who shall violate any of the provisions of
12 NRS 503.470 to 503.550, inclusive, shall be guilty of a misdemeanor. [,
13 and upon conviction thereof shall be punished by a fine of not less than
14 \$25 nor more than \$500, or by imprisonment in the county jail for not
15 more than 6 months, or by both fine and imprisonment.]

16 2. In addition to the [penalties] *penalty* set forth in subsection 1,
17 upon conviction for a violation of any provision of NRS 503.470 to 503.-
18 550, inclusive, permits for taking beaver or otter may be canceled by the
19 commission for a period of 2 years for failure to conduct properly the
20 authorized trapping operation or for failure to care for and cure properly
21 pelts taken.

22 SEC. 489. NRS 503.570 is hereby amended to read as follows:

23 503.570 1. Every person taking or causing to be taken wild animals
24 by means of traps, snares or any other device used in the trapping or tak-
25 ing of wild animals that do not, or are not designed to, cause immediate
26 death to such animals, shall, when any such traps, snares or devices are
27 placed or set for the purpose of taking such animals, visit or cause to be
28 visited at least once each week, each such trap, snare or other device dur-
29 ing all of the time any such trap, snare or device is placed, set or used in
30 the taking of wild animals, and remove therefrom any and all animals
31 caught therein.

32 2. Any person violating the provisions of this section shall be guilty
33 of a misdemeanor. [, and upon conviction thereof shall be punished by a
34 fine of not more than \$300, or by imprisonment in the county jail for not
35 more than 90 days, or by both fine and imprisonment.]

36 SEC. 490. NRS 503.580 is hereby amended to read as follows:

37 503.580 1. For the purposes of this section, a public road or high-
38 way shall mean:

39 (a) Highways designated as United States highways.

40 (b) Highways designated as state highways pursuant to the provisions
41 of NRS 408.285.

42 (c) Main county roads as defined by paragraph (a) of subsection 1 of
43 NRS 403.170.

44 2. It shall be unlawful for any person, company or corporation to
45 place or set any steel trap, used for the purpose of trapping animals,
46 larger than a No. 1 Newhouse trap, within 200 feet of any public road
47 or highway within this state.

48 3. This section shall not be construed so as to prevent the placing or

1 setting of any steel trap inside, along or near a fence which may be situ-
2 ated less than 200 feet from any public road or highway upon privately
3 owned lands.

4 4. Any person violating the provisions of this section shall be guilty
5 of a misdemeanor. [, and upon conviction thereof shall be punished by a
6 fine of not less than \$25 and not more than \$100, or by imprisonment in
7 the county jail for not less than 10 days nor more than 60 days.]

8 SEC. 491. NRS 505.100 is hereby amended to read as follows:

9 505.100 Every person violating any of the provisions of this chapter
10 shall be guilty of a misdemeanor. [, and upon conviction thereof shall be
11 punished by a fine of not less than \$50 nor more than \$500, or by impris-
12 onment in the county jail for not less than 25 days nor more than 6
13 months, or by both fine and imprisonment.]

14 SEC. 492. NRS 512.180 is hereby amended to read as follows:

15 512.180 1. After notifying the officer in charge, if there is one, the
16 inspector of mines shall have full power and authority, at all hours, to
17 enter and examine any and all mines in this state, and shall have the right
18 to enter into any and all mine stopes, levels, winzes, tunnels, shafts, drifts,
19 crosscuts, workings, machinery, open cuts and open pits for the purpose
20 of such examination. The owner, lessor, lessee, agent, manager, or other
21 person in charge of such mine or mines shall render the inspector of
22 mines such assistance as may be required by the inspector of mines to
23 enable him to make a full, thorough and complete examination of each
24 and every part of such mine or mines.

25 2. Refusal of any owner, lessor, lessee, agent, manager, or other per-
26 son in charge of such mine or mines to allow the inspector of mines or
27 his deputy access to the mine or mines or to any part thereof shall be a
28 misdemeanor. [, and upon conviction thereof shall be punishable by fine
29 or imprisonment, or both, as prescribed in NRS 512.270.]

30 SEC. 493. NRS 512.190 is hereby amended to read as follows:

31 512.190 1. Whenever, as the result of the examination of any mine
32 (whether such examination is made in consequence of a complaint, as
33 provided in NRS 512.200, or otherwise), the inspector of mines shall find
34 such mine or any part of such mine to be in unsafe condition, he shall at
35 once:

36 (a) Serve or cause to be served a written notice upon the owner, lessor,
37 lessee, agent, manager, or other person in charge of such mine, stating in
38 what particular or particulars the mine is dangerous or insecure.

39 (b) Post or cause to be posted, in a conspicuous place upon the gal-
40 lows-frame, shaft house or other superstructure, at the collar of the shaft
41 or at the entrance of the tunnel or at the main workings of such mine, a
42 written notice stating in what particular or particulars the mine is danger-
43 ous or insecure.

44 (c) Require all necessary changes to be made without delay for the
45 purpose of making the mine or workings safe for the employees therein.

46 2. Upon the neglect or refusal of any owner, lessor, lessee, agent,
47 manager, or other person in charge so notified to comply with the require-
48 ments, or any of them, stated in such notice so served and posted, such
49 owner, lessor, lessee, agent, manager, or other person in charge of such
50 mine shall be guilty of a misdemeanor. [, and upon conviction thereof

1 shall be punished by fine or imprisonment, or both, as prescribed in NRS
2 512.270.] In case of any criminal or civil proceedings at law against the
3 person or persons so notified, on account of the loss of life or bodily
4 injury sustained because of neglect or refusal to obey the requirements of
5 the inspector of mines, a certified copy of the notice served by the inspec-
6 tor of mines shall be prima facie evidence of the culpable negligence of
7 the person or persons so notified.

8 SEC. 494. NRS 512.270 is hereby amended to read as follows:

9 512.270 1. Any owner, agent, manager or lessee, whether an indi-
10 vidual, partnership or corporation, operating a mine or mineworkings in
11 this state, or any workman or other employee thereof, who fails to comply
12 with, or violates any provision of this chapter shall be guilty of a misde-
13 meanor. [, and, when not otherwise provided, shall be punished by a fine
14 of not less than \$50 nor more than \$500, or by imprisonment in the
15 county jail for not less than 10 days nor more than 6 months, or by both
16 fine and imprisonment.]

17 2. Each separate provision not complied with and each day after
18 conviction of failure to comply with any provision of this chapter shall be
19 a separate offense and punished accordingly.

20 SEC. 495. NRS 517.320 is hereby amended to read as follows:

21 517.320 1. In every mining district in this state in which the seat of
22 government of any county is situated, the county recorder of that county
23 shall be ex officio mining district recorder, subject, in the discharge of his
24 duties, to such rules, regulations and compensation as may be prescribed
25 by the mining laws of the mining districts to which this section is appli-
26 cable. He shall, as such ex officio mining district recorder, be responsible
27 on his official bond for the faithful performance of the duties of his office
28 and the correct and safe keeping of all the records thereof, and the correct
29 and safe keeping of the copies of all the records mentioned and referred
30 to in subsection 2.

31 2. Each mining district recorder of the several mining districts in the
32 state shall, on or before the 1st Monday in January, April, July and Octo-
33 ber in each year, transcribe into a suitable book or books, to be provided
34 for that purpose, and shall deposit and file with the county recorders of
35 the respective counties in which such mining districts are located a full,
36 true and correct copy of the mining records of the respective mining dis-
37 tricts for the 3 months next preceding the 1st Monday in January, April,
38 July and October, duly certified under oath. This section shall not apply
39 to the mining district recorder created by subsection 1.

40 3. There shall be provided by the boards of county commissioners of
41 the several counties and furnished to each mining district recorder, on his
42 application, suitable books, into which the mining records mentioned in
43 subsection 2 shall be transcribed.

44 4. The several mining district recorders shall receive, for services
45 required by subsection 2, \$1 for the transcript of each claim, including
46 the oath, which shall be paid at the time of recording by the persons mak-
47 ing the locations.

48 5. The certified copies of the mining records certified to be deposited
49 and filed as provided in this section shall be received in evidence and shall
50 have the same force and effect in all courts as the originals.

1 6. Any person neglecting or refusing to comply with the provisions of
2 subsection 2 shall be guilty of a misdemeanor. [, and upon conviction
3 thereof shall be punished by a fine not exceeding \$500, or by imprison-
4 ment in the county jail not exceeding 6 months, or by both fine and
5 imprisonment.]

6 SEC. 496. NRS 517.330 is hereby amended to read as follows:

7 517.330 1. Each mining district recorder of the several mining dis-
8 tricts shall require all persons locating and recording a mining claim to
9 make a duplicate copy of each mining notice, which copy the mining dis-
10 trict recorder shall carefully compare with the original and mark "dupli-
11 cate" on its face or margin. He shall immediately deposit with or transmit
12 the same to the county recorders of the respective counties in which the
13 mining district may be located.

14 2. At the time of comparing the duplicate notices with the original,
15 the mining district recorders shall collect from the locators of the mining
16 claims the sum of \$1 for each notice compared, which sum he shall trans-
17 mit, together with the duplicate notices, to the county recorders of the
18 respective counties in which the mining claims shall be located.

19 3. Whenever, owing to the distance of the mining district from the
20 county seat, it becomes inconvenient for the mining district recorder per-
21 sonally to deposit the duplicate copy with the county recorder, he may
22 forward the same by mail or express or such other manner as will insure
23 safe transit and delivery to the county recorder.

24 4. The county recorders of the several counties shall receive for their
25 services in recording each of the duplicate notices mentioned in subsec-
26 tion 2 the sum of \$1. If the location is made outside of an organized min-
27 ing district, or in the absence of a mining district recorder in any
28 organized mining district, the person or persons making such location
29 shall, within 90 days after making the location, transmit a duplicate copy
30 of such notice to the county recorder of the county in which the location
31 is made and the county recorder shall record the same for a fee of \$1.

32 5. The record of any original or duplicate notice of the location of a
33 mining claim in the office of the county recorder as provided in this sec-
34 tion shall be received in evidence and have the same force and effect in
35 the courts of this state as the original mining district records.

36 6. Any person neglecting or refusing to comply with the provisions of
37 this section shall be guilty of a misdemeanor. [, and upon conviction
38 thereof shall be punished by a fine not exceeding \$500, or by imprison-
39 ment in the county jail not exceeding 6 months, or by both fine and
40 imprisonment.]

41 SEC. 497. NRS 517.340 is hereby amended to read as follows:

42 517.340 1. Whenever the locator of a mining claim shall record his
43 certificate of location in accordance with the law and pay the prescribed
44 fees therefor, the mining district recorder and the county recorder, with
45 whom the certificate is recorded, shall forthwith give such locator, or his
46 agent, a receipt therefor. The receipt shall contain the name of the claim
47 given in the notice recorded and the date of location thereof, stating the
48 day and hour the certificate of location was recorded.

49 2. The receipt called for in subsection 1 shall be prima facie evidence

1 that the certificate of location has been duly recorded, and of the date of
2 recording.

3 3. Each mining district recorder shall provide a seal, on which shall
4 be engraved the name of the mining district, the county and state, with
5 which seal he shall authenticate all of his official acts. The seal, together
6 with his official documents and books, shall not be liable to be seized on
7 execution.

8 4. Any mining district recorder or county recorder neglecting or
9 refusing to comply with the provisions of this section shall be guilty of a
10 misdemeanor. [, and upon conviction thereof shall be punished by a fine
11 not exceeding \$500, or by imprisonment in the county jail not exceeding
12 6 months, or by both fine and imprisonment.]

13 SEC. 498. NRS 518.130 is hereby amended to read as follows:

14 518.130 1. Notice of the maximum number of men permitted to ride
15 upon or in the cage, skip or bucket at one time shall be posted at the col-
16 lar of the shaft and each level.

17 2. Each man or employee riding upon or in an overloaded cage, skip
18 or bucket as provided in the notice so posted [shall be guilty of a misde-
19 meanor, and upon conviction thereof] shall be punished by a fine of not
20 [less than \$5 nor] more than \$50 for each offense.

21 SEC. 499. NRS 518.160 is hereby amended to read as follows:

22 518.160 1. Employers shall at all times furnish miners with wooden
23 tamping bars to be used in loading or charging holes.

24 2. Any person using a steel or metal tamping bar [shall be guilty of a
25 misdemeanor, and upon conviction thereof] shall be punished by a fine
26 of not [less than \$5 nor] more than \$50 for every offense.

27 SEC. 500. NRS 518.310 is hereby amended to read as follows:

28 518.310 1. Any owner, agent, manager or lessee, whether an indi-
29 vidual, partnership or corporation, operating a mine or mineworkings in
30 this state, or any workman or other employee thereof, who fails to comply
31 with or violates any of the provisions of NRS 518.040 to 518.300, inclu-
32 sive, shall be guilty of a misdemeanor. [, and upon conviction thereof,
33 when not otherwise therein provided, shall be punished by a fine of not
34 less than \$50 nor more than \$500, or by imprisonment in the county jail
35 for not less than 10 days nor more than 6 months, or by both fine and
36 imprisonment.]

37 2. Each separate provision not complied with and each day after con-
38 viction of failure to comply with any provision thereof shall be deemed a
39 separate offense and punished accordingly.

40 SEC. 501. NRS 518.320 is hereby amended to read as follows:

41 518.320 1. Wherever used in this section, "person," "operator,"
42 "owner" and "person in charge" shall be deemed to include corporations
43 and associations existing under or authorized either by the laws of the
44 United States, the laws of the territories, the laws of any state, or the laws
45 of any foreign country.

46 2. It shall be unlawful for any owner, operator or person in charge of
47 any mine to place or cause to be placed any bulkhead or door in any pas-
48 sageway connecting contiguous mines or to refuse to allow the right of
49 use of such outlet through such contiguous mine in case of an accident;
50 but nothing in this section shall prevent the maintaining of a door in such

1 connection which can be quickly opened or readily broken in case of an
2 accident.

3 3. In all passageways connecting contiguous mines where a door or
4 doors have been erected, necessary tools for opening the same shall be
5 kept in a conspicuous place near the doors and not removed for any pur-
6 pose whatever other than as specified in this section.

7 4. Any owner, operator or person in charge of any mine who vio-
8 lates any of the provisions of this section shall be guilty of a misdemeanor.
9 [, and upon conviction thereof shall be punished by a fine of not less
10 than \$100 nor more than \$500, or by imprisonment in the county jail for
11 not less than 30 days nor more than 6 months, or by both fine and
12 imprisonment.] Each day that such owner or operator may continue to
13 violate any of the provisions of this section shall be considered a separate
14 offense and shall be punishable as such.

15 SEC. 502. NRS 518.330 is hereby amended to read as follows:

16 518.330 1. Wherever used in this section, "person," "operator,"
17 "owner" and "person in charge" shall be deemed to include corporations
18 and associations existing under or authorized either by the laws of the
19 United States, the laws of the territories, the laws of any state, or the
20 laws of any foreign country.

21 2. It shall be unlawful for any owner, operator or person in charge
22 of any underground mine to cause to be drilled or bored by machinery
23 a hole or holes in any stope or raise in ground that causes dust from drill-
24 ing, unless the machinery is equipped with a water-jet or spray or other
25 means equally efficient to prevent the escape of dust. When water-jets or
26 sprays are used, water free from pollution with organic or other noxious
27 matter shall be furnished.

28 3. Where machinery used for drilling or boring holes in stopes or
29 raises is equipped as required by subsection 2, it shall be unlawful for any
30 person or persons to drill or bore a hole in the stope or raise without
31 using the appliance for the prevention of dust.

32 4. Any person who violates either of subsections 2 or 3, or any
33 owner, operator or person in charge of any underground mine who hires,
34 contracts with or causes any person to violate subsections 2 and 3 shall
35 be guilty of a misdemeanor. [, and upon conviction thereof shall be pun-
36 ished by a fine of not less than \$100 nor more than \$500, or by imprison-
37 ment in the county jail for not more than 6 months, or by both fine and
38 imprisonment.]

39 SEC. 503. NRS 518.340 is hereby amended to read as follows:

40 518.340 1. Every corporation, company, owner or operator of a
41 mine in this state shall equip all chutes from which dusty ore or rock is
42 taken with a sprinkler or other device with which to dampen such ore
43 or rock effectively to prevent the escape of dust into the air during
44 removal; but whenever in the opinion of the inspector of mines the
45 installation of such device in any property is impracticable he shall have
46 the power to exempt such property.

47 2. Whenever a sprinkling device is installed at any chute for the pur-
48 pose of preventing the escape of dust it shall be so placed that it can be
49 operated by the workman loading cars from such chute.

50 3. Every ore house where dusty ore or rock is sorted shall be supplied

1 at all times with suitable, clean water, which shall be used for the purpose
2 of sprinkling the ore or rock to allay the dust.

3 4. Nothing in this section shall apply to mines employing less than
4 10 men or to chutes that are loaded in the open air.

5 5. Any corporation, company, owner or operator who fails or
6 refuses to install the sprinkling or watering device provided for in this
7 section shall be guilty of a misdemeanor. [, and upon conviction thereof
8 shall be punished by a fine of not less than \$100 nor more than \$500, or
9 by imprisonment in the county jail for not more than 6 months, or by both
10 fine and imprisonment.]

11 SEC. 504. NRS 518.350 is hereby amended to read as follows:

12 518.350 1. It shall be unlawful for any person, firm or corporation
13 to employ, in the handling of explosives either in underground mines or
14 surface mineworkings in the State of Nevada, any person or persons who
15 cannot clearly speak and readily understand the English language, or who
16 cannot readily read and understand any sign, notice or list of rules or
17 directions printed in the English language in regard to rules of safety in
18 the handling of such explosives.

19 2. Any person, firm or corporation violating any of the provisions
20 of this section shall be guilty of a misdemeanor. [, and upon conviction
21 thereof shall be punished by a fine of not less than \$100 nor more than
22 \$500, or by imprisonment in the county jail for not more than 6 months,
23 or by both fine and imprisonment.]

24 SEC. 505. NRS 518.360 is hereby amended to read as follows:

25 518.360 1. Every corporation, company, owner or operator of a
26 mine or underground workings in this state employing more than five
27 men shall, during working hours, provide suitable receptacles containing
28 fresh, clean water for drinking purposes at places convenient to where
29 men are employed in such underground workings. The receptacles shall
30 be supplied with a substantial cover which may be securely fastened or
31 locked to prevent dust or dirt from entering therein, and shall be so made
32 that the water shall be drawn from a valve or faucet.

33 2. The inspector of mines shall enforce the provisions of this section.

34 3. Any corporation, company, owner or operator who fails, neglects
35 or refuses to obey the provisions of this section shall be guilty of a misde-
36 meanor. [, and upon conviction thereof shall be punished by a fine of not
37 less than \$100 nor more than \$500, or by imprisonment in the county
38 jail for not more than 6 months, or by both fine and imprisonment.]

39 SEC. 506. NRS 518.370 is hereby amended to read as follows:

40 518.370 1. It shall be unlawful for any person, firm, association or
41 corporation, or any officer, superintendent or managing agent thereof,
42 owning, operating or having in charge any underground mine, to permit
43 or cause any miner or other employee to work in or about any part of
44 such underground mine without first furnishing to, or causing to be fur-
45 nished to, such miner or other employee carbide for a lamp, or a candle
46 for the use of the miner or other employee while in such underground
47 mine in the course of employment.

48 2. Nothing in this section shall be construed as prohibiting the use of
49 electric lights in any underground mine, but the carbide or the candles
50 provided for in this section shall be required in addition to such electric

1 lights as an added safeguard to the miners and other employees employed
2 in underground mines.

3 3. The inspector of mines shall enforce the provisions of this section.

4 4. Any person, firm, association or corporation, or any officer, super-
5 intendent or managing agent thereof, violating the provisions of this sec-
6 tion shall be guilty of a misdemeanor. [, and upon conviction thereof
7 shall be punished by a fine of not less than \$100 nor more than \$500, or
8 by imprisonment in the county jail for not more than 6 months.]

9 SEC. 507. NRS 519.060 is hereby amended to read as follows:

10 519.060 1. Every person, firm or corporation engaged in the busi-
11 ness of purchasing, sampling, reducing or refining of ores, the predominat-
12 ing value of which is in gold or silver, for others, shall make settlement
13 with and pay to the seller of such ores the value thereof, after lawful
14 deductions, within 30 days after the delivery and sampling of such ores.

15 2. Every person, firm or corporation engaged in the business of pur-
16 chasing, sampling, or in the treatment or reduction or smelting, of ores
17 or metal, for others, shall make settlement with and pay to the seller of
18 such metals the value thereof, after agreed and lawful deductions, within
19 30 days after the sale of the products of such metal by the smelter, mill,
20 reduction works, refinery or sampler reducing or refining the same.

21 3. Every person, firm or corporation or lessor shipping ores, bullion
22 or metals to any smelter, mill, sampler or reduction works or refinery for
23 another, shall make settlement with and pay to the person or persons
24 entitled thereto the value of such ores, bullion or metals, within 30 days
25 after the settlement therefor shall have been made by the smelter, mill,
26 reduction works, refinery or sampler purchasing or reducing or refining
27 the same.

28 4. Any person violating any of the provisions of this section [shall
29 be guilty of] *commits* an unlawful conversion, and [upon conviction
30 thereof shall be punished by a fine of not more than \$500, or by imprison-
31 ment in the county jail for not more than 6 months, or by both fine and
32 imprisonment.] *is guilty of a misdemeanor.*

33 SEC. 508. NRS 519.070 is hereby amended to read as follows:

34 519.070 Any person, corporation or association, or the agent of any
35 person, corporation or association, engaged in the milling, smelting,
36 sampling, concentrating, reducing, shipping or purchasing of ores in this
37 state, who shall in any manner knowingly alter or change the true value
38 of any ores delivered to him or them so as to deprive the seller of the
39 correct value of the same, or who shall substitute other ores for those
40 delivered to him or them, or who shall issue any bill of sale, or certificate
41 of purchase, that does not exactly and truthfully state the actual weight,
42 assay value, and total amount paid for any lot or lots of ore purchased,
43 or who, by any secret understanding or agreement with another shall issue
44 a bill of sale or certificate of purchase that does not correctly and truth-
45 fully set forth the weight, assay value and total amount paid for any lot
46 or lots of ore purchased by him or them, shall be guilty of a *gross misde-*
47 *meanor.* [, and upon conviction thereof shall be punished by a fine of not
48 less than \$100 nor more than \$1,000, or by imprisonment in the county
49 jail for not more than 1 year, or by both fine and imprisonment.]

50 SEC. 509. NRS 519.100 is hereby amended to read as follows:

1 519.100 Every assayer, person, copartnership, association or cor-
2 poration described in NRS 519.080 who or which shall fail, refuse or
3 neglect to keep the book or books, or to make the entries therein as
4 required in NRS 519.080, or who or which shall make or cause to be
5 made any false or fictitious entry therein, or who or which shall refuse
6 the right of inspection thereof to any person entitled thereto as provided
7 in NRS 519.090, [shall be guilty of a misdemeanor, and upon con-
8 viction thereof] shall be punished by a fine of not [less than \$300 nor]
9 more than \$1,000.

10 SEC. 510. NRS 519.120 is hereby amended to read as follows:

11 519.120 1. Every person or firm engaged in the business of assaying
12 within this state shall be required to place a written description, pasted
13 on or stamped upon every bar of bullion or amalgam melted, retorted,
14 assayed or refined by such person or firm, containing the name of the
15 person or company by whom such bullion or amalgam was deposited
16 with or sold to such person or firm.

17 2. Every person or firm engaged in the business of assaying within
18 this state who shall neglect or refuse to comply with the provisions of this
19 section shall be guilty of a *gross* misdemeanor. [, and upon conviction
20 thereof shall be punished by a fine of not less than \$1,000 nor more than
21 \$5,000, and by imprisonment in the county jail for not less than 1 month
22 nor more than 6 months.]

23 SEC. 511. NRS 520.150 is hereby amended to read as follows:

24 520.150 Any mining superintendent, mining foreman or mining sec-
25 retary of any incorporated mining company in this state, acting under and
26 for such mining company, who shall fail or refuse to comply with any of
27 the conditions mentioned in NRS 520.110 shall for each such failure or
28 refusal be guilty of a misdemeanor. [, and upon conviction thereof shall
29 be punished by a fine of not less than \$100 nor more than \$500, or by
30 imprisonment in the county jail for not less than 30 days nor more than
31 6 months, or by both fine and imprisonment.]

32 SEC. 512. NRS 522.120 is hereby amended to read as follows.

33 522.120 1. Any person who willfully violates any provision of this
34 chapter, or any rule, regulation or order of the commission shall be sub-
35 ject to a penalty of not more than \$1,000 for each act of violation and
36 for each day that such violation continues, unless the penalty for such
37 violation is otherwise provided for and made exclusive in this chapter.

38 2. If any person, for the purpose of evading this chapter, or any rule,
39 regulation or order of the commission, shall make or cause to be made
40 any false entry in any record, account or memorandum required by this
41 chapter, or by any such rule, regulation or order, or shall omit, or cause
42 to be omitted, from any such record, account or memorandum, full, true
43 and correct entries as required by this chapter, or by any such rule, regu-
44 lation or order, or shall remove from this state or destroy, mutilate, alter
45 or falsify any such record, account or memorandum, such person shall
46 be guilty of a *gross* misdemeanor. [, and upon conviction thereof shall
47 be punished by a fine not exceeding \$5,000, or imprisonment in the
48 county jail for any term not exceeding 6 months, or by both such fine
49 and imprisonment.]

50 3. Any person knowingly aiding or abetting any other person in the

1 violation of any provision of this chapter, or any rule, regulation or order
2 of the commission shall be subject to the same penalty as that prescribed
3 by this chapter for the violation by such other person.

4 4. The penalties provided in this section shall be recoverable by suit
5 filed by the attorney general in the name and on the behalf of the com-
6 mission in the district court of the county in which the defendant resides
7 or in which any defendant resides, if there be more than one defendant,
8 or in the district court of any county in which the violation occurred.
9 The payment of any such penalty shall not operate to relieve a person on
10 whom the penalty is imposed from liability to any other person for dam-
11 ages arising out of such violation.

12 SEC. 513. NRS 527.010 is hereby amended to read as follows:

13 527.010 1. It shall be unlawful for any person or corporation to
14 cut down or remove, or cause to be cut down or removed, any wood,
15 timber or trees on or from any land in this state, to which land this state
16 or any person or corporation has or may have an inchoate title, or any
17 title less than fee simple. The provisions of this subsection shall apply to
18 the owner of such inchoate title, or title less than fee simple, the same as
19 to other persons and corporation.

20 2. If any owner of an inchoate title to land in this state, or title to
21 such land less than fee simple, or any other person or corporation, shall
22 violate the provisions of subsection 1, such person or corporation shall
23 be guilty of a *public offense, as prescribed in section 8 of this act, pro-*
24 *portionate to the value of the trees, wood or timber cut down or removed,*
25 *and in no event less than a misdemeanor.* [and on conviction thereof
26 shall be fined in any sum not exceeding \$500.]

27 SEC. 514. NRS 527.020 is hereby amended to read as follows:

28 527.020 If any person shall cut down or remove any tree, wood or
29 timber from any land in this state, to which this state has a fee simple
30 title, or an inchoate title, by reason of grant from the United States, such
31 person [shall be deemed] is guilty of a *public offense, as prescribed in*
32 *section 8 of this act, proportionate to the value of the trees, wood or tim-*
33 *ber cut down or removed, and in no event less than a misdemeanor.* [,
34 and on conviction thereof shall be fined in any sum not exceeding \$500.]

35 SEC. 515. NRS 527.050 is hereby amended to read as follows:

36 527.050 1. After March 26, 1937, it shall be unlawful for any per-
37 son, firm, company or corporation, his, its or their agent or agents, will-
38 fully or negligently to cut, destroy, mutilate, pick or remove any tree,
39 shrub, plant, fern, wild flower, cacti, desert flora, or any seeds, roots or
40 bulbs of either or any of the foregoing from any of the lands owned by
41 or under the control of the State of Nevada or the United States, or from
42 any private lands, without a written permit therefor from the owner or
43 occupant of any private land, or his duly authorized agent.

44 2. Every person violating the provisions of this section shall be guilty
45 of a *public offense, as prescribed in section 8 of this act, proportionate to*
46 *the value of the plants, flowers, trees, seeds, roots or bulbs cut, destroyed,*
47 *mutilated, picked or removed, and in no event less than a misdemeanor.*
48 [and upon conviction thereof shall be punished by a fine of not less
49 than \$10 nor more than \$200, or by imprisonment in the county jail for
50 not less than 5 days nor more than 3 months for every violation.]

1 3. The state forester firewarden and his representatives, public offi-
2 cials charged with the administration of reserved and unreserved lands
3 belonging to the United States, and peace officers shall enforce the provi-
4 sions of this section.

5 4. The provisions of this section shall not apply:

6 (a) To persons picking cacti or other desert flora for the use and
7 adornment of homes and gardens within the State of Nevada.

8 (b) To institutions of learning of this state or of the United States, or
9 research activity conducted for purely scientific purposes or in the
10 advancement of agriculture, botany or any of the sciences.

11 SEC. 516. NRS 527.120 is hereby amended to read as follows:

12 527.120 Every person who shall violate any provision of NRS 527.-
13 060 to 527.110, inclusive, not otherwise punishable, shall be guilty of a
14 misdemeanor. **], and upon conviction thereof shall be punished by a fine**
15 **of not less than \$50, or by imprisonment in the county jail for not less**
16 **than 10 days, or by both fine and imprisonment.]**

17 SEC. 517. NRS 533.480 is hereby amended to read as follows:

18 533.480 Any person violating any of the provisions of NRS 533.010
19 to 533.475, inclusive, shall be guilty of a misdemeanor. **], and upon con-**
20 **vicition thereof shall be punished by a fine of not less than \$25 nor more**
21 **than \$250, together with the costs, or by imprisonment in the county jail**
22 **for not less than 10 days nor more than 6 months, or by both fine and**
23 **imprisonment.]**

24 SEC. 518. NRS 533.505 is hereby amended to read as follows:

25 533.505 1. Any person who, without the right so to do, shall, on
26 two or more separate days during any season, water more than 50 head
27 of livestock at the watering place at which another shall have a subsisting
28 right to water more than 50 head of livestock, or within 3 miles of such
29 place, with intent to graze the livestock so watered on the portion of the
30 public range readily accessible to livestock watering at the watering place
31 of such other person, shall be guilty of a misdemeanor. **], and on con-**
32 **vicition thereof shall be punished by a fine not exceeding \$500, or by**
33 **imprisonment in the county jail not exceeding 6 months, or by both fine**
34 **and imprisonment.]**

35 2. Each day's watering in violation of this section shall be deemed a
36 separate offense.

37 3. Whenever, in any prosecution for such offense, it shall appear that
38 the watering by the accused was not done at the watering place of
39 another, but was done within 3 miles thereof, it shall be a sufficient
40 defense for the accused to prove that he had no knowledge of the exist-
41 ence of such other watering place.

42 SEC. 519. NRS 533.530 is hereby amended to read as follows:

43 533.530 1. It shall be deemed an unlawful use and waste of water
44 for any person or persons, during the irrigating season:

45 (a) To divert and conduct the water, or portion thereof, of any river,
46 creek, or stream into any slough or sloughs, dam or dams, pond or ponds,
47 and retain, or cause the same to be held or retained therein, without mak-
48 ing any other use of such water; or

49 (b) To divert and conduct the water, or portion thereof, away from

1 any such river, creek or stream, and run, or cause or allow the same to
2 run to waste on sagebrush or greasewood land.

3 2. Any person or persons, company, corporation or association who
4 shall, during the irrigating season, divert and conduct, or any person or
5 persons aiding, abetting or assisting any such person or persons, com-
6 pany, corporation or association in diverting and conducting, during the
7 irrigating season, the water, or portion thereof, of any river, creek or
8 stream into any slough or sloughs, dam or dams, or pond or ponds, and
9 retain or cause the same to be retained therein without making any other
10 use of such water, or who shall, during the irrigating season, divert and
11 conduct the water, or portion thereof, away from any river, creek or
12 stream, and run or cause or allow the same to run to waste, contrary to
13 and in violation of the provisions of this section, shall be guilty of a
14 misdemeanor. [, and upon conviction thereof shall be punished by a fine
15 not exceeding \$500, or by imprisonment in the county jail not exceed-
16 ing 6 months, or by both fine and imprisonment.]

17 SEC. 520. NRS 534.190 is hereby amended to read as follows:

18 534.190 Any person violating any of the provisions of NRS 534.010
19 to 534.180, inclusive, shall be guilty of a misdemeanor. [, and upon con-
20 viction thereof shall be punished by a fine of not less than \$50 nor more
21 than \$500, or by imprisonment in the county jail not exceeding 6 months,
22 or by both fine and imprisonment.]

23 SEC. 521. NRS 535.090 is hereby amended to read as follows:

24 535.090 1. Whenever any appropriator of water has the lawful right-
25 of-way for the storage, diversion or carriage of water, it shall be unlawful
26 to place or maintain any obstruction that shall interfere with the use of
27 his works or prevent convenient access thereto.

28 2. Any person who violates any of the provisions of this section is
29 guilty of a misdemeanor. [, and upon conviction thereof shall be pun-
30 ished by a fine of not less than \$10 nor more than \$250, or by imprison-
31 ment in the county jail for not more than 6 months, or by both fine and
32 imprisonment.]

33 SEC. 522. NRS 535.100 is hereby amended to read as follows:

34 535.100 1. It is unlawful for any person being the owner of or in
35 possession of any sawmill used for the making of lumber, or any slaugh-
36 terhouse, brewery or tannery to injure or obstruct the natural flow of
37 water in any river, creek or other stream.

38 2. Any city or county government, or any person, being the owner
39 of or in possession of any agricultural lands, who may be injured by rea-
40 son of the violation on the part of any person of the provisions contained
41 in subsection 1, shall have the right to commence and maintain an action
42 against such person for any damage sustained, in such manner as may be
43 provided by law.

44 3. Any person who shall willfully and knowingly violate the provi-
45 sions of this section [shall be guilty of a misdemeanor, and upon con-
46 viction thereof] shall be punished by a fine [not exceeding] *of not more*
47 *than \$500.*

48 SEC. 523. NRS 539.100 is hereby amended to read as follows:

49 539.100 1. No director or any other officer named in this chapter

1 shall in any manner be interested, directly or indirectly, in any contract
2 awarded by the board, or in the profits to be derived therefrom.

3 2. For any violation of this section such officer shall be guilty of a
4 gross misdemeanor, and upon conviction thereof shall suffer a forfeiture
5 of his office. [, and he shall be punished by a fine not exceeding \$500, or
6 by imprisonment in the county jail not exceeding 6 months, or by both
7 fine and imprisonment.]

8 SEC. 524. NRS 539.780 is hereby amended to read as follows:

9 539.780 1. Any person who shall wrongfully or purposely fill up,
10 cut, damage, injure or destroy, or in any manner impair the usefulness of
11 any reservoir, canal, ditch, lateral, drain, headgate, dam or other work,
12 structure or improvement constructed or acquired under the provisions of
13 this chapter, or shall wrongfully and maliciously interfere with any officer,
14 agent or employee of the district in the proper discharge of his duties,
15 shall be guilty of a *public offense, as prescribed in section 8 of this act,*
16 *proportionate to the value of the property damaged or destroyed and in*
17 *no event less than a misdemeanor.* [, and upon conviction thereof shall be
18 punished by a fine not exceeding \$500, or by imprisonment in the county
19 jail not exceeding 90 days, or by both fine and imprisonment.]

20 2. The irrigation district damaged by any such act may also bring a
21 civil action for damages sustained by any such act, and in such proceed-
22 ing the prevailing party shall also be entitled to attorney's fees and costs
23 of court.

24 SEC. 525. NRS 540.770 is hereby amended to read as follows:

25 540.770 Any person who shall willfully prevent or prohibit any per-
26 sons from entering lands for the purposes designated in NRS 540.440
27 shall be guilty of a misdemeanor. [, and upon conviction thereof shall be
28 punished by a fine not exceeding \$25 for each day's hindrance.]

29 SEC. 526. NRS 540.780 is hereby amended to read as follows:

30 540.780 Any person who shall wrongfully and purposely fill up, cut,
31 injure, destroy or in any manner impair the usefulness of any drain, ditch
32 or other work constructed under this chapter, or heretofore constructed
33 under any law of this state, or that may have been heretofore or may
34 hereafter be voluntarily constructed for the purposes of drainage or pro-
35 tection against overflow, shall be guilty of a [misdemeanor, and upon
36 conviction thereof shall be punished by a fine not exceeding \$300 for
37 each offense.] *public offense, as prescribed in section 8 of this act, pro-*
38 *portionate to the value of the loss resulting therefrom.*

39 SEC. 527. NRS 548.440 is hereby amended to read as follows:

40 548.440 1. The supervisors shall have authority to go upon any
41 lands within the district to determine whether land use regulations
42 adopted under the provisions of NRS 548.410 to 548.435, inclusive, are
43 being observed.

44 2. Any person, firm or corporation who shall violate any of such reg-
45 ulations [shall be guilty of a misdemeanor, and upon conviction thereof]
46 shall be punished by a fine of \$25.

47 3. The supervisors are authorized to provide by ordinance that any
48 land occupier who shall sustain damages from any violation of such reg-
49 ulations by any other land occupier may recover damages at law from
50 such other land occupier for such violation.

1 SEC. 528. NRS 554.090 is hereby amended to read as follows:

2 554.090 Any corporation, common carrier, agent or employee of any
3 corporation, or any person or persons violating or assisting in violating
4 any of the provisions of NRS 554.010 to 554.080, inclusive, shall be
5 guilty of a gross misdemeanor. [, and upon conviction thereof shall be
6 punished as provided in NRS 193.140.]

7 SEC. 529. NRS 554.160 is hereby amended to read as follows:

8 554.160 1. The state quarantine officer is empowered:

9 (a) To exercise all necessary authority required for the proper and
10 efficient enforcement of quarantine.

11 (b) To make arrests of persons violating quarantine, or suspected of
12 such violation.

13 (c) To examine any premises or any shipment or consignment sus-
14 pected of containing a quarantined agricultural commodity within the
15 meaning of NRS 554.100 to 554.240, inclusive, and may open any con-
16 tainer thereof and inspect the same.

17 2. If such shipment or consignment proves to be a quarantined agri-
18 cultural commodity, the state quarantine officer shall have power to
19 require any railroad, express company or other common carrier immedi-
20 ately to reship such consignment back to the point of origin, if the same
21 has not yet been delivered to the consignee. The failure or refusal of any
22 railroad company, express company or other common carrier promptly
23 so to do shall render the company or carrier so offending liable to a fine
24 of not [less than \$500 nor] more than \$5,000, which fine may be col-
25 lected by proceedings instituted by the state and prosecuted by the attor-
26 ney general in any court of competent jurisdiction. Any property of the
27 defendant within the state may be levied on and sold in satisfaction of the
28 judgment.

29 SEC. 530. NRS 554.190 is hereby amended to read as follows:

30 554.190 1. All costs of fumigation, disinfection or treatment ordered
31 to be performed by the state quarantine officer shall be borne by the
32 owner of the agricultural commodity.

33 2. The owner or, in his absence, his agent, manager or foreman, shall
34 perform the fumigation, disinfection or treatment promptly and exactly
35 as instructed and not otherwise. The refusal or neglect so to do shall be a
36 misdemeanor. [, and such owner, agent, manager or foreman so delin-
37 quent, on conviction thereof, shall be punished as provided in NRS 193.-
38 150.]

39 3. In the case of refusal or neglect by the owner, agent, manager or
40 foreman to perform the fumigation, disinfection or treatment as
41 instructed, the state quarantine officer or any person deputized by him
42 may enter upon the premises and perform the fumigation, disinfection or
43 treatment. All the costs thereof shall attach as a lien against any property
44 of the owner within the state. On the neglect or refusal of the owner
45 promptly to pay the same on presentation of an itemized bill certified to
46 by the state quarantine officer or his deputy, the district attorney of the
47 county shall forthwith proceed to levy an attachment against any prop-
48 erty of the owner within the state for the amount due plus the costs of
49 legal proceedings, and shall proceed to collect the same by foreclosure
50 proceedings.

1 SEC. 531. NRS 554.240 is hereby amended to read as follows:

2 554.240 Any person, or any officer, agent or employee of any corpo-
3 ration, who shall export, or who shall assist in exporting, as a principal
4 or accessory, any agricultural commodity forbidden to be exported by any
5 proclamation of quarantine shall be guilty of a misdemeanor. [, and on
6 conviction thereof shall be punished as prescribed in NRS 193.150.]

7 SEC. 532. NRS 562.330 is hereby amended to read as follows:

8 562.330 1. Whenever the governor shall have good reason to believe
9 that any disease covered by this chapter has become epidemic in a certain
10 locality in any other state or territory, or that conditions exist that render
11 sheep liable to convey disease, or whenever the board shall certify to the
12 governor that conditions exist that render sheep likely to convey disease,
13 the governor shall forthwith, by proclamation, schedule such locality or
14 localities and prohibit the importation from them of any sheep into this
15 state until such time as the proclamation shall be raised or modified by
16 the governor.

17 2. Any person, company or corporation, or any agent, servant or
18 employee thereof, who after the publication of such proclamation shall
19 knowingly receive, take in charge or have in his or its possession any
20 sheep from any of the prohibited districts, or transport, convey or drive
21 the same within the boundaries of any county of this state shall be guilty
22 of a *gross* misdemeanor. [, and upon conviction thereof shall be punished
23 as provided in NRS 562.560.]

24 3. Nothing contained in this section shall prohibit the transportation
25 of sheep from such district through the state by railroad, provided such
26 sheep are not unloaded within the state.

27 SEC. 533. NRS 562.380 is hereby amended to read as follows:

28 562.380 Any person, firm or corporation, or any servant, agent or
29 employee thereof, who is the owner or in charge or control of any sheep,
30 who shall willfully violate any of the provisions of NRS 562.350 to 562.-
31 370, inclusive, or disregard or violate any order or direction made by the
32 board or an inspector, in accordance therewith, shall be guilty of a *gross*
33 misdemeanor. [, and upon conviction thereof shall be punished as pro-
34 vided in NRS 562.560.]

35 SEC. 534. NRS 562.390 is hereby amended to read as follows:

36 562.390 1. All sheep or bucks imported to Nevada from any state,
37 territory or the District of Columbia or from any foreign country shall,
38 upon entering the state, irrespective of the time of entry, be dipped as
39 required by and under the supervision of an inspector of the board. After
40 the dipping, if the sheep or bucks are free of disease, they shall be
41 released and shall thereupon become subject to the laws, rules and regu-
42 lations governing other sheep in the state.

43 2. When sheep, other than bucks, are imported, transported or driven
44 into the State of Nevada from any other state or territory, the District of
45 Columbia or from any foreign country under permit from the board and
46 the sheep are accompanied by a health certificate not more than 10 days
47 old, signed by a state veterinarian, deputy state veterinarian, inspector of
48 the Bureau of Animal Industry of the United States, or any authorized
49 state sheep inspector, certifying that the sheep are free from disease and
50 exposure thereto and have not been for the preceding 6 months in any

1 district infected with sheep scabies, such sheep may be admitted without
2 dipping.

3 3. The board is authorized to take charge of and dip as soon as pos-
4 sible any sheep and bucks imported into the State of Nevada not pre-
5 viously dipped in Nevada as required by this section, and the expenses
6 for so doing shall be paid by the owner of the sheep or bucks, and the
7 same shall become a lien upon such sheep or bucks until paid.

8 4. Any person, firm or corporation, or any servant, agent or employee
9 thereof, who is the owner or in charge or control of any sheep or bucks
10 imported into the State of Nevada, violating the provisions or the dipping
11 requirements of this section, shall be guilty of a *gross* misdemeanor. [,
12 and upon conviction thereof shall be punished as provided in NRS 562.-
13 560.]

14 SEC. 535. NRS 562.400 is hereby amended to read as follows:

15 562.400 1. Every person, company, corporation or any agent, serv-
16 ant or employee thereof, owning or having under his or its control any
17 sheep or flocks of sheep in the State of Nevada which have become
18 infected with scabies, or any infectious or contagious disease, or which
19 have been exposed in any manner to such infection or diseases, shall
20 forthwith report such facts, in writing, to the sheep inspector of the dis-
21 trict in which the sheep are located, or to the board.

22 2. If any person, company or corporation or any agent, servant or
23 employee thereof shall fail, neglect, omit or refuse to so report such facts
24 for a period of 15 days, such person shall be guilty of a *gross* misde-
25 meanor. [, and upon conviction thereof shall be punished as provided in
26 NRS 562.560.]

27 SEC. 536. NRS 562.410 is hereby amended to read as follows:

28 562.410 1. Any person, company, corporation or association, or
29 any agent, servant or employee of such, desiring to move his or their
30 sheep which are not sound, or which are infected with scabies or any
31 infectious or contagious disease, or which have been exposed in any man-
32 ner to any such infection or disease, shall obtain from the member of the
33 board supervising the district a traveling permit; but such permit shall
34 only be granted for the purpose of moving such sheep to the nearest
35 practicable place where they may be treated for the infection or disease,
36 and by such routes as the member of the board shall designate.

37 2. No such sheep shall be moved until such permit shall have been
38 obtained.

39 3. The board may, by regulation, authorize an inspector to issue
40 traveling permits.

41 4. Any person, company, corporation or association, or agent, serv-
42 ant or employee of such, who shall violate the provisions of this section
43 shall be guilty of a *gross* misdemeanor. [, and upon conviction thereof
44 shall be punished as provided in NRS 562.560.]

45 SEC. 537. NRS 562.530 is hereby amended to read as follows:

46 562.530 1. All federal authorities authorized as provided in NRS
47 562.520, and the various inspectors of this state, shall, subject to the
48 approval of the board, have the power to call upon any constable, sheriff
49 or other peace officer in any county in this state to assist them in the
50 discharge of their duties in carrying out the provisions of this chapter and

1 c. 60, 23 Stat. 32, approved May 29, 1884 (21 U.S.C. § 114), and such
2 officers shall assist them when so requested.

3 2. The federal inspectors shall have the same power to enforce the
4 laws of this state as the various inspectors of the state when authorized
5 as provided in NRS 562.520 and when engaged in the discharge of their
6 official duties.

7 3. Any person, company or corporation refusing to comply with
8 the orders of such officer or federal inspector shall be guilty of a *gross*
9 misdemeanor. **], and upon conviction thereof shall be punished as pro-**
10 **vided in NRS 562.560.]**

11 SEC. 538. NRS 562.550 is hereby amended to read as follows:

12 562.550 Any herder or other person in charge of sheep who shall
13 willfully refuse to give an inspector information as to the condition of
14 sheep in his charge, or shall willfully give false information as to the con-
15 dition of such sheep, shall be guilty of a *gross* misdemeanor. **], and shall,**
16 **upon conviction thereof, be punished as provided in NRS 562.560.]**

17 SEC. 539. NRS 562.560 is hereby amended to read as follows:

18 562.560 Any person, company, corporation or association, or any
19 agent, servant or employee of such, who shall violate or disregard any
20 quarantine provision of this chapter, or any sanitary or quarantine rule,
21 regulation or order of the board or inspector thereof, or any of the pro-
22 visions of this chapter, shall be guilty of a *gross* misdemeanor. **], and**
23 **upon conviction thereof shall be punished by a fine of not more than**
24 **\$1,000, or by imprisonment in the county jail for not more than 1 year,**
25 **or by both fine and imprisonment.]**

26 SEC. 540. NRS 564.330 is hereby amended to read as follows:

27 564.330 **[1.]** It shall be unlawful for any person, firm, association,
28 copartnership or corporation to have a brand and mark sheep and goats
29 therewith, which brand is similar in form and design to, or a modifica-
30 tion of, any brand or mark recorded prior thereto, in accordance with
31 the provisions of NRS 564.010 to 564.310, inclusive, regulating the
32 recording of marks and brands.

33 **[2.]** It shall be unlawful for any person, firm, association, copartner-
34 ship or corporation to mark and brand sheep and goats with a brand
35 similar in form and design to, or a modification of, any prior recorded
36 brand.

37 3. Any person or the agent or agents of any firm, association, copart-
38 nership or corporation violating the provisions of subsections 1 or 2
39 shall be guilty of a felony, and upon conviction thereof shall be punished
40 by a fine of not less than \$100 nor more than \$3,000, or by imprison-
41 ment in the state prison for not more than 5 years, or by both fine and
42 imprisonment.]

43 SEC. 541. NRS 564.340 is hereby amended to read as follows:

44 564.340 1. It shall be unlawful for any county recorder to record
45 any mark or brand which shall be similar in form and design to any prior
46 recorded brand, or any modification thereof, if the brand or mark is to
47 be placed upon the same place on the animal branded or marked there-
48 with as the prior recorded brand to which it is similar in form and design,
49 or a modification thereof.

50 2. Any county recorder violating the provisions of this section **[shall**

1 be guilty of a misdemeanor, and upon conviction thereof] shall be pun-
2 ished by a fine of not [less than \$20 nor] more than \$100.

3 SEC. 542. NRS 564.350 is hereby amended to read as follows:

4 564.350 Any person who, with intent to defraud, shall willfully mis-
5 mark or misbrand any sheep or goats not his own [, shall be guilty of a
6 misdemeanor, and upon conviction thereof shall be punished by a fine
7 of not less than \$20 nor more than \$200, or by imprisonment in the
8 county jail for not less than 10 days nor more than 100 days, or by both
9 fine and imprisonment.] *is guilty of grand larceny and shall be punished
10 by imprisonment in the state prison for not less than 1 year nor more than
11 10 years, and may be further punished by a fine of not more than \$5,000.*

12 SEC. 543. NRS 564.360 is hereby amended to read as follows:

13 564.360 1. No person, company, corporation or association shall
14 be allowed to use a mark made by cutting off more than half of the ear,
15 measuring from the tip or extreme outer limit of the ear towards the
16 animal's head, or by cutting the ear on both sides to a point.

17 2. Any person who shall, either for himself or as agent for any com-
18 pany, corporation or association, violate any of the provisions of this
19 section shall be guilty of a misdemeanor. [, and upon conviction thereof
20 shall be punished by a fine of not less than \$100 nor more than \$500, or
21 by imprisonment in the county jail not exceeding 6 months, or by both
22 fine and imprisonment.]

23 SEC. 544. NRS 564.370 is hereby amended to read as follows:

24 564.370 1. Every person who, in any county, shall place upon any
25 sheep or goats any brand or mark in the likeness or similitude of another
26 brand or mark filed with the county recorder of such county by the
27 owner thereof as a brand or mark for the designation or identification of
28 sheep or goats shall:

29 (a) If done with intent to confuse or commingle such sheep or goats
30 with, or to appropriate to his own use, the sheep or goats of such other
31 owner, be guilty of a felony, and [upon conviction thereof] shall be
32 punished [by a fine of not more than \$1,000, or] by imprisonment in
33 the state prison for not [more than 5 years, or by imprisonment in the
34 county jail for not more than 1 year, or by both fine and imprisonment;
35 or] *less than 1 year nor more than 10 years, and may be further punished
36 by a fine of not more than \$5,000.*

37 (b) If done without such intent, be guilty of a misdemeanor.

38 2. This section shall not apply to any act for which a penalty is else-
39 where provided by law.

40 SEC. 545. NRS 568.260 is hereby amended to read as follows:

41 568.260 Any person violating any of the provisions of NRS 568.220
42 to 568.290, inclusive, shall be guilty of a misdemeanor, [and upon con-
43 viction thereof shall be punished by a fine not exceeding \$500, or by
44 imprisonment in the county jail not exceeding 6 months, or by both fine
45 and imprisonment;] and, independently of the foregoing penalty, shall be
46 liable to any person injured for all damages sustained by reason of such
47 violation, and for such exemplary damages as the circumstances may
48 warrant.

49 SEC. 546. NRS 568.310 is hereby amended to read as follows:

50 568.310 1. It shall be unlawful for any person to herd or cause to

1 be herded or grazed any number of sheep on any unoccupied land within
2 a radius of 3 miles of the post office of any town or village that has a
3 population of 50 persons or more.

4 2. This section shall not apply to sheep driven to a railroad to be
5 shipped or sheared.

6 3. Any person who, for himself, or as agent or employee of any other
7 person, firm, corporation, company or association, shall violate the pro-
8 visions of subsection 1 shall be guilty of a misdemeanor. [, and upon con-
9 viction thereof shall be punished by a fine of not less than \$50 nor more
10 than \$200, or by imprisonment in the county jail for not less than 25 days
11 nor more than 100 days, or by both fine and imprisonment.]

12 SEC. 547. NRS 568.330 is hereby amended to read as follows:

13 568.330 1. It shall be unlawful for any person, firm, corporation or
14 association owning or having charge of any livestock to herd, graze, pas-
15 ture, keep, maintain or drive the same upon, over or across any lands
16 lying within 1 mile of any surface intake, intakes, water boxes or surface
17 reservoirs used for gathering, storing and conducting water, when such
18 lands are situated within the watershed of any stream, streams, springs,
19 ponds, lakes or reservoirs, waters from which, when so gathered and
20 stored, are used for municipal, drinking or domestic purposes by the
21 residents and inhabitants of any city or town in the State of Nevada.

22 2. The provisions of this section shall apply only to waters owned
23 exclusively by cities or municipalities within this state.

24 3. Subsection 1 shall not be construed to apply to:

25 (a) Prospectors or other persons passing over or being temporarily
26 upon such lands with not to exceed 10 head of livestock.

27 (b) Livestock running at large upon the range, unless by county ordi-
28 nance any board of county commissioners shall have provided otherwise
29 in the case of the county concerned.

30 4. Any person violating any of the provisions of this section shall be
31 guilty of a misdemeanor. [, and upon conviction thereof shall be pun-
32 ished by a fine of not less than \$100 nor more than \$500, or by imprison-
33 ment in the county jail for not more than 6 months, or by both fine and
34 imprisonment.]

35 5. Each day the acts declared to be unlawful in subsection 1 are
36 committed, done and continued shall constitute and be separate, distinct
37 and new offenses.

38 SEC. 548. NRS 568.350 is hereby amended to read as follows:

39 568.350 1. It shall be unlawful for any person to lead, drive or in
40 any manner remove any horse, mare, colt, jenny, jack, mule, or any head
41 of neat cattle, or hog, sheep, goat, or any number of these animals, the
42 same being the property of another person, from the range on which they
43 are permitted to run in common, without the consent of the owner thereof
44 first had and obtained.

45 2. The owner of any such animals, finding the same running on the
46 herd grounds or commons with other animals of the same kind, is per-
47 mitted to drive his own animal or animals, together with such other ani-
48 mals as he cannot conveniently separate from his own, to the nearest and
49 most convenient corral or other place for separating his own from other
50 animals if he, in such case, immediately, with all convenient speed, drives

1 all such animals not belonging to him back to the herd ground from
2 which he brought such animals.

3 3. Any person violating the provisions of this section shall be guilty
4 of a misdemeanor. [, and upon conviction thereof shall be punished by
5 a fine of not less than \$20 nor more than \$500, or by imprisonment in
6 the county jail for not less than 30 days nor more than 6 months, or by
7 both fine and imprisonment.]

8 4. In addition to the penalty provided for in subsection 3, such per-
9 son shall be civilly liable to the owner of livestock so removed from the
10 range for the value of all such stock and the necessary expenses incident
11 to their return.

12 SEC. 549. NRS 569.430 is hereby amended to read as follows:

13 569.430 Any person violating any of the provisions of NRS 569.360
14 to 569.420, inclusive, shall be guilty of a misdemeanor. [, and on con-
15 viction thereof shall be punished by a fine of not less than \$20 nor more
16 than \$500, or by imprisonment in the county jail not exceeding 6 months,
17 or by both fine and imprisonment.]

18 SEC. 550. NRS 574.150 is hereby amended to read as follows:

19 574.150 1. A person who unjustifiably administers any poisonous or
20 noxious drug or substance to a horse, mule or domestic cattle, or unjusti-
21 fiably exposes any such drug or substance with intent that the same shall
22 be taken by a horse, mule or by domestic cattle, whether such horse,
23 mule or domestic cattle are the property of himself or another, [is guilty
24 of a felony.] *shall be punished by imprisonment in the state prison for*
25 *not less than 1 year nor more than 10 years, or by a fine of not more than*
26 *\$5,000, or by both fine and imprisonment.*

27 2. A person who unjustifiably administers any poisonous or noxious
28 drug or substance to any animal other than a horse, mule or domestic
29 cattle, or unjustifiably exposes any such drug or substance with intent
30 that the same shall be taken by an animal other than a horse, mule or
31 domestic cattle, whether such animal is the property of himself or
32 another, is guilty of a gross misdemeanor.

33 3. Nothing in this section shall be construed so as to prevent the
34 destruction of noxious animals.

35 SEC. 551. NRS 575.010 is hereby amended to read as follows:

36 575.010 If any person shall use or work any horse or horses, mule or
37 mules, or work cattle without first obtaining the consent of the owner
38 thereof, he shall be guilty of a misdemeanor. [, and upon conviction shall
39 be punished by a fine of not less than \$100 nor more than \$300, or by
40 imprisonment in the county jail for not less than 50 days nor more than
41 300 days.]

42 SEC. 552. NRS 575.030 is hereby amended to read as follows:

43 575.030 1. It shall be unlawful for any sheep to be penned, housed
44 or fed for the purpose of being sheared, or to be sheared, within the ordi-
45 nary limits of any city or town of this state during any period of the year.
46 This shall not apply to any place not within one-half mile of a residence.

47 2. Any person, corporation or agent, being the owner of or having
48 control or charge of any sheep, who shall willfully violate any of the pro-
49 visions of this section shall be guilty of a misdemeanor. [, and upon con-
50 viction thereof shall be punished by a fine not exceeding \$100, or by

1 imprisonment in the county jail not exceeding 50 days, or by both fine
2 and imprisonment.】

3 SEC. 553. NRS 584.027 is hereby amended to read as follows:

4 584.027 Any person who violates any provision of the regulations
5 adopted pursuant to NRS 584.017, or refuses or neglects to obey any
6 lawful order of the state board of health, is guilty of a misdemeanor. 【and
7 shall be punished by a fine of not more than \$300, or imprisonment in
8 the county jail for not more than 6 months, or by both fine and imprison-
9 ment.】

10 SEC. 554. NRS 584.285 is hereby amended to read as follows:

11 584.285 Any person violating any provision of NRS 584.215 to
12 584.280, inclusive, shall be guilty of a misdemeanor. 【, and upon convic-
13 tion thereof shall be punished by a fine of not less than \$100 nor more
14 than \$500, or by imprisonment in the county jail for not less than 30 days
15 nor more than 6 months, or by both fine and imprisonment.】

16 SEC. 555. NRS 585.550 is hereby amended to read as follows:

17 585.550 Any person violating any of the provisions of this chapter
18 shall be guilty of a misdemeanor. 【, and upon conviction thereof shall be
19 punished by a fine not exceeding \$500, or by imprisonment in the county
20 jail not exceeding 6 months, or by both fine and imprisonment.】

21 SEC. 556. NRS 586.520 is hereby amended to read as follows:

22 586.520 Any person violating the provisions of NRS 586.460 to
23 586.510, inclusive, shall 【be guilty of a misdemeanor, and upon convic-
24 tion thereof】 be punished by a fine of not more than \$200.

25 SEC. 557. NRS 589.060 is hereby amended to read as follows:

26 589.060 1. Any person, firm or corporation who shall violate any
27 part of this chapter, or who shall by label, as required by this chapter,
28 state that the labeled article contains a greater percentage or greater
29 amount of virgin wool than it does in fact contain, shall be guilty of a mis-
30 demeanor. 【, and upon conviction thereof shall be punished by a fine of
31 not less than \$25 nor more than \$500, or by imprisonment in the county
32 jail for not less than 10 days nor more than 60 days, or by both fine and
33 imprisonment.】

34 2. If any article is possessed for the purpose of sale, sold or offered
35 for sale, or any sample is displayed, as provided in this chapter, bearing
36 either of the labels described in paragraphs (a) or (b) of subsection 1
37 of NRS 589.020, and such label is so placed thereon by the retail dealer
38 and does correspond to written or printed information obtained in good
39 faith by the retail dealer from the manufacturer, jobber or wholesaler
40 thereof, certified as true and correct over the signature of such manufac-
41 turer, jobber or wholesaler, and such certified information is produced on
42 the trial, then the person, firm or corporation possessing for sale, selling,
43 offering for sale, or displaying the articles so labeled for the purpose
44 aforesaid, shall not be guilty of a violation of this chapter if the label is
45 proven false; but the manufacturer, jobber or wholesaler supplying such
46 false certified, written or printed information regarding the character and
47 quantity of the wool content of such article as described in this subsection
48 shall be deemed a violator of this chapter and liable to all the penalties
49 herein prescribed.

50 SEC. 558. NRS 590.330 is hereby amended to read as follows:

1 590.330 Any violation of the provisions of NRS 590.160 to 590.330,
2 inclusive, shall be punished: [as follows:]

3 1. For the first conviction, [the violator shall be fined not less than
4 \$100 nor] *by a fine of not more than \$500.*

5 2. For the second conviction, [the violator shall be fined \$500, and
6 may be imprisoned in the county jail for a period not in excess of 6
7 months.] *for a misdemeanor.*

8 3. For the third and subsequent convictions, [the violator shall be
9 fined not less than \$500 nor more than \$1,000, and may in addition
10 thereto be imprisoned in the county jail for not more than 1 year.] *for a*
11 *gross misdemeanor.*

12 SEC. 559. NRS 598.010 is hereby amended to read as follows:

13 598.010 1. No person, dealer, firm, agency, partnership, corpora-
14 tion, service station, garage, or business concern of any kind, wholesale
15 or retail, shall add to the selling price of any article of merchandise, com-
16 modity, service or utility, motor part or accessory, tire, gasoline or other
17 motor fuel or lubricating liquid, or any article whatsoever upon which
18 there is or hereafter may be a sales tax, either federal or state, when
19 sold, offered or exposed for sale, trade or barter in this state, more than
20 the actual amount of such sales tax in the smallest unit under which any
21 of such articles is offered for sale or sold; provided, that where such sales
22 tax in case of units of any such merchandise or articles amounts to less
23 than 1 cent, 1 cent and no more may be added to the price of the unit
24 when sold.

25 2. A violation of the provisions of subsection 1 shall be a misde-
26 meanor. [, and shall be punishable by a fine of not less than \$10 nor
27 more than \$500, or by imprisonment in the county jail for not less than
28 10 days nor more than 6 months, or by both fine and imprisonment.]

29 SEC. 560. NRS 598.020 is hereby amended to read as follows:

30 598.020 1. If a federal or state tax is imposed on an admission to
31 or on a ticket sold for a public entertainment or amusement of any kind
32 in this state, it shall be unlawful to add to the price of the admission or
33 ticket more than the actual amount of the tax.

34 2. A violation of the provisions of subsection 1 shall be a misde-
35 meanor. [, and shall be punishable by a fine of not less than \$10 nor more
36 than \$500, or by imprisonment in the county jail for not less than 10
37 days nor more than 6 months, or by both fine and imprisonment.]

38 SEC. 561. NRS 600.030 is hereby amended to read as follows:

39 600.030 1. It shall be unlawful for any person or corporation:

40 (a) To imitate any label, trade-mark or form of advertisement adopted
41 as provided in NRS 600.010; or

42 (b) To use knowingly any counterfeit or imitation thereof; or

43 (c) To use or display such genuine label, trade-mark or form of
44 advertisement unless authorized to do so; or

45 (d) To use or display the name or seal of such person, association or
46 union, or of any officer thereof, unless authorized to do so; or

47 (e) To use or display such genuine label, trade-mark or form of adver-
48 tisement in a manner not authorized by such person, association or union;
49 or

1 (f) To use or display the name or seal of such person, association or
2 union, or any officer thereof, in a manner not authorized by him or it.

3 2. Any person violating any provision of subsection 1 [shall be
4 punished by a fine of not less than \$25 nor more than \$100, or by
5 imprisonment in the county jail not exceeding 30 days.] *is guilty of a*
6 *misdemeanor.*

7 SEC. 562. NRS 601.040 is hereby amended to read as follows:

8 601.040 Any person willfully violating the provisions of NRS 601.-
9 010 and 601.020 shall be guilty of a misdemeanor. [, and upon convic-
10 tion thereof shall be punished by a fine of not less than \$50 nor more
11 than \$500, or by imprisonment in the county jail not exceeding 6 months,
12 or by both fine and imprisonment.]

13 SEC. 563. NRS 601.110 is hereby amended to read as follows:

14 601.110 Any person who shall willfully wear, exhibit, display, print
15 or use for any purpose the badge, motto, button, decoration, charm,
16 emblem, rosette or other insignia of any association or organization men-
17 tioned in NRS 601.050 to 601.100, inclusive, and duly registered under
18 those sections of NRS, unless he shall be entitled to use and wear the
19 same under the constitution, bylaws, rules and regulations of such asso-
20 ciation and organization [, shall be guilty of a misdemeanor and, upon
21 conviction,] shall be punished by a fine not exceeding [\$100 and, in
22 default of payment, shall be committed to the county jail for a period of
23 not to exceed 60 days.] \$500.

24 SEC. 564. NRS 607.150 is hereby amended to read as follows:

25 607.150 1. The labor commissioner shall have the power to enter
26 any store, foundry, mill, office, workshop, mine or public or private
27 works at any reasonable time for the purpose of:

28 (a) Gathering facts and statistics contemplated by this chapter; and

29 (b) Examining safeguards and methods of protection from danger to
30 employees, the sanitary conditions of the buildings and surroundings;
31 and
32 make a record thereof.

33 2. Any owner, corporation, occupant or officer who shall refuse
34 such entry to the labor commissioner, his officers or agents shall be guilty
35 of a misdemeanor. [, and upon conviction thereof shall be punished by a
36 fine of not less than \$100 nor more than \$500, or by imprisonment in the
37 county jail for not less than 10 days nor more than 30 days, or by both
38 fine and imprisonment.]

39 SEC. 565. NRS 607.160 is hereby amended to read as follows:

40 607.160 1. The labor commissioner shall enforce all labor laws of
41 the State of Nevada the enforcement of which is not specifically and
42 exclusively vested in any other officer, board or commission.

43 2. Whenever after due inquiry the labor commissioner shall be satis-
44 fied that any such law has been violated or that a person financially
45 unable to employ counsel has a valid and enforceable claim for wages or
46 other demand, he shall present the facts to the district attorney of the
47 county in which such violation occurred or wage claim accrued, showing:

48 (a) The names of the claimant and his alleged debtor.

49 (b) A description and the location of the property on which the labor
50 was performed, and the right, title and interest of the debtor therein.

1 (c) Other property, if any, owned by the debtor and the probable
2 value thereof.

3 (d) The time the claimant began and the time he ceased such labor.

4 (e) The number of days' labor performed by him during the employ-
5 ment and the rate of wages and terms of such employment.

6 (f) The date or dates and the amount, if any, paid on the claim.

7 (g) The balance due, owing and unpaid on the claim.

8 (h) The date demand for payment was made upon the debtor or his
9 agent or representative and the response, if any, to such demand.

10 (i) The names of the witnesses upon whom the claimant expects to
11 rely to provide such facts and to what facts each of such witnesses is
12 expected to testify.

13 3. The district attorney shall prosecute the claim. Should the district
14 attorney fail, neglect or refuse to begin a prosecution on such claim within
15 45 days after oral or written demand therefor is made by the labor com-
16 missioner, and to prosecute the same diligently to conclusion, he shall be
17 guilty of a misdemeanor, [and upon conviction thereof shall be punished
18 by a fine not exceeding \$500, or by imprisonment in the county jail not
19 exceeding 6 months, or by both fine and imprisonment,] and in addition
20 thereto he shall be removed from office.

21 SEC. 566. NRS 607.210 is hereby amended to read as follows:

22 607.210 1. The labor commissioner shall have the power to examine
23 witnesses, administer oaths and take testimony in all matters relating to
24 the duties and requirements of this chapter. Testimony shall be taken in
25 some suitable place in the vicinity to which the testimony is applicable.

26 2. The labor commissioner may compel the attendance of witnesses,
27 and may issue subpoenas. No witness fees shall be paid to any witness
28 unless he is required to testify at a place more than 5 miles from his place
29 of residence, in which event the witness shall be paid the same fees as a
30 witness before a district court. Payment shall be made from the fund
31 appropriated for such purposes in the county in which the testimony is
32 taken and the witness examined in the same manner as provided for the
33 payment of witness fees in the district court of such county.

34 3. Any person duly subpoenaed under the provisions of this section
35 who shall willfully refuse or neglect to testify at the time and place named
36 in the subpoena shall be guilty of a misdemeanor. [and upon conviction
37 thereof shall be punished by a fine of not less than \$100 nor more than
38 \$500, or by imprisonment in the county jail for not less than 10 days nor
39 more than 30 days, or by both fine and imprisonment.]

40 SEC. 567. NRS 608.100 is hereby amended to read as follows:

41 608.100 1. It shall be unlawful for any employer of labor in this
42 state to pay a lower wage, salary or compensation to his employee than
43 that agreed upon through a collective bargaining agreement, if any, or to
44 pay a lower wage, salary or compensation than the amount that the
45 employer is required to pay to his employee by virtue of any existing stat-
46 ute of this state or by contract between the employer and the employee.

47 2. It shall be unlawful for any employer of labor in this state to
48 require his employee to rebate, refund or return any part of the wage, sal-
49 ary or compensation theretofore paid to such employee.

50 3. Any person violating the provisions of this section shall be guilty

1 of a misdemeanor. [, and upon conviction thereof shall be punished by a
2 fine of not less than \$100 nor more than \$300, or by imprisonment in
3 the county jail for not less than 30 days nor more than 6 months, or by
4 both fine and imprisonment.]

5 SEC. 568. NRS 608.130 is hereby amended to read as follows:

6 608.130 1. No person or corporation engaged in any business or
7 enterprise of any kind in this state shall issue, in payment of, or as evi-
8 dence of, any indebtedness for wages due an employee, any order,
9 check, memorandum or other acknowledgment of indebtedness unless the
10 same is a negotiable instrument payable without discount, in cash on
11 demand, at some bank or other established place of business; but nothing
12 contained in this subsection shall in any way limit or interfere with the
13 right of any employee, by agreement, to accept from any such person or
14 corporation, as an evidence or acknowledgment of indebtedness for wages
15 due him, a negotiable instrument payable at some future date with
16 interest.

17 2. In the event of nonpayment when due of any negotiable instrument
18 issued in payment of wages, the holder in due course of the instrument
19 shall succeed to and shall have the same rights, priorities and preferences
20 with respect to payment thereof, and shall stand in the same position, as
21 the payee of the instrument had with respect to a claim for wages unpaid
22 when due, and in addition to any other remedy available to the holder in
23 due course provided by law.

24 3. Any violation of the provisions of subsection 1 shall be [a misde-
25 meanor] punishable by a fine [not exceeding] *of not more than* \$500.

26 SEC. 569. NRS 608.150 is hereby amended to read as follows:

27 608.150 1. Every original contractor making or taking any contract
28 in this state for the erection, construction, alteration or repair of any
29 building or structure, or other work, shall assume and be held liable for
30 the indebtedness for labor incurred by any subcontractor or any con-
31 tractors acting under, by or for the original contractor in performing any
32 labor, construction or other work included in the subject of the original
33 contract, for labor, and for the requirements imposed by chapter 616 of
34 NRS.

35 2. It shall be unlawful for any contractor or any other person to fail
36 to comply with the provisions of subsection 1, or to attempt to evade the
37 responsibility imposed thereby, or to do any other act or thing tending to
38 render nugatory the provisions of this section.

39 3. Every person violating any of the provisions of this section [shall
40 be guilty of a misdemeanor, and upon conviction thereof] shall be pun-
41 ished by a fine of not [less than \$25 nor] more than \$250 for each act.
42 In addition thereto, the district attorney of any county wherein the
43 defendant may reside or be found shall institute civil proceedings against
44 any such original contractor failing to comply with the provisions of this
45 section in a civil action for the amount of all wages and damage that may
46 be owing or have accrued as a result of the failure of any subcontractor
47 acting under the original contractor, and any property of the original con-
48 tractor, not exempt by law, shall be subject to attachment and execution
49 for the payment of any judgment that may be recovered in any action
50 under the provisions of this section.

1 SEC. 570. NRS 608.160 is hereby amended to read as follows:

2 608.160 1. Every person who takes all or any part of any tips or
3 gratuities bestowed upon his employees, or who credits the same toward
4 payment of his employees' wages, shall, and is hereby required to, post in
5 a conspicuous place where it can be easily seen by the public, upon the
6 premises where such employees are employed and work, a notice to the
7 public that tips or gratuities bestowed on employees go or belong to
8 the employer. Such notice shall contain the words "Notice: Tips Given
9 Employees Belong to Management." The letters of these words shall be
10 in bold black type at least 1 inch in height.

11 2. Any person who takes all or any part of the tips or gratuities
12 bestowed upon his employees without posting the notice required to be
13 posted by subsection 1 shall be guilty of a misdemeanor. [, and upon
14 conviction thereof shall be punished by a fine of not less than \$100 nor
15 more than \$500, or by imprisonment in the county jail for not less than
16 30 days nor more than 6 months, or by both fine and imprisonment.]

17 SEC. 571. NRS 608.190 is hereby amended to read as follows:

18 608.190 1. Any person, firm, association or corporation, or agent,
19 manager, superintendent or officer thereof, who shall willfully refuse or
20 neglect to pay the wages due and payable when demanded as provided in
21 this chapter, or shall falsely deny the amount or validity thereof or that
22 the same is due with intent to secure for himself, his employer or any
23 other person any discount upon such indebtedness, or with intent to
24 annoy, harass, oppress, hinder, delay or defraud the person to whom such
25 indebtedness is due, shall, in addition to any other penalty imposed upon
26 him by NRS 608.010 to 608.180, inclusive, be guilty of a misdemeanor.

27 2. Any employer who fails or refuses to pay any of the wages or com-
28 pensation of an employee, in whole or in part, as provided in this chapter,
29 or violates any of the provisions of NRS 608.010 to 608.180, inclusive,
30 shall also forfeit to the State of Nevada a sum [not less than \$50 and]
31 not more than \$300, in the discretion of the court trying the same, to be
32 recovered from the employer in a civil action prosecuted in the proper
33 court by the district attorney of the county at the instance of the labor
34 commissioner.

35 3. The property of the defendant shall be subject to attachment to
36 secure, and execution to satisfy, any judgment that may be rendered
37 under the provisions of this section, the same as in other civil actions.

38 SEC. 572. NRS 608.200 is hereby amended to read as follows:

39 608.200 1. The period of employment for all persons who are
40 employed, occupied or engaged in work or labor of any kind or nature in
41 underground mines or underground workings in search for or in extrac-
42 tion of minerals, whether base or precious, metallic or nonmetallic, or
43 who are engaged in such underground mines or underground workings, or
44 who are employed, engaged or occupied in other underground workings
45 of any kind or nature for the purpose of tunneling, making excavations or
46 to accomplish any other purpose or design shall not exceed 8 hours within
47 any 24 hours, and the 8 hours shall include the time employed, occupied
48 or consumed from the time of entering the collar of the shaft or portal of
49 the tunnel of any underground mine until returning to the surface from
50 the underground mine, or the time employed, occupied or consumed in

1 leaving the surface of any tunnel, open cut or open pit workings for the
2 point or place of work therein, and returning thereto from such place or
3 point of work.

4 2. In cases of emergency where life or property is in danger, the
5 period may be prolonged during the continuance of such emergency.

6 3. Nothing contained in this section shall be deemed to prevent
7 change in the hours of employment from one part of the day to another
8 at stated periods, nor to prevent the employment of any of the persons
9 mentioned in this section for more than 8 hours during the day in which
10 a change is made; but such change in the hours of employment shall not
11 occur more than once in any 2 weeks.

12 4. Nothing contained in this section shall preclude a repair or main-
13 tenance crew from completing any repair or maintenance work upon
14 which it is engaged at the end of an 8-hour period; nor shall an employee
15 be precluded from working a subsequent shift or period thereof in the
16 same 24 hours if no qualified employee is available for relief.

17 5. Any person who violates this section, or any person, corporation,
18 employer, or his or its agent who hires, contracts with, or causes any
19 person to work in an underground mine or other underground workings
20 for a period of time longer than 8 hours during 1 day, unless life and
21 property shall be in imminent danger, shall be guilty of a misdemeanor.
22 [, and upon conviction thereof shall be punished by a fine of not less than
23 \$100 nor more than \$500, or by imprisonment in the county jail for not
24 more than 6 months, or by both fine and imprisonment.]

25 SEC. 573. NRS 608.210 is hereby amended to read as follows:

26 608.210 1. The period of employment of workmen in smelters
27 and in all other institutions for the reduction or refining of ores or metals
28 shall be 8 hours per day, except in cases of emergency where life or
29 property is in imminent danger.

30 2. Any person who violates this section, or any person, corporation,
31 employer or his or its agent who hires, contracts with, or causes any per-
32 son to work in a smelter or any other institution or place for the reduction
33 or refining of ores or metals for a period of time longer than 8 hours
34 during 1 day, unless life and property shall be in imminent danger, shall
35 be guilty of a misdemeanor. [, and upon conviction thereof shall be pun-
36 ished by a fine of not less than \$100 nor more than \$500, or by imprison-
37 ment in the county jail for not more than 6 months, or by both fine and
38 imprisonment.]

39 SEC. 574. NRS 608.220 is hereby amended to read as follows:

40 608.220 1. The period of employment of workmen in open pit
41 and open cut mines shall not exceed 8 hours in any 24 hours, except in
42 cases of emergency where life or property is in imminent danger.

43 2. Any person who violates any provision of subsection 1, or any
44 person, persons, corporation, employer, or his or its agent who hires, con-
45 tracts with, or causes any person to labor in any open pit or open cut
46 mine for a period of time longer than 8 hours within any 24 hours, except
47 in cases of emergency where life or property is in imminent danger, shall

1 be guilty of a misdemeanor. [, and upon conviction thereof shall be pun-
2 ished by a fine of not less than \$100 nor more than \$500, or by imprison-
3 ment in the county jail for not more than 6 months, or by both fine and
4 imprisonment.]

5 SEC. 575. NRS 608.230 is hereby amended to read as follows:

6 608.230 1. The number of hours of work or labor of mechanics,
7 engineers, blacksmiths, carpenters, topmen, and all workmen employed
8 or working on or about the surface or surface workings of any under-
9 ground mineworkings, shall not exceed 8 hours in any period of 24 hours,
10 except in cases of emergency where life or property is in imminent
11 danger.

12 2. Any person who violates any of the provisions of this section, or
13 any person, corporation, employer or agent who hires, contracts with, or
14 in any manner causes or induces any person to work or labor on or about
15 the surface or surface workings of any underground mineworkings for
16 more than 8 hours in any period of 24 hours, except in cases of emer-
17 gency where life or property is in imminent danger, shall be guilty of a
18 misdemeanor. [, and upon conviction thereof shall be punished by a fine
19 of not less than \$100 nor more than \$500, or by imprisonment in the
20 county jail for not more than 6 months, or by both fine and imprison-
21 ment.]

22 SEC. 576. NRS 608.240 is hereby amended to read as follows:

23 608.240 1. The period of employment of all persons engaged or
24 employed in any mill or other institution wherein plaster or cement is
25 manufactured shall not exceed 8 hours in any 24 hours, except in cases
26 of emergency where life is in imminent danger, or the product of such
27 mill or institution liable to loss or damage by delay in treatment.

28 2. Any person who violates any provision of this section, or any per-
29 son, persons, corporation, employer or agent who hires, contracts with
30 or causes any person to be engaged or employed in any mill or other
31 institution where plaster or cement is manufactured for a period of time
32 longer than 8 hours in any 24 hours, except in cases where life is in immi-
33 nent danger or the product of such mill or institution liable to loss or
34 damage by delay in treatment, shall be guilty of a misdemeanor. [, and
35 upon conviction thereof shall be punished by a fine of not less than \$100
36 nor more than \$500, or by imprisonment in the county jail for not more
37 than 6 months, or by both fine and imprisonment.]

38 SEC. 577. NRS 608.270 is hereby amended to read as follows:

39 608.270 1. The labor commissioner shall:

40 (a) Administer and enforce the provisions of NRS 608.250; and

41 (b) Furnish the district attorney of any county all data and informa-
42 tion concerning violations of NRS 608.250, occurring in such county
43 coming to the attention of the labor commissioner.

44 2. Every district attorney shall, when a complaint is made to him by
45 the labor commissioner or by any aggrieved person, prosecute every vio-
46 lation of NRS 608.250, occurring in his county. Should any such district
47 attorney fail, neglect or refuse for a period of 20 days to commence the
48 prosecution for the violation of NRS 608.250, after being furnished data
49 and information concerning such violation, and diligently to prosecute

1 the same to conclusion, he is guilty of a misdemeanor, [and upon conviction
2 thereof shall be punished by a fine not exceeding \$500, or by imprisonment
3 in the county jail for not more than 6 months, or by both fine and
4 imprisonment,] and in addition thereto he shall be removed from office.

5 SEC. 578. NRS 608.290 is hereby amended to read as follows:

6 608.290 Every person, firm, association or corporation, or any agent,
7 servant, employee or officer of such firm, association or corporation, violating
8 any of the provisions of NRS 608.250, is guilty of a misdemeanor.
9 [and upon conviction thereof shall be punished by a fine not exceeding
10 \$500, or by imprisonment in the county jail for not more than 6 months,
11 or by both fine and imprisonment.]

12 SEC. 579. NRS 609.160 is hereby amended to read as follows:

13 609.160 1. The labor commissioner shall:

14 (a) Administer and enforce the provisions of NRS 609.010 to 609.-
15 180, inclusive; and

16 (b) Furnish the district attorney of any county all data and information
17 concerning violations of NRS 609.010 to 609.180, inclusive, occurring
18 in such county coming to the attention of the labor commissioner.

19 2. It is hereby made the mandatory duty of every district attorney,
20 when a complaint is made to him by the labor commissioner or by any
21 aggrieved person, to prosecute every violation of NRS 609.010 to 609.-
22 180, inclusive, occurring in his county. Should any such district attorney
23 fail, neglect or refuse for a period of 20 days to commence the prosecution
24 for the violation of NRS 609.010 to 609.180, inclusive, after being
25 furnished data and information concerning such violation, and diligently
26 to prosecute the same to conclusion, he shall be guilty of a misdemeanor,
27 [and upon conviction thereof shall be punished by a fine not exceeding
28 \$500, or by imprisonment in the county jail for not more than 6 months,
29 or by both fine and imprisonment,] and in addition thereto he shall be
30 removed from office.

31 SEC. 580. NRS 609.180 is hereby amended to read as follows:

32 609.180 Every person, firm, association or corporation, or any agent,
33 servant, employee or officer of any such firm, association or corporation,
34 violating any of the provisions of NRS 609.010 to 609.170, inclusive,
35 shall be guilty of a misdemeanor. [and upon conviction thereof shall be
36 punished by a fine not exceeding \$500, or by imprisonment in the county
37 jail for not more than 6 months, or by both fine and imprisonment.]

38 SEC. 581. NRS 609.270 is hereby amended to read as follows:

39 609.270 Except as otherwise provided in NRS 609.190 to 609.260,
40 inclusive, whoever employs any child, and whoever, having under his
41 control as parent, guardian or otherwise, any child, permits or suffers any
42 child to be employed or to work in violation of any of the provisions of
43 NRS 609.190 to 609.260, inclusive, shall be guilty of a misdemeanor.
44 [and upon conviction thereof shall be punished by a fine of not less
45 than \$5 nor more than \$200, or by imprisonment in the county jail for
46 not less than 10 days nor more than 30 days, or by both fine and imprisonment.
47]

48 SEC. 582. NRS 611.030 is hereby amended to read as follows:

49 611.030 1. No person shall open, keep, operate or maintain an
50 employment agency in this state without first obtaining a license therefor

1 as provided in NRS 611.020 to 611.320, inclusive, from the labor com-
2 missioner.

3 2. Any person who shall open, keep, operate or maintain an employ-
4 ment agency without first procuring a license shall be guilty of a misde-
5 meanor. [, and upon conviction thereof shall be punished as provided in
6 NRS 611.320.]

7 SEC. 583. NRS 611.320 is hereby amended to read as follows:

8 611.320 Any person who violates any of the provisions of NRS
9 611.020 to 611.310, inclusive, shall be guilty of a misdemeanor. [, and
10 upon conviction thereof shall be punished by a fine of not more than
11 \$300, or by imprisonment in the county jail for not more than 6 months,
12 or by both fine and imprisonment.]

13 SEC. 584. NRS 612.265 is hereby amended to read as follows:

14 612.265 1. Except as hereinafter otherwise provided, information
15 obtained from any employing unit or individual pursuant to the adminis-
16 tration of this chapter and determination as to the benefit rights of any
17 individual shall be held confidential and shall not be disclosed or be open
18 to public inspection in any manner revealing the individual's or employ-
19 ing unit's identity.

20 2. Any claimant (or his legal representative) shall be supplied with
21 information from the records of the employment security department, to
22 the extent necessary for the proper presentation of his claim in any pro-
23 ceeding under this chapter.

24 3. Subject to such restrictions as the executive director may by regula-
25 tion prescribe, such information may be made available to any agency
26 of this or any other state, or any federal agency, charged with the adminis-
27 tration of an unemployment compensation or public assistance law or the
28 maintenance of a system of public employment offices, or the Internal
29 Revenue Service of the Department of the Treasury, and information
30 obtained in connection with the administration of the employment serv-
31 ice may be made available to persons or agencies for purposes appro-
32 priate to the operation of a public employment service or a public
33 assistance program.

34 4. Upon request therefor the executive director shall furnish to any
35 agency of the United States charged with the administration of public
36 works or assistance through public employment, and may furnish to any
37 state agency similarly charged, the name, address, ordinary occupation,
38 and employment status of each recipient of benefits and such recipient's
39 rights to further benefits under this chapter.

40 5. The executive director may request the Comptroller of the Cur-
41 rency of the United States to cause an examination of the correctness of
42 any return or report of any national banking association rendered pur-
43 suant to the provisions of this chapter, and may in connection with such
44 request transmit any such report or return to the Comptroller of the Cur-
45 rency of the United States as provided in Section 3305(c) of the Internal
46 Revenue Code of 1954.

47 6. If any employee or member of the board of review or the execu-
48 tive director or any employee of the executive director, in violation of the
49 provisions of this section, makes any disclosure of information obtained

1 from any employing unit or individual in the administration of this chap-
2 ter, or if any person who has obtained a list of applicants for work, or of
3 claimants or recipients of benefits, under this chapter, shall use or permit
4 the use of such list for any political purpose, he [shall be punished by a
5 fine of not less than \$20 nor more than \$200, or by imprisonment in the
6 county jail for not more than 90 days, or by both fine and imprisonment.]
7 *is guilty of a misdemeanor.*

8 SEC. 585. NRS 612.275 is hereby amended to read as follows:

9 612.275 1. In case of contumacy by a person, or refusal to obey a
10 subpoena issued to any person, any district court of this state within the
11 jurisdiction of which the inquiry is carried on or within the jurisdiction of
12 which the person guilty of contumacy or refusal to obey is found or
13 resides or transacts business, upon application by the executive director,
14 the board of review, an appeal tribunal, or any duly authorized represen-
15 tative of any of them, shall have jurisdiction to issue to such person an
16 order requiring such person to appear before the executive director, the
17 board of review, an appeal tribunal or any duly authorized representative
18 of any of them, there to produce evidence if so ordered or there to give
19 testimony touching the matter under investigation or in question, and any
20 failure to obey such order of the court may be punished by the court as
21 a contempt thereof.

22 2. Any person who shall without just cause fail or refuse to attend
23 and testify or to answer any lawful inquiry or to produce books, papers,
24 correspondence, memoranda, and other records, if it is in his power so
25 to do, in obedience to a subpoena of the executive director, the board of
26 review, an appeal tribunal, or any duly authorized representative of any
27 of them, [shall be punished by a fine of not less than \$200, or by impris-
28 onment in the county jail for not more than 60 days, or by both fine and
29 imprisonment.] *is guilty of a misdemeanor.* Each day such violation con-
30 tinues shall be deemed to be a separate offense.

31 SEC. 586. NRS 612.700 is hereby amended to read as follows:

32 612.700 1. Any agreement by an individual to waive, release or
33 commute his rights to benefits or any other rights under this chapter shall
34 be void.

35 2. Any agreement by any individual in the employ of any person or
36 concern to pay all or any portion of an employer's contributions, required
37 under this chapter from such employer, shall be void.

38 3. No employer shall directly or indirectly make or require or accept
39 any deduction from wages to finance the employer's contributions
40 required from him, or require or accept any waiver of any right under
41 this chapter by any individual in his employ.

42 4. Any employer or officer or agent of an employer who violates any
43 provision of this section [shall, for each offense, be punished by a fine
44 of not less than \$100 nor more than \$500, or by imprisonment in the
45 county jail for not more than 6 months, or by both fine and impris-
46 onment.] *is guilty of a misdemeanor.*

47 SEC. 587. NRS 612.705 is hereby amended to read as follows:

48 612.705 1. No individual claiming benefits shall be charged fees of
49 any kind in any proceeding under this chapter by the board of review, the

1 executive director, or its or his representatives, or by any court or officer
2 thereof.

3 2. Any individual claiming benefits in any proceeding before the
4 executive director or the board of review, or his or its representatives, or
5 a court, may be represented by counsel or other duly authorized agent,
6 but no such counsel or agents shall either charge or receive for such
7 services more than an amount approved by the board of review.

8 3. Any person, firm or corporation who shall exact or receive any
9 remuneration or gratuity for any services rendered on behalf of a claimant
10 except as allowed by this section and in an amount approved by the board
11 of review [shall be punished for each such offense by a fine of not less
12 than \$50 nor more than \$500, or by imprisonment in the county jail for
13 not more than 6 months, or by both fine and imprisonment.] *is guilty of*
14 *a misdemeanor.*

15 4. Any person, firm or corporation who shall solicit the business of
16 appearing on behalf of a claimant or who shall make it a business to
17 solicit employment for another in connection with any claim for benefits
18 under this chapter [shall be punished for each such offense by a fine of
19 not less than \$50 nor more than \$500, or by imprisonment in the county
20 jail for not more than 6 months, or by both fine and imprisonment.] *is*
21 *guilty of a misdemeanor.*

22 SEC. 588. NRS 612.715 is hereby amended to read as follows:

23 612.715 Whoever makes a false statement or representation knowing
24 it to be false, or knowingly fails to disclose a material fact, to obtain or
25 increase any benefit or other payment under this chapter, either for him-
26 self or for any other person, [shall be punished by a fine of not less than
27 \$50 nor more than \$500, or by imprisonment in the county jail for not
28 more than 6 months, or by both fine and imprisonment.] *is guilty of a*
29 *misdemeanor.*

30 SEC. 589. NRS 612.720 is hereby amended to read as follows:

31 612.720 Whenever two or more persons shall conspire to obtain or
32 increase any benefit or other payment under this chapter by a false state-
33 ment or representation knowing it to be false, or by knowingly failing to
34 disclose a material fact, or whenever any person makes a series of false
35 statements or representations knowing them to be false, to obtain or
36 increase benefit payments under this chapter over a period of more than
37 1 week, every such person [shall be punished by a fine of not less than
38 \$100 nor more than \$1,000, or by imprisonment in the county jail for
39 not more than 1 year, or by both fine and imprisonment.] *is guilty of a*
40 *gross misdemeanor.*

41 SEC. 590. NRS 612.725 is hereby amended to read as follows:

42 612.725 Any person residing in this state who claims benefits under
43 any agreement existing between the employment security department of
44 Nevada and some other state or the Federal Government, who willfully
45 makes a false statement or representation or knowingly fails to disclose
46 a material fact to obtain or increase benefits under the provisions of the
47 unemployment law of any other state or the Federal Government shall be
48 guilty of a misdemeanor. [, and upon conviction thereof shall be punished
49 by a fine of not less than \$50 nor more than \$500, or by imprisonment in

1 the county jail for not more than 6 months, or by both fine and impris-
2 onment.】

3 SEC. 591. NRS 612.730 is hereby amended to read as follows:

4 612.730 1. Any employing unit or any officer or agent of an employ-
5 ing unit or any other person who makes a false statement or representa-
6 tion knowing it to be false, or who knowingly fails to disclose a material
7 fact, to prevent or reduce the payment of benefits to any individual
8 entitled thereto, or to avoid becoming or remaining subject hereto, or to
9 avoid or reduce any contribution or other payment required from an
10 employing unit under this chapter, or who willfully fails or refuses to
11 make any such contributions or other payment or to furnish any reports
12 required by this chapter, or to produce or permit the inspection or copy-
13 ing of records as required by this chapter, 【shall be punished by a fine of
14 not less than \$50 nor more than \$500, or by imprisonment in the county
15 jail for not more than 6 months, or by both fine and imprisonment.】 *is*
16 *guilty of a misdemeanor.*

17 2. Whenever two or more persons shall conspire to accomplish any
18 of the objects provided in this section, every such person 【shall be pun-
19 ished by a fine of not less than \$100 nor more than \$1,000, or by impris-
20 onment in the county jail for not more than 1 year, or by both fine and
21 imprisonment.】 *is guilty of a gross misdemeanor.*

22 SEC. 592. NRS 612.735 is hereby amended to read as follows:

23 612.735 Any person who shall willfully violate any provision of this
24 chapter or any order, rule or regulation thereunder, the violation of which
25 is made unlawful or the observance of which is required under the terms
26 of this chapter, and for which a penalty is neither prescribed herein nor
27 provided by any other applicable statute, 【shall be punished by a fine
28 of not less than \$50 nor more than \$500, or by imprisonment in the
29 county jail for not more than 6 months, or by both fine and imprison-
30 ment.】 *is guilty of a misdemeanor.*

31 SEC. 593. NRS 613.010 is hereby amended to read as follows:

32 613.010 1. It shall be unlawful for any person, persons, company,
33 corporation, society, association or organization of any kind doing busi-
34 ness in this state by himself, itself, themselves, his, its or their agents or
35 attorneys to induce, influence, persuade or engage workmen to change
36 from one place to another in this state, or to bring workmen of any class
37 or calling into this state to work in any of the departments of labor in this
38 state, through means of false or deceptive representations, false adver-
39 tising or false pretenses concerning:

40 (a) The kind and character of the work to be done; or

41 (b) The amount and character of the compensation to be paid for such
42 work; or

43 (c) The sanitary or other conditions of their employment; or

44 (d) The existence or nonexistence of a strike or other trouble pending
45 between the employer and employees at the time of or prior to such
46 engagement, proposal or contract for such employment of workmen.

47 2. Any person, persons, company, corporation, society, association
48 or organization of any kind doing business in this state, as well as his,
49 their or its agents, attorneys, servants or associates, 【found guilty of】
50 violating *any of the provisions of subsection 1* 【or any part thereof shall

1 be punished by a fine of not less than \$200 nor more than \$2,000, or by
2 imprisonment in the county jail for not less than 60 days nor more than 1
3 year, or by both fine and imprisonment.】 *is guilty of a gross misde-*
4 *meanor.*

5 3. Any workman of this state or any workman of another state who
6 has been or shall be influenced, induced or persuaded to engage with any
7 person mentioned in subsection 1, or any company, corporation, society
8 or organization mentioned in subsection 1, through or by means of any
9 of the things therein prohibited, shall have a cause of action for recovery
10 and may recover at law for all damages that he shall have sustained in
11 consequence of the false or deceptive representations, false advertising or
12 false pretenses used to induce him to change his place of employment, or
13 place of abode in case such workman shall not be then employed at the
14 time of such inducement and hiring, against any person or persons, cor-
15 porations, companies or associations directly or indirectly causing such
16 damages. In any action under this section for the recovery of such dam-
17 ages, the court shall have the power to award a reasonable attorney's fee
18 in favor of the prevailing party, which fee shall be taxed as costs against
19 the losing party therein.

20 SEC. 594. NRS 613.030 is hereby amended to read as follows:

21 613.030 Any person, persons, partnership, association, company or
22 corporation, or his or its officers, directors or agents, who or which shall
23 employ for wages any person or persons in any occupation, and who or
24 which at the time of employing such person or persons shall make any
25 false representation or pretenses as to having sufficient funds to pay such
26 wages, and who after labor has been done under such employment by the
27 employee or employees shall fail upon the discharge or resignation of such
28 employee or employees, for a period of 5 days after such wages are
29 legally payable, to pay the employee or employees on demand the wages
30 due the employee or employees for such labor, shall be guilty of a misde-
31 meanor. 【, and upon conviction thereof shall be punished by a fine not
32 exceeding \$500, or by imprisonment in the county jail not exceeding 6
33 months, or by both fine and imprisonment.】

34 SEC. 595. NRS 613.050 is hereby amended to read as follows:

35 613.050 1. Any person, firm or corporation violating the provisions
36 of NRS 613.040 to 613.070, inclusive, upon conviction thereof shall be
37 punished by a fine of not 【less than \$100 nor】 more than \$500.

38 2. The penalty shall be recovered in a suit brought for that purpose
39 by the attorney general in the name of and for the benefit of the State of
40 Nevada, but no such prosecution shall be commenced later than 3 months
41 after the commission of the offense described in NRS 613.040.

42 SEC. 596. NRS 613.080 is hereby amended to read as follows:

43 613.080 1. The immigration to this state of all slaves and other peo-
44 ple bound by contract to involuntary servitude for a term of years is
45 hereby prohibited.

46 2. It shall be unlawful for any company, person or persons to collect
47 the wages or compensation for the labor of the persons described in sub-
48 section 1.

1 3. It shall be unlawful for any corporation, company, person or per-
2 sons to pay to any owner or agent of the owner of any such persons men-
3 tioned in subsection 1 any wages or compensation for the labor of such
4 slaves or persons so bound by the contract to involuntary servitude.

5 4. Any violation of any of the provisions of this section shall be a
6 gross misdemeanor. [, and shall be punished by a fine of not less than
7 \$300 nor more than \$1,000, or by imprisonment in the county jail for
8 not less than 3 months nor more than 6 months, or by both fine and
9 imprisonment.]

10 SEC. 597. NRS 613.120 is hereby amended to read as follows:

11 613.120 1. It shall be unlawful for any manager, superintendent,
12 officer, agent, servant, foreman, shift boss or other employee of any per-
13 son or corporation, charged or entrusted with the employment of any
14 workmen or laborers, or with the continuance of workmen or laborers in
15 employment, to demand or receive, either directly or indirectly, from any
16 workman or laborer, employed through his agency or worked or con-
17 tinued in employment under his direction or control, any fee, commission
18 or gratuity of any kind or nature as the price or condition of the employ-
19 ment of any such workman or laborer, or as the price or condition of his
20 continuance in such employment.

21 2. Any such manager, superintendent, officer, agent, servant, fore-
22 man, shift boss or other employee of any person or corporation, charged
23 or entrusted with the employment of laborers or workmen for his princi-
24 pal, or under whose direction or control such workmen and laborers are
25 engaged in work and labor for such principal, who shall demand or
26 receive, either directly or indirectly, any fee, commission or gratuity of
27 any kind or nature from any workman or laborer employed by him or
28 through his agency or worked under his direction and control, either as
29 the price and condition of the employment of such workman or laborer or
30 as the price and condition of the continuance of such workman or laborer
31 in such employment, shall be guilty of a misdemeanor. [, and upon con-
32 viction thereof shall be punished by a fine of not less than \$50 nor more
33 than \$300, or by imprisonment in the county jail not exceeding 6 months,
34 or by both fine and imprisonment.]

35 SEC. 598. NRS 613.130 is hereby amended to read as follows:

36 613.130 1. As used in this section, "labor organization" means any
37 organization of any kind, or any agency or employee representation com-
38 mittee or plan, in which employees participate and which exists for the
39 purpose, in whole or in part, of dealing with employers concerning griev-
40 ances, labor disputes, wages, rates of pay, hours of employment, or con-
41 ditions of work.

42 2. It shall be unlawful for any person, firm or corporation to make or
43 enter into any agreement, either oral or in writing, by the terms of which
44 any employee of such person, firm or corporation, or any person about to
45 enter the employ of such person, firm or corporation, as a condition for
46 continuing or obtaining such employment, shall be required not to
47 become or continue a member of any labor organization, or shall be
48 required to become or continue a member of any labor organization.

49 3. Any person or persons, firm or firms, corporation or corporations
50 violating the provisions of this section shall be guilty of a misdemeanor.

1 [, and upon conviction thereof shall be punished by a fine of not less
2 than \$50 nor more than \$300, or by imprisonment in the county jail for
3 not less than 25 days nor more than 5 months, or by both fine and impris-
4 onment.]

5 SEC. 599. NRS 613.140 is hereby amended to read as follows:

6 613.140 Any person or persons, employer, company, corporation or
7 association, or the managing agent of any person or persons, employer,
8 company, corporation or association, doing or conducting business in
9 this state, who by coercion, intimidation, threats or undue influence com-
10 pels or induces his employees to trade at any particular store or board at
11 any particular boardinghouse in this state shall be guilty of a misde-
12 meanor. [, and upon conviction thereof shall be punished by a fine of not
13 less than \$50 nor more than \$200, or by imprisonment in the county jail
14 for not less than 30 days nor more than 100 days, or by both fine and
15 imprisonment.]

16 SEC. 600. NRS 613.150 is hereby amended to read as follows:

17 613.150 1. It shall be unlawful for any transportation company
18 doing business in the State of Nevada, or any officer, agent or servant of
19 such transportation company, to require any employee as a condition of
20 his continued employment, or otherwise to require or compel or attempt
21 to require or compel any such employee, to purchase of any such trans-
22 portation company or of any particular person, firm or corporation, or at
23 any particular place or places, any uniform or other clothing or apparel
24 required by any such transportation company to be used by any such
25 employee in the performance of his duty as such. Any such transportation
26 company, or any officer, agent or servant thereof, who shall order or
27 require any person in its employ to purchase any uniform or other cloth-
28 ing or apparel as aforesaid shall be deemed to have required such pur-
29 chase as a condition of such employee's continued employment.

30 2. Any transportation company doing business in the State of
31 Nevada, or any officer, agent or servant thereof, violating any of the pro-
32 visions of this section shall be guilty of a misdemeanor. [, and upon con-
33 viction thereof shall be punished by a fine of not less than \$100 nor more
34 than \$500, or by imprisonment in the county jail for not more than 6
35 months.]

36 SEC. 601. NRS 613.170 is hereby amended to read as follows:

37 613.170 1. Whenever any person or persons, firm, corporation or
38 association, whether acting as principal or agent, contractor or subcon-
39 tractor, shall hire or employ any other person or persons for the perform-
40 ance of any labor or service, and shall issue to such person or persons
41 time checks for the labor or service performed, it shall be unlawful for the
42 person or persons, firm, corporation or association issuing such time
43 checks to discount the same or deduct therefrom any portion of the same
44 as such discount.

45 2. Any employer of labor, or his agent or representative, violating the
46 provisions of subsection 1 shall be guilty of a misdemeanor. [, and upon
47 conviction thereof shall be punished by a fine of not less than \$50 nor
48 more than \$300, or by imprisonment in the county jail for not less than
49 30 days nor more than 6 months, or by both fine and imprisonment.]

50 3. Nothing in subsections 1 and 2 shall apply to persons, firms,

1 associations or corporations making discounts, deductions, or pro rata
2 payments in the course of bankruptcy or insolvency proceedings, or in
3 the settlement of the estates of deceased persons.

4 SEC. 602. NRS 613.180 is hereby amended to read as follows:

5 613.180 1. For the purpose of this section:

6 (a) "Distance and facilities for the comfort and conveyance of any
7 patient" shall be construed to mean the nearest hospital and the most
8 comfortable means of conveyance at hand or that can be procured in a
9 reasonable time.

10 (b) "Town or place" shall be construed to mean any town, head-
11 quarters or place, at which town, headquarters or place, and tributary
12 places, sufficient hospital fees are collected to maintain a hospital in
13 keeping with the hospital fees collected.

14 2. It is unlawful for any person or persons, contractor or contractors,
15 firm, company, corporation or association, or the managing agent of any
16 person or persons, contractor or contractors, firm, company, corporation
17 or association, to collect, demand, force, compel or require, either
18 monthly, annually or for any other period of time, any sum of money for
19 hospital fees from any person or laborer at any place in this state where
20 no convenient, comfortable and well-equipped hospital is maintained at
21 some town or place for the accommodation, relief and treatment of per-
22 sons in his or their employ, and from whom hospital fees are collected;
23 provided:

24 (a) That any person or persons, contractor or contractors, firm, com-
25 pany, corporation or association, or the managing agent of the same, may
26 care for or cause to be cared for any person in his or their employ, from
27 whom hospital fees are collected, at any private or public hospital, sani-
28 tarium or other convenient and comfortable place, without expense to
29 the person or patient from whom hospital fees are collected; and

30 (b) That the distance and facilities for the comfort and conveyance of
31 any patient come within the intent and meaning of subsection 1.

32 3. If at the nearest hospital the proper medical treatment cannot be
33 secured, then it shall not be unlawful to take any person or patient a
34 greater distance or to another hospital.

35 4. Any person or persons violating the provisions of this section shall
36 be guilty of a misdemeanor. [, and upon conviction thereof shall be pun-
37 ished by a fine of not less than \$200 nor more than \$500, or by imprison-
38 ment in the county jail for not less than 100 days nor more than 250
39 days, or by both fine and imprisonment.]

40 SEC. 603. NRS 613.200 is hereby amended to read as follows:

41 613.200 Any person, association, company or corporation within
42 this state, or any agent or officer on behalf of such person, association,
43 company or corporation, who shall willfully do anything intended to pre-
44 vent any person who shall have for any cause left or been discharged
45 from his or its employ from obtaining employment elsewhere in this state
46 [shall be guilty of a misdemeanor, and upon conviction thereof] shall be
47 punished by a fine of not [less than \$50 nor] more than \$250. [, or by
48 imprisonment in the county jail at the rate of 1 day for each \$2 of such
49 fine if the fine is not paid.]

50 SEC. 604. NRS 613.210 is hereby amended to read as follows:

1 613.210 1. As used in this section, "employee" shall be construed to
2 mean every person who shall have entered upon service or employment
3 of an employer, and such employment shall be deemed to commence
4 from the date of the entry or performance of any service. Any contract
5 of employment, rule, regulation or device to the contrary shall be void.

6 2. No corporation, company, organization or individual shall black-
7 list or cause to be blacklisted or publish the name of or cause to be pub-
8 lished the name of any employee, mechanic or laborer discharged by
9 such corporation, company, organization or individual with the intent
10 and for the purpose of preventing such employee, mechanic or laborer
11 from engaging in or securing similar or other employment from any other
12 corporation, company, organization or individual.

13 3. If any officer or agent of any corporation, company, organization
14 or individual, or other person, shall blacklist or cause to be blacklisted
15 or publish the name of or cause to be published the name of any
16 employee, mechanic or laborer discharged by such corporation, company,
17 organization or individual with the intent and for the purpose of prevent-
18 ing such employee, mechanic or laborer from engaging in or securing
19 similar or other employment from any other corporation, company,
20 organization or individual, or shall in any manner conspire or contrive,
21 by correspondence or otherwise, to prevent such discharged employee
22 from procuring employment, he shall be guilty of a misdemeanor. [, and
23 upon conviction thereof shall be punished by a fine of not less than \$50
24 nor more than \$250, or by imprisonment in the county jail for not less
25 than 30 days nor more than 90 days, or by both fine and imprisonment.]

26 4. Subsections 2 and 3 shall not be construed as prohibiting any cor-
27 poration, company, organization or individual from giving in writing, at
28 the time the employee leaves or is discharged from the service of the
29 employer, a truthful statement of the reason for such leaving of the serv-
30 ice or discharge of such employee, nor shall subsections 2 and 3 be con-
31 strued to prevent any employer from giving any employee or former
32 employee any statement with reference to any meritorious services which
33 the employee may have rendered to such employer. The employer shall
34 supply statements as provided in this subsection upon demand from the
35 employee, but no such statement shall be required unless the employee
36 shall have been in service for a period of not less than 60 days. Only one
37 such statement shall be issued to such employee.

38 SEC. 605. NRS 614.110 is hereby amended to read as follows:

39 614.110 Any person, firm, association, combination of persons,
40 organization or corporation, or any officer, agent, servant, employee or
41 attorney thereof, violating the provisions of NRS 614.090 to 614.110,
42 inclusive, shall be guilty of a misdemeanor. [, and upon conviction
43 thereof shall be punished by a fine of not more than \$500, or by impris-
44 onment in the county jail for not more than 6 months, or by both fine
45 and imprisonment.]

46 SEC. 606. NRS 614.130 is hereby amended to read as follows:

47 614.130 Any person violating the provisions of NRS 614.120 shall

1 be guilty of a misdemeanor. [, and upon conviction thereof shall be pun-
2 ished by a fine of not less than \$100 nor more than \$300, or by imprison-
3 ment in the county jail for not less than 30 days nor more than 6 months;
4 or by both fine and imprisonment.]

5 SEC. 607. NRS 616.630 is hereby amended to read as follows:

6 616.630 1. If any employer within the provisions of NRS 616.285
7 shall fail to provide and secure compensation under the terms of this
8 chapter, he shall be [guilty of a misdemeanor, and shall upon conviction
9 be] fined not [less than \$100 nor] more than \$500 for each offense.

10 2. If the commission or interested employee shall complain to the
11 district attorney of any county that an employer in his county has vio-
12 lated the provisions of this section, it shall be the mandatory duty of the
13 district attorney to investigate the complaint. If, after investigation, he
14 shall find that the complaint is well founded, he shall prosecute the
15 employer for the offense.

16 3. If the commission or interested employee shall complain to the
17 attorney general of any neglect of any district attorney in the premises,
18 it shall be the mandatory duty of the attorney general to investigate the
19 complaint. If, after investigation, he shall find that the complaint is well
20 founded, he shall forthwith institute proceedings against the district attor-
21 ney as for a misdemeanor or to remove him from office.

22 4. The duty of the district attorney and of the attorney general shall
23 be enforced as to procedure in the same manner as is provided in the
24 case of actions for the protection and benefit of employees as provided in
25 NRS 607.160 and 607.200.

26 SEC. 608. NRS 616.640 is hereby amended to read as follows:

27 616.640 1. It shall be unlawful for an employer who has elected to
28 reject the terms, conditions and provisions of this chapter to make any
29 charge against any employee or to deduct from the wages of any employee
30 any sum of money to meet the costs, in whole or in part, of the liability
31 incurred by the employer by reason of his rejection of this chapter. Any
32 such employer who makes a deduction for such purpose from the salary
33 or wage of any employee shall be [guilty of a misdemeanor and shall,
34 upon conviction, be] fined not [less than \$100 nor] more than \$500 for
35 each offense.

36 2. Any employer violating this section shall be prosecuted upon com-
37 plaint of any employee who submits proper evidence of such violation.

38 SEC. 609. NRS 616.650 is hereby amended to read as follows:

39 616.650 Any person, firm or corporation, agent or officer of any
40 firm or corporation, or any attending physician or surgeon who fails or
41 refuses to comply with the provisions of NRS 616.345 [shall be guilty
42 of a misdemeanor for each offense, and upon conviction] shall be fined
43 not [less than \$50 nor] more than \$200.

44 SEC. 610. NRS 616.660 is hereby amended to read as follows:

45 616.660 Any official who fails or refuses to comply with the provi-
46 sions of NRS 616.405 [shall be guilty of a misdemeanor for each offense,
47 and upon conviction] shall be fined not [less than \$50 nor] more than
48 \$200.

49 SEC. 611. NRS 617.490 is hereby amended to read as follows:

50 617.490 1. If any employer having two or more employees in his

1 service fails to provide and secure compensation under this chapter, any
2 employee contracting an occupational disease as provided in this chapter,
3 or, in case of death, his dependents, may bring an action at law against
4 the employer for damages as if this chapter did not apply.

5 2. Such employer shall also [be guilty of a misdemeanor and shall,
6 upon conviction,] be fined not [less than \$100 nor] more than \$500 for
7 each offense.

8 SEC. 612. NRS 618.320 is hereby amended to read as follows:

9 618.320 1. It shall be unlawful for any person, firm, association or
10 corporation, employing in the same building or on the same premises
11 five or more males and three or more females, to fail to provide separate
12 lavatories or toilet rooms for each sex and to fail to designate the same
13 plainly by a printed or painted sign on the door of the lavatory or toilet
14 room so provided.

15 2. Any person, firm, association or corporation violating the provi-
16 sions of this section shall be guilty of a misdemeanor. [, and upon con-
17 viction thereof shall be punished by a fine not exceeding \$100, or by
18 imprisonment in the county jail not exceeding 30 days, or by both fine
19 and imprisonment.]

20 3. In conjunction with peace officers, the labor commissioner shall
21 investigate and report to the proper officer any violation of this section.

22 4. This section shall not apply to:

23 (a) Persons, firms, associations or corporations located in office build-
24 ings where there are lavatories or toilet rooms for each sex reasonably
25 accessible within the building.

26 (b) Persons employing servants or other domestics in their homes or
27 residences.

28 SEC. 613. NRS 618.330 is hereby amended to read as follows:

29 618.330 1. It shall be unlawful for any person, company or cor-
30 poration to construct or place any shaft or shafting with collars, sleeves
31 or pulleys over 2 feet in diameter attached or secured to any such shaft
32 by setscrews projecting above the hub of such collars, sleeves or pulleys.
33 In all such cases where setscrews are used, the heads thereof shall be
34 countersunk below the surface of the hub of the collar, sleeve or pulley
35 in which they are placed.

36 2. Any person or corporation who shall fail or refuse to comply with
37 the requirements of this section, when constructing or changing any
38 machinery, [shall be guilty of a misdemeanor, and upon conviction
39 thereof] shall be punished by a fine of not [less than \$100 nor] more
40 than \$500.

41 3. Nothing contained in this section shall be so construed as to pre-
42 vent recovery in a suit for damages for injuries sustained by the person
43 so injured or by his heirs or administrators.

44 SEC. 614. NRS 618.340 is hereby amended to read as follows:

45 618.340 1. It shall be unlawful for any person or persons, company
46 or companies, corporation or corporations to sink or work through any
47 vertical shaft at a greater depth than 350 feet unless the shaft shall be
48 provided with an iron-bonneted safety cage, safety crosshead or safety
49 skip, to be used in the lowering and hoisting of the employees of such
50 person or persons, company or companies, corporation or corporations.

1 The safety apparatus shall be securely fastened to the cage, crosshead or
2 skip, and shall be of sufficient strength to hold the cage, crosshead or skip
3 loaded at any depth to which the shaft may be sunk; provided:

4 (a) That where a safety crosshead is used for other than sinking pur-
5 poses the same shall be equipped with gates as provided by law for cages;
6 and

7 (b) That where skips are used for other than sinking purposes plat-
8 forms for men to stand on when being hoisted or lowered shall be placed
9 in the skip not less than 4 feet from the top of the same and that an
10 overhead bar shall be provided for the men to hold to.

11 2. In any shaft less than 350 feet deep where no safety cage, safety
12 crosshead or safety skip is used and where a crosshead or crossheads are
13 used, platforms for employees to ride upon in lowering and hoisting such
14 employees shall be placed above the crosshead or crossheads.

15 3. Any person or persons, company or companies, corporation or
16 corporations, or the managing agent of any person or persons, company
17 or companies, corporation or corporations, who shall violate any of the
18 provisions of this section shall be guilty of a misdemeanor. **[** and upon
19 conviction thereof shall be punished by a fine of \$500, or by imprison-
20 ment in the county jail for 6 months, or by both fine and imprisonment. **]**

21 4. Nothing contained in this section shall be so construed as to pre-
22 vent recovery being had in a suit for damages for injuries sustained by
23 the person so injured, or his heir, administrator or administratrix or
24 anyone else competent to sue in an action of such character.

25 SEC. 615. NRS 623.360 is hereby amended to read as follows:

26 623.360 1. Any person violating any provisions of this chapter
27 **[shall be guilty of a misdemeanor, and upon conviction thereof]** shall
28 be sentenced for the first offense to pay a fine of not **[less than \$50 nor]**
29 more than \$200; and for a second or any subsequent offense shall be
30 sentenced to pay a fine of not **[less than \$200 nor]** more than \$500.

31 2. Whenever any person has engaged or is about to engage in any
32 acts or practices which constitute or will constitute an offense against
33 this chapter, the district court of any county, on application of the board,
34 may issue an injunction or other appropriate order restraining such con-
35 duct. Proceedings under this subsection shall be governed by Rule 65 of
36 the Nevada Rules of Civil Procedure, except that no bond or undertaking
37 shall be required in any action commenced by the board.

38 SEC. 616. NRS 624.360 is hereby amended to read as follows:

39 624.360 Any **[violation of this chapter shall constitute a misde-**
40 **meanor, and any fine levied for such violation shall not be less than \$50.]**
41 *person violating any of the provisions of this chapter shall be punished*
42 *by a fine of not more than \$500.*

43 SEC. 617. NRS 625.520 is hereby amended to read as follows:

44 625.520 1. It shall be unlawful for:

45 (a) Any person, firm or organization to practice or offer to practice
46 the profession of engineering, to use the word "engineer," or to intimate
47 the practice of engineering, or to advertise engineering as an engineering
48 consultant, or imply engineering services in a firm or organization name,
49 in this state without being registered or exempt, in accordance with the
50 provisions of this chapter.

1 (b) Any registered professional engineer to practice or offer to practice
2 a branch of professional engineering in which the board has not qualified
3 him.

4 (c) Any person to present or attempt to use, as his own, the certificate
5 of registration or the seal of another.

6 (d) Any person to give any false or forged evidence of any kind to the
7 board or any member thereof in obtaining a certificate of registration.

8 (e) Any person to impersonate falsely any other registrant of like or
9 different name.

10 (f) Any person to attempt to use an expired or revoked certificate of
11 registration.

12 (g) Any person to violate any of the provisions of this chapter.

13 2. Any person who violates any of the provisions of subsection 1
14 shall be guilty of a misdemeanor. [and shall, upon conviction, be pun-
15 ished by a fine of not less than \$100 nor more than \$500, or by impris-
16 onment in the county jail for a period not exceeding 3 months, or by both
17 fine and imprisonment.]

18 SEC. 618. NRS 625.550 is hereby amended to read as follows:

19 625.550 1. Any person who intentionally removes, changes or
20 defaces any monument set by a registered land surveyor, which monu-
21 ment has been properly established and marked as required by this
22 chapter, shall be guilty of a [misdemeanor.] *public offense, as prescribed*
23 *in section 8 of this act, proportionate to the value of the loss resulting*
24 *therefrom, but in no event less than a misdemeanor.*

25 2. *For purposes of this section, the "value of the loss resulting*
26 *therefrom" means the cost of restoring or replacing the monuments which*
27 *have been removed, changed or defaced.*

28 SEC. 619. NRS 625.580 is hereby amended to read as follows:

29 625.580 Any public official violating the provisions of this chapter
30 [shall be guilty of a misdemeanor, and, upon conviction thereof,] shall:

31 1. Be punished by a fine not exceeding \$500; and

32 2. Shall forfeit his office.

33 SEC. 620. NRS 626.350 is hereby amended to read as follows:

34 626.350 1. Except as otherwise provided in this chapter:

35 (a) It shall be unlawful for any person to operate any steam, electric,
36 gas, air or other hoisting machinery over 6 horsepower when either is
37 used for lowering or hoisting men in a mine without first obtaining a
38 license therefor from the district examining board as provided in this
39 chapter.

40 (b) It shall be unlawful for any person, firm or corporation to employ
41 any person not duly licensed as a hoisting engineer, within the meaning
42 of this chapter, to run or operate at a mine any steam, electric, gas, air
43 or any other hoisting machinery subject to the provisions of this chapter.

44 (c) It shall be unlawful for every owner, employer or manager of any
45 engine or machinery named in NRS 626.010 knowingly to permit any
46 unlicensed person to operate the same.

47 2. Any person who violates any of the provisions of this chapter
48 shall be guilty of a misdemeanor. [and upon conviction thereof shall be
49 punished by a fine of not less than \$100 nor more than \$500, or by

1 imprisonment in the county jail for not less than 30 days nor more than
2 6 months, or by both fine and imprisonment.】

3 SEC. 621. NRS 628.580 is hereby amended to read as follows:

4 628.580 1. Any person who violates any provision of NRS 628.450
5 to 628.550, inclusive, is guilty of a misdemeanor. 【, and upon conviction
6 thereof shall be punished by a fine not exceeding \$500, or imprisonment
7 in the county jail not exceeding 6 months, or by both fine and imprison-
8 ment.】

9 2. Whenever the board has reason to believe that any person is liable
10 to punishment under this section it may certify the facts to the attorney
11 general or other appropriate enforcement officer, who may, in his dis-
12 cretion, cause appropriate proceedings to be brought.

13 SEC. 622. NRS 629.150 is hereby amended to read as follows:

14 629.150 1. It shall be unlawful for any person:

15 (a) Except as otherwise authorized by this chapter, to practice the
16 healing art or any branch thereof without having obtained a valid certifi-
17 cate from the state board of examiners in the basic sciences.

18 (b) To obtain or attempt to obtain a certificate of ability in the basic
19 sciences by dishonest or fraudulent means.

20 (c) To forge, counterfeit or alter fraudulently any certificate of ability
21 in the basic sciences.

22 (d) To obtain or attempt to obtain a license to practice the healing
23 art or any branch thereof from any board or officer authorized to issue
24 any such license, without presenting to such board or officer as required
25 in this chapter a valid certificate issued to the applicant by the state board
26 of examiners in the basic sciences.

27 (e) To issue knowingly or to participate in the issuance of a license to
28 practice the healing art or any branch thereof to any person who has not
29 presented to the licensing board a valid certificate from the state board of
30 examiners in the basic sciences.

31 (f) To issue knowingly or to participate in the issuance of a license to
32 practice the healing art or any branch thereof to any person who has pre-
33 sented to the licensing board a certificate obtained from the state board of
34 examiners in the basic sciences by dishonesty, fraud, or by any forged or
35 counterfeit certificate.

36 2. Any person 【convicted of】 violating any provision of subsection 1
37 【shall be punished by a fine not to exceed \$500, or by imprisonment in
38 the county jail for not more than 90 days, or by both fine and imprison-
39 ment.】 *is guilty of a misdemeanor.*

40 SEC. 623. NRS 630.400 is hereby amended to read as follows:

41 630.400 Any person shall be guilty of a misdemeanor 【, and upon
42 conviction thereof shall be punished by a fine of not less than \$50 nor
43 more than \$500, or by imprisonment in the county jail for not less than 5
44 days nor more than 6 months, or by both fine and imprisonment,】 who:

45 1. Shall within 10 days after demand made by the secretary of the
46 board fail to furnish to the board the names and addresses of all persons
47 practicing or assisting in the practice of medicine, surgery or obstetrics in
48 the office of such person at any time within 60 days prior to the notice,
49 together with a sworn statement showing under and by what license or
50 authority the person or persons are and have been so practicing, but the

1 affidavit shall not be used as evidence against such person in any proceed-
2 ing under this section; or

3 2. Shall assume to act as a member of a state board of medical exam-
4 iners, or who shall sign or subscribe, or issue or cause to be issued, or
5 seal or cause to be sealed, a certificate authorizing any person to practice
6 medicine, surgery or obstetrics in this state, except the person so acting
7 and doing shall have been appointed a member of the board of medical
8 examiners as provided in this chapter; or

9 3. Shall, in an affidavit required of an applicant for examination,
10 license or registration under this chapter, willfully make a false statement
11 in a material regard.

12 SEC. 624. NRS 630.420 is hereby amended to read as follows:

13 630.420 Every person filing for record, or attempting to file for rec-
14 ord, the certificate issued to another, falsely claiming himself to be the
15 person named in the certificate, or falsely claiming himself to be the per-
16 son entitled to the same, shall be guilty of a felony, and upon conviction
17 thereof shall be punished by imprisonment in the state prison for not less
18 than 1 year nor **[exceeding 5 years.]** *more than 6 years.*

19 SEC. 625. NRS 632.500 is hereby amended to read as follows:

20 632.500 1. Any person violating any of the provisions of this chap-
21 ter shall be guilty of a misdemeanor. **[and upon conviction shall be**
22 **punished by a fine of not less than \$25 nor more than \$500, or by impris-**
23 **onment in the county jail for a period not to exceed 6 months, or by both**
24 **fine and imprisonment.]**

25 2. A court of competent jurisdiction shall have full power to try any
26 violations of this chapter, and upon conviction may, at its discretion,
27 revoke the license of the person so convicted, in addition to imposing the
28 other penalties herein provided.

29 SEC. 626. NRS 633.160 is hereby amended to read as follows:

30 633.160 Each of the following acts shall **[constitute a misde-**
31 **meanor,]** *be punishable [upon conviction]* by a fine of not **[less than**
32 **\$50 nor]** *more than \$500:*

33 1. The practice of osteopathy or an attempt to practice osteopathy
34 without a license.

35 2. The obtaining of or an attempt to obtain a license, or practice in
36 the profession for money or any other thing of value, by fraudulent mis-
37 representation.

38 3. The making of any willfully false oath or affirmation whenever an
39 oath or affirmation is required by this chapter.

40 4. Advertising, practicing or attempting to practice under a name
41 other than one's own.

42 SEC. 627. NRS 634.230 is hereby amended to read as follows:

43 634.230 Any person violating any of the provisions of this chapter
44 shall be guilty of a misdemeanor. **[, and upon conviction thereof shall be**
45 **punished by a fine not to exceed \$300 or by imprisonment in the county**
46 **jail for a term not to exceed 3 months, or by both fine and imprison-**
47 **ment.]**

48 SEC. 628. NRS 635.180 is hereby amended to read as follows:

49 635.180 Every person who shall practice chiropody as defined in
50 this chapter without having complied with the provisions of this chapter

1 [shall be guilty of a misdemeanor, and upon conviction] shall be fined
2 not [less than \$25 nor] more than \$100 for each offense.

3 SEC. 629. NRS 637.200 is hereby amended to read as follows:

4 637.200 Any of the following acts shall constitute a misdemeanor:
5 [, punishable upon conviction by a fine of not less than \$100 nor more
6 than \$500, or imprisonment for not less than 10 days in the county jail,
7 or by both fine and imprisonment:]

8 1. Advertising at a stipulated price or as free the furnishing of a lens,
9 glass or the frame or fitting therefor.

10 2. The insertion of a false or misleading statement in any advertising
11 in connection with the business of ophthalmic dispensing.

12 3. Making use of any advertising statement of a character tending to
13 indicate to the public the superiority of a particular system or type of eye-
14 sight examination or treatment.

15 4. Furnishing or advertising the furnishing of the services of a refrac-
16 tionist, optometrist, or physician or surgeon.

17 5. Changing the prescription of a lens without an order from a person
18 licensed to issue such prescription.

19 6. The violation of any provision of this chapter.

20 SEC. 630. NRS 639.310 is hereby amended to read as follows:

21 639.310 1. Any person, firm, corporation, partnership or association
22 who violates any of the provisions of this chapter shall be guilty of a mis-
23 demeanor. [, and upon conviction shall be punished by a fine of not less
24 than \$25 nor more than \$100 or by imprisonment in the county jail for
25 not less than 10 days nor more than 50 days, or by both fine and impris-
26 onment.]

27 2. Upon conviction of the violation of any of the provisions of this
28 chapter, the board may suspend or revoke the license of any person, firm,
29 corporation, partnership or association licensed under the provisions of
30 this chapter.

31 SEC. 631. NRS 641.440 is hereby amended to read as follows:

32 641.440 Any person who violates any of the provisions of this chap-
33 ter or, having had his certificate suspended or revoked, continues to rep-
34 resent himself as a psychologist, is guilty of a misdemeanor. [and shall
35 be punished by imprisonment in the county jail for not more than 6
36 months or by a fine of not more than \$500, or by both such fine and
37 imprisonment. Each violation shall be deemed a separate offense.]

38 SEC. 632. NRS 642.580 is hereby amended to read as follows:

39 642.580 Any person who shall practice or hold himself out as prac-
40 ticing the profession of embalming of human dead bodies without having
41 complied with the provisions of this chapter [shall be guilty of a misde-
42 meanor, and upon conviction] shall be punished by a fine of not [less
43 than \$25 nor] more than \$500 for each offense.

44 SEC. 633. NRS 642.590 is hereby amended to read as follows:

45 642.590 1. Any person, firm or corporation who engages, directly or
46 indirectly, in the business of funeral directing or undertaking or holds
47 himself or itself out as a funeral director or undertaker or attempts to take
48 care of the disposition of dead human bodies without having complied
49 with the provisions of this chapter, and without being licensed so to do as
50 herein provided, or who continues in the business of a funeral director or

1 undertaker after his or its license has been revoked [shall be guilty of a
2 misdemeanor, and upon conviction thereof] shall be fined not [less than
3 \$50 or] more than \$500. Each day that he or it is so engaged in such
4 business shall be a separate offense.

5 2. Any funeral director or undertaker or any person acting for him
6 who pays or causes to be paid, directly or indirectly, any money or other
7 thing of value as a commission or gratuity for the securing of business as
8 such funeral director or undertaker and every person who accepts or
9 offers to accept any money or thing of value as a commission or gratuity
10 from a funeral director or undertaker in order to secure business for him
11 shall be guilty of a misdemeanor. [, and upon conviction thereof shall be
12 punished by a fine not to exceed \$500, or by imprisonment in the county
13 jail for not less than 30 days, or by both fine and imprisonment.]

14 SEC. 634. NRS 643.210 is hereby amended to read as follows:

15 643.210 Any person violating any of the provisions of this chapter,
16 unless by general law otherwise provided, shall be guilty of a misde-
17 meanor. [, and upon conviction thereof shall be punished:

18 1. For the first offense, by a fine of not less than \$50 nor more than
19 \$300 or by imprisonment in the county jail for not less than 10 days nor
20 more than 90 days, or by both fine and imprisonment.

21 2. For the second and each subsequent offense, by a fine of not less
22 than \$50 nor more than \$300 or by imprisonment in the county jail for
23 not less than 30 days nor more than 90 days, or by both fine and impris-
24 onment.]

25 SEC. 635. NRS 644.470 is hereby amended to read as follows:

26 644.470 Nothing in this chapter shall authorize the use of any X-ray
27 machine in the treatment of the scalp or in the removal of superfluous
28 hair, or permit the local application of carbolic acid (phenol) in a solu-
29 tion or mixture of more than 10 percent, or corrosive sublimate (mer-
30 cury), or its preparation or derivatives or compounds, in a stronger
31 solution or preparation than 1 to 500. A violation of the provisions of
32 this section shall constitute a misdemeanor. [, punishable as provided
33 in NRS 644.480.]

34 SEC. 636. NRS 644.480 is hereby amended to read as follows:

35 644.480 1. Every person violating any of the provisions of this
36 chapter shall be guilty of a misdemeanor. [, and upon conviction shall
37 be punished by a fine of not less than \$25 nor more than \$500, or by
38 imprisonment in the county jail for not less than 25 days nor more than
39 6 months, or by both fine and imprisonment.]

40 2. Every person required by the provisions of this chapter to per-
41 form any act or duty who shall fail, refuse or neglect to perform the duty
42 in the manner directed by the provisions of this chapter shall be guilty of
43 a misdemeanor. [, and upon conviction shall be punished by a fine of not
44 less than \$25 nor more than \$500, or by imprisonment in the county jail
45 for not less than 25 days nor more than 6 months, or by both fine and
46 imprisonment.]

47 3. Every person required by the provisions of this chapter to perform
48 any duty at a specified time or in a specified manner who shall fail, refuse
49 or neglect to perform the duty at the time and in the manner provided by
50 the terms of this chapter shall be guilty of a misdemeanor. [, and upon

1 conviction shall be punished by a fine of not less than \$25 nor more than
2 \$500, or by imprisonment in the county jail for not less than 25 days nor
3 more than 6 months, or by both fine and imprisonment.】

4 SEC. 637. NRS 645.850 is hereby amended to read as follows:

5 645.850 1. Any person, copartnership, association or corporation
6 violating a provision of this chapter, 【shall,】 upon conviction thereof, if
7 a person, 【be punished by a fine of not more than \$1,000, or by imprison-
8 ment in the county jail for a term not to exceed 1 year, or by both fine
9 and imprisonment,】 *is guilty of a gross misdemeanor*, and if a copartner-
10 ship, association or corporation, *shall* be punished by a fine of not more
11 than \$2,500.

12 2. Any officer or agent of a corporation, or member or agent of a
13 copartnership or association, who shall personally participate in or be
14 accessory to any violation of this chapter by such copartnership, asso-
15 ciation or corporation, shall be subject to the penalties herein prescribed
16 for individuals.

17 3. Nothing herein contained shall be construed to release any per-
18 son, corporation, association or copartnership from civil liability or crim-
19 inal prosecution under the general laws of this state.

20 4. The administrator may prefer a complaint for violation of NRS
21 645.230 before any court of competent jurisdiction, and may take the
22 necessary legal steps through the proper legal officers of this state to
23 enforce the provisions thereof.

24 5. Any court of competent jurisdiction shall have full power to try
25 any violation of this chapter, and upon conviction the court may, at its
26 discretion, revoke the license of the person, copartnership, association,
27 or corporation so convicted, in addition to imposing the other penalties
28 herein provided.

29 SEC. 638. NRS 647.090 is hereby amended to read as follows:

30 647.090 Any junk dealer who shall be found guilty of a violation of
31 any of the provisions of NRS 647.010 to 647.080, inclusive, 【shall be
32 punished:

33 1. For the first offense, by a fine of not less than \$50 nor more than
34 \$200, or by imprisonment in the county jail not to exceed 60 days, or by
35 both fine and imprisonment.

36 2. For a second and each subsequent conviction, by a fine of not less
37 than \$100 nor more than \$300, or by imprisonment in the county jail of
38 not less than 30 days nor more than 90 days, or by both fine and impris-
39 onment.】 *is guilty of a misdemeanor*.

40 SEC. 639. NRS 648.210 is hereby amended to read as follows:

41 648.210 The violation of any of the provisions of NRS 648.060 or
42 648.200 【shall be deemed a misdemeanor, punishable by a fine of not
43 more than \$500 or by imprisonment in the county jail for not more than
44 1 year, or by both fine and imprisonment.】 *is a gross misdemeanor*.

45 SEC. 640. NRS 651.040 is hereby amended to read as follows:

46 651.040 1. As used in this section, unless the context otherwise
47 requires:

48 (a) "Corporate or fictitious name" means "\$4.00 motel" or similar
49 name or any phraseology used in the name the reasonable construction

1 of which implies the rate at which rooms or accommodations may be
2 secured at such establishment.

3 (b) "Establishment" means any hotel, motel, inn or motor court.

4 (c) "Membership in an organization" means "member of \$4.00 motel
5 association" or similar organization names or any phraseology used in
6 the organization name the reasonable construction of which implies the
7 rate at which rooms or accommodations may be secured at such estab-
8 lishment.

9 (d) "Outdoor sign" or "outside sign" means any sign maintained out-
10 side the establishment, whether on, connected to or separated from the
11 establishment, or any sign, whether within or without the establishment,
12 which is visible to the public from the outside.

13 (e) "Owner" or "keeper" means any person, firm, association or cor-
14 poration.

15 (f) "Rates" means the total charge levied at such establishment for
16 rooms or accommodations.

17 (g) "Special rates" means "special rates," "cut rates," "low rates,"
18 "lowest rates," "lowest rates in town," "reasonable," "inexpensive" or
19 any similar phraseology the reasonable construction of which implies
20 that a bargain in rates is offered at such establishment.

21 2. It is unlawful for any owner or keeper of any hotel, inn, motel or
22 motor court in this state to post or maintain posted on any outdoor or
23 any outside sign:

24 (a) Advertising with reference to any rates at which rooms or accom-
25 modations may be secured at such establishment.

26 (b) Advertising which employs terminology with reference to special
27 rates for rooms or accommodations at such establishment.

28 (c) Advertising the corporate or fictitious name of such establishment
29 or membership in any organization the name of which pertains to or can
30 be reasonably construed as pertaining to the rate of rooms or accommo-
31 dations at such establishment.

32 3. Nothing contained in subsection 2 shall be construed as requiring
33 any establishment therein referred to to maintain outdoor signs or out-
34 side signs.

35 4. Every owner or keeper of any hotel, inn, motel or motor court
36 in this state shall post, in a conspicuous place in the office and in every
37 bedroom of such establishment, a printed copy of a statement of charge
38 or rate of charges by the day for lodging. The rates posted in the office
39 and every bedroom of such establishment shall display the daily rate of
40 such room for occupancy by one person, for occupancy by two persons,
41 the additional charge for each person over two persons, or the additional
42 charge for each additional bed provided in such room. Every establish-
43 ment shall maintain a registration card for each room and supply the
44 person or persons registering for accommodations a receipt. Both the
45 registration card and the receipt shall reflect the type of accommodations
46 supplied, the number of persons occupying such accommodation and the
47 rate charged each person therefor. No establishment shall charge more
48 than the posted rates, or require as a condition of securing accommoda-
49 tions that any person pay for a greater number of days than actually

1 requested or that the accommodations are actually occupied by the per-
2 son or persons.

3 5. For any violation of this section, or any provision herein con-
4 tained, the offender shall forfeit to the injured party 3 times the amount
5 of the sum charged in excess of what he is entitled to charge.

6 6. Any owner or keeper of any establishment who violates any of the
7 provisions of this section is guilty of a misdemeanor. [, and upon con-
8 viction thereof shall be punished by a fine of not less than \$50 nor more
9 than \$250, or by imprisonment in the county jail for not less than 10
10 days nor more than 30 days, or by both fine and imprisonment.]

11 7. The provisions of this section shall apply only in a county having
12 a population, according to the latest United States decennial census, of
13 10,000 or more persons.

14 SEC. 641. NRS 658.160 is hereby amended to read as follows:

15 658.160 Any member of the state board of finance, or any super-
16 intendent of banks or deputy superintendents of banks, who shall willfully
17 neglect to perform any duty required by this Title, or who shall know-
18 ingly make any false statement concerning any bank, or any injurious
19 statement concerning any bank, except in the exercise of his duty, or who
20 shall be guilty of malfeasance or corruption in office, shall, upon con-
21 viction thereof, be guilty of a felony and punished by a fine [not exceed-
22 ing] *of not more than \$1,000*, or by imprisonment in the state prison
23 [not exceeding 5 years,] *for not less than 1 year nor more than 6 years,*
24 *or by both fine and imprisonment*, and in addition thereto shall be
25 removed from office.

26 SEC. 642. NRS 664.040 is hereby amended to read as follows:

27 664.040 1. It shall be unlawful for any officer, clerk or agent of any
28 bank doing business under this Title to certify any check, draft or order
29 drawn upon such bank, unless the person, firm or corporation drawing
30 such check, draft or order has on deposit with the bank at the time such
31 check, draft or order is certified an amount of money equal to the sum
32 specified in the check, draft or order.

33 2. Any check, draft or order so certified by a duly authorized officer
34 shall be a good and valid obligation against such bank, but the owner,
35 officer, clerk or agent of any bank or banker violating the provisions of
36 this section shall be guilty of a felony, and upon conviction thereof shall
37 be punished by a fine [not exceeding] *of not more than \$1,000*, or by
38 imprisonment in the state prison [not exceeding 5 years,] *for not less*
39 *than 1 year nor more than 6 years*, or by both fine and imprisonment.

40 SEC. 643. NRS 668.010 is hereby amended to read as follows:

41 668.010 1. Every president, director, manager, cashier or other
42 officer or employee of any banking institution who knowingly prepares,
43 signs, approves or concurs in any account, statement, return, report or
44 document, respecting the affairs of the bank, containing any false or
45 deceptive statement, or any return or report required by this Title which
46 does not set forth the true financial condition of the bank, including in
47 such report or return all the information required by the provisions of
48 this Title, shall be guilty of a felony, and upon conviction thereof shall
49 be punished by imprisonment in the state prison [not exceeding 5 years.]

1 *for not less than 1 year nor more than 6 years, or by a fine of not more*
2 *than \$5,000, or by both fine and imprisonment.*

3 2. Every president, director, manager, cashier or other officer or
4 employee of any banking institution who negligently prepares, signs,
5 approves or concurs in any account, statement, return, report or docu-
6 ment, respecting the affairs of the bank, containing any false or deceptive
7 statement, or any return or report required by this Title which does not
8 set forth the true financial condition of the bank, including in such report
9 or return all the information required by the provisions of this Title, shall
10 be liable for all damages which the bank, its stockholders, creditors, or
11 depositors shall suffer in consequence thereof, and shall be subject to
12 removal upon order of the superintendent of banks.

13 SEC. 644. NRS 668.040 is hereby amended to read as follows:

14 668.040 1. It shall be unlawful for any president, director, manager,
15 cashier or other officer or employee of any banking institution, or propri-
16 etor of or partner in any bank, to permit the same to remain open for
17 business, or to assent to the reception of deposits or the creation of debts
18 by such banking institution, after he shall have had knowledge of the fact
19 that it is insolvent or in failing circumstances. Every such officer, director,
20 manager, proprietor, or agent of, or partners in, such banking institution
21 shall examine into the affairs of the same and shall know its condition,
22 and upon the failure of any such person to discharge such duty he shall,
23 for the purpose of this Title, be held to have had knowledge of the insol-
24 vency of such bank or trust company, or that it was in failing circum-
25 stances, and shall be deemed to have assented to the receipt of deposits
26 while such bank was so insolvent or in failing circumstances. Every per-
27 son violating the provisions of this section shall be individually respon-
28 sible for deposits so received, and all such debts so contracted; but any
29 director who may have paid more than his share of the liabilities
30 mentioned in this section may have a proper remedy at law against such
31 other persons as shall not have paid their full share of such liabilities.

32 2. It shall be unlawful for any president, director, manager, cashier
33 or other officer or employee of any banking institution willfully to give
34 or concur in giving to any creditor of the bank any fraudulent, undue or
35 unfair preference over other creditors by giving security to such creditor,
36 or by changing the nature of his claim, or otherwise howsoever; but this
37 section shall not be construed to prohibit such bank from giving security
38 for public moneys of the State of Nevada, or any political subdivision
39 thereof, the Nevada industrial commission, or of the United States, or
40 any officer, agent, agency, or department thereof, in the manner provided
41 by law.

42 3. Every person violating the provisions of this section, or who shall
43 be accessory to, or permit, or connive at, the receiving or accepting of
44 any such deposits, or the giving of such preferences, shall be guilty of a
45 felony, and upon conviction thereof shall be punished by a fine [not
46 exceeding] *of not more than \$5,000, or by imprisonment in the state*
47 *prison [not exceeding 5 years,] for not less than 1 year nor more than 6*
48 *years, or by both fine and imprisonment, and shall be liable for all dam-*
49 *ages sustained by any person in consequence thereof.*

50 SEC. 645. NRS 668.050 is hereby amended to read as follows:

1 668.050 Every banker, officer, employee, director or agent of any
2 bank or trust company who shall knowingly or willfully neglect to per-
3 form any duty required by this Title, or who shall knowingly or willfully
4 fail to conform to any material lawful requirement made by the super-
5 intendent of banks, shall be guilty of a felony, and [upon conviction
6 thereof] shall be punished by a fine [not exceeding] *of not more than*
7 \$1,000, or by imprisonment in the state prison [not exceeding 5] *for*
8 *not less than 1 year nor more than 6 years*, or by both fine and imprison-
9 ment.

10 SEC. 646. NRS 668.060 is hereby amended to read as follows:

11 668.060 Every banker, president, director, cashier, teller, clerk, offi-
12 cer or agent of any bank or banker who embezzles, abstracts, or willfully
13 misapplies any moneys, funds, securities or credits of any bank, or who
14 issues or puts forth any certificate of deposit, draws any draft, bill of
15 exchange or mortgage, or who makes use of any bank in any manner,
16 with intent in either case to injure or defraud any bank or individual,
17 person, company or corporation, or to deceive any banker or officer of
18 any bank, and any person who, with like intent, aids or abets any officer,
19 clerk, or agent in any violation of this section, shall be [guilty of a felony,
20 and upon conviction thereof shall be punished by a fine not exceeding
21 \$5,000, or by imprisonment in the state prison not exceeding 20 years, or
22 by both fine and imprisonment.] *punished:*

23 1. *Where the amount involved is \$250 or more, by imprisonment in*
24 *the state prison for not less than 1 year nor more than 10 years, or by a*
25 *fine of not more than \$5,000, or by both fine and imprisonment.*

26 2. *Where the amount involved is less than \$250, for a gross misde-*
27 *meanor.*

28 SEC. 647. NRS 673.525 is hereby amended to read as follows:

29 673.525 Whenever the commissioner demands possession of the
30 property, business and assets of any association, pursuant to NRS 673.-
31 485 to 673.577, inclusive, the refusal of any officer, agent, employee or
32 director of such association to comply with the demand is a misdemeanor.
33 [, punishable by a fine of not more than \$500, or by imprisonment in
34 the county jail for not more than 90 days, or by both fine and imprison-
35 ment.]

36 SEC. 648. NRS 673.810 is hereby amended to read as follows:

37 673.810 Any person who shall knowingly make, utter, circulate or
38 transmit to another, or others, any statement untrue in fact, derogatory
39 to the financial condition of any such company, association or corpora-
40 tion doing business in this state, with intent to injure any such company,
41 association or corporation, or who shall counsel, aid, procure or induce
42 another to originate, make, utter, transmit or circulate any such statement
43 or rumor, with like intent, shall be guilty of a misdemeanor. [, and upon
44 conviction thereof shall be punished by a fine not exceeding \$500, or by
45 imprisonment in the county jail for not more than 6 months, or by both
46 fine and imprisonment.]

47 SEC. 649. NRS 673.820 is hereby amended to read as follows:

48 673.820 Any company, association or corporation that shall violate
49 any provisions of this chapter or fraudulently misrepresent the terms of
50 any contract or of any securities, and thereby secure a sale therefor,

1 [shall be guilty of a gross misdemeanor, and upon conviction thereof]
2 shall be punished by a fine of not exceeding \$1,000 and forfeiture and
3 revocation of any and all licenses issued to it under the provisions of
4 this chapter.

5 SEC. 650. NRS 673.830 is hereby amended to read as follows:

6 673.830 Any person who shall violate any provision of this chapter
7 or sell any securities as the result of any fraudulent misrepresentation
8 shall be guilty of a misdemeanor, [and upon conviction thereof shall be
9 punished by a fine not exceeding \$500, or by imprisonment in the county
10 jail for not more than 6 months, or by both fine and imprisonment,] and
11 the license issued to him shall be forfeited and revoked.

12 SEC. 651. NRS 673.840 is hereby amended to read as follows:

13 673.840 Any person, firm, copartnership or corporation doing busi-
14 ness in this state, as described in NRS 673.070, selling or offering for
15 sale within this state any securities of any company, association or cor-
16 poration which has not received the license provided for in NRS 673.080
17 and 673.250, or who shall not himself have secured the license provided
18 for in NRS 673.270, or who shall not have paid the fees and obtained the
19 license as provided in NRS 673.430, shall be guilty of a misdemeanor
20 [and upon conviction thereof shall be punished by a fine of not more
21 than \$500, or by imprisonment in the county jail for not more than 6
22 months, or by both fine and imprisonment,] for each such violation.

23 SEC. 652. NRS 675.470 is hereby amended to read as follows:

24 675.470 1. Any person and the several members, officers, directors,
25 agents and employees thereof who shall violate or participate in the vio-
26 lation of any provision of NRS 675.060 shall be guilty of a misdemeanor.
27 [and upon conviction thereof shall be punished by a fine of not less than
28 \$100 nor more than \$500, or by imprisonment in the county jail for not
29 more than 6 months, or by both fine and imprisonment.]

30 2. Any contract of loan in the making or collection of which any act
31 shall have been done which violates NRS 675.060 shall be void, and the
32 lender shall have no right to collect, receive or retain any principal,
33 recompense or charges whatever.

34 SEC. 653. NRS 675.480 is hereby amended to read as follows:

35 675.480 1. If any amount in excess of the charges permitted by this
36 chapter is charged, contracted for, or received, except as the result of an
37 accidental and bona fide error of computation, the contract of loan shall
38 be void, and the licensee shall have no right to collect or receive any prin-
39 cipal, charges or recompense whatever.

40 2. The licensee and the several members, officers, directors, agents
41 and employees thereof who shall have participated in such violation shall
42 be guilty of a misdemeanor. [and upon conviction thereof shall be pun-
43 ished by a fine of not less than \$100 nor more than \$500, or by imprison-
44 ment in the county jail for not more than 6 months, or by both fine and
45 imprisonment.]

46 SEC. 654. NRS 680.210 is hereby amended to read as follows:

47 680.210 1. In the conduct of any examination, investigation or hear-
48 ing provided for by this Title, the commissioner or other officer desig-
49 nated by him to conduct the same shall have power:

50 (a) To compel the attendance of any person by subpoena.

1 (b) To administer oaths.

2 (c) To examine any person under oath concerning the business and
3 conduct of affairs of any company or person subject to the provisions of
4 this Title, and in connection therewith to require the production of any
5 books, records or papers relevant to the inquiry.

6 2. Every person subpoenaed under the provisions of this section who
7 willfully refuses or willfully neglects to appear at the time and place
8 named in the subpoena or to produce books, records or papers required by
9 the commissioner, or who refuses to be sworn or answer as a witness,
10 shall be guilty of a misdemeanor. [and upon conviction shall be punished
11 by a fine of not less than \$100 nor more than \$500, or by imprisonment
12 in the county jail for not less than 10 days nor more than 30 days, or by
13 both fine and imprisonment.]

14 SEC. 655. NRS 682.520 is hereby amended to read as follows:

15 682.520 1. No domestic company shall pay any commission or bro-
16 kerage for the purchase or sale of property in excess of that usual and
17 customary at the time and in the locality where such purchases or sales
18 are made, and complete information regarding all payments of commis-
19 sions and brokerage shall be reported in the next annual statement.

20 2. No such company shall invest in or loan upon any real property
21 in which any officer or director of such company has a financial interest,
22 nor shall any such company invest in or loan upon any bond or note
23 secured by mortgage or trust deed on real property if an officer or director
24 of such company has any financial interest in the real property upon
25 which the loan is made.

26 3. Any officer or director knowingly violating, or aiding in or abetting
27 the violation of any provision of this section shall, upon conviction, be
28 punished by a fine of not [less than \$1,000 nor] more than \$10,000, or
29 by imprisonment in the state prison for not less than 1 year nor more
30 than 10 years, or by both fine and imprisonment.

31 SEC. 656. NRS 682.600 is hereby amended to read as follows:

32 682.600 1. No director or officer of any domestic company, party to
33 a reinsurance agreement, except as fully expressed in the reinsurance
34 agreement, shall receive any fee, commission, other compensation or val-
35 uable consideration whatever, directly or indirectly, for in any manner
36 aiding, promoting or assisting in the negotiation of such reinsurance
37 agreement.

38 2. Any person violating the provisions of this section [shall, upon
39 conviction, be punished by a fine of not less than \$1,000 nor more than
40 \$5,000, or by imprisonment in the county jail for not more than 1 year,
41 or by both fine and imprisonment.] *is guilty of a gross misdemeanor.*

42 SEC. 657. NRS 684.360 is hereby amended to read as follows:

43 684.360 The commissioner may inform the appropriate district attor-
44 ney of any violation of the provisions of this chapter, and any person,
45 partnership, association or corporation convicted of such violation shall,
46 in addition to any other penalty provided in this chapter, be [fined not
47 less than \$100 nor] *punished by a fine of not more than \$1,000 for each*
48 *offense.*

49 SEC. 658. NRS 685.030 is hereby amended to read as follows:

50 685.030 1. No person in this state shall act as, or hold himself out

1 to be, an insurance adjuster unless licensed as such by the State of
2 Nevada under the provisions of NRS 685.010 to 685.200, inclusive.

3 2. Licenses shall be issued effective from July 1, 1953, to June 30,
4 1954, and shall be renewable by July 1 each year thereafter. The license
5 fee shall be \$10 a year for the adjuster plus \$5 for each person acting as
6 an associate adjuster in the adjuster's office. The adjuster shall be issued
7 a certificate showing each associate who is authorized by the state to act
8 in behalf of the adjuster.

9 3. Any person violating this section [shall, upon conviction, be pun-
10 ished by a fine of not less than \$100 nor more than \$1,000, or by impris-
11 onment in the county jail not to exceed 6 months, or by both fine and
12 imprisonment.] *is guilty of a gross misdemeanor.*

13 SEC. 659. NRS 685.050 is hereby amended to read as follows:

14 685.050 1. Application for a license shall be made to the commis-
15 sioner upon forms prescribed and furnished by him. As a part of, or in
16 connection with, any application, the applicant shall furnish information
17 concerning his identity, personal history, experience, business record and
18 other pertinent facts which the commissioner may reasonably require.

19 2. If the applicant is a firm, partnership or corporation, the applica-
20 tion shall show, in addition to the requirements of subsection 1, the names
21 of all members and officers of the firm, partnership or corporation, and
22 shall designate who is to exercise the powers to be conferred by the
23 license upon such firm, partnership or corporation. The commissioner
24 shall require each individual of a firm, partnership or corporation to fur-
25 nish information to him as though applying for an individual license.

26 3. Any person willfully misrepresenting any fact required to be dis-
27 closed in any application [shall be liable to the penalties provided by
28 NRS 685.010 to 685.200, inclusive.] *is guilty of a gross misdemeanor.*

29 SEC. 660. NRS 686.080 is hereby amended to read as follows:

30 686.080 Any officer, director, agent or employee of any company
31 who makes or causes to be made any false entry in any book, report or
32 statement of such company with intent to injure or defraud such com-
33 pany, or any other company or person, or to deceive any officer of such
34 company, or the commissioner or any agent or examiner appointed to
35 examine the affairs of such company, and any person who with like intent
36 aids or abets any officer, director, agent or employee in any violation of
37 this section shall be punished by a fine of not more than \$1,000, or by
38 imprisonment for not *less than 1 year nor* more than [5] 6 years, or by
39 both fine and imprisonment.

40 SEC. 661. NRS 686.150 is hereby amended to read as follows:

41 686.150 1. No company doing business in this state, and no officer,
42 director, agent, clerk or employee thereof, broker or any other person
43 shall make, issue or circulate, or cause or knowingly permit to be made,
44 issued or circulated, any estimate, illustration, circular or verbal or writ-
45 ten statement of any sort misrepresenting the terms of any policy issued
46 or to be issued by it or any other company or the benefits or advantages
47 promised thereby or any misleading estimate of the dividends or share of
48 the surplus to be received thereon, or shall by the use of any name or title
49 of any policy or class of policies misrepresent the nature thereof.

50 2. No such company, or officer, director, agent, clerk or employee

1 thereof, or broker shall make any misleading or incomplete representation
2 or comparison of companies or policies to any person insured in any com-
3 pany for the purpose of inducing or tending to induce a policyholder in
4 any company to lapse, forfeit, change or surrender his insurance whether
5 on a temporary or permanent plan.

6 3. No such company, or officer, director, agent, clerk or employee
7 thereof, broker or other person shall make, issue or circulate, or cause or
8 knowingly permit to be made, issued or circulated, any pamphlet, circu-
9 lar, article, literature or verbal or written statement of any kind which
10 contains any false or malicious statement calculated to injure any com-
11 pany doing business in this state in its reputation or business.

12 4. Any company, or officer, director, agent, clerk or employee
13 thereof, broker or other person who violates any of the provisions of this
14 section, or knowingly participates in or abets such violation, shall be
15 required to pay a penalty of not [less than \$100 nor] more than \$1,000,
16 to be recovered in the name of the State of Nevada by the attorney gen-
17 eral.

18 5. No company shall be held guilty of having violated any of the
19 provisions of this section by reason of the act of any agent, solicitor or
20 employee, not an officer, director or department head thereof, unless an
21 officer, director or department head of such company shall have know-
22 ingly permitted such act or shall have had prior knowledge thereof.

23 SEC. 662. NRS 686.170 is hereby amended to read as follows:

24 686.170 1. Any company or any person violating any of the pro-
25 visions of NRS 686.160 [shall be punished by a fine of not more than
26 \$500, or by imprisonment in the county jail for not more than 6 months,
27 or by both fine and imprisonment.] *is guilty of a misdemeanor.*

28 2. No agent or broker for any company doing business in this state
29 violating any of the provisions of NRS 686.160 shall be entitled to receive
30 any commission for the sale of any policy on which any rebate, as defined
31 in NRS 686.160, shall have been given or offered, and if any such com-
32 pany has paid any commission to any agent or broker for the sale of any
33 policy on which such rebate has been given or offered, the full amount
34 thereof may be recovered by such company from such agent or broker.

35 3. No company shall be held guilty of having violated the provisions
36 of NRS 686.160 by reason of an act of any agent, general agent, repre-
37 sentative, broker or employee not an officer, director or department head
38 thereof, unless an officer, director or department head of such company
39 shall have knowingly permitted such act, or shall have had prior knowl-
40 edge thereof.

41 SEC. 663. NRS 686.200 is hereby amended to read as follows:

42 686.200 1. It shall be unlawful for any company to enter into a con-
43 tract of insurance as an insurer or to transact insurance business in this
44 state, unless authorized so to do by a license issued to such company,
45 or unless such company is specifically exempted by the provisions of this
46 Title from the requirements of having a license.

47 2. The following acts, if performed in this state, shall be included
48 among those deemed to constitute transacting insurance business in this
49 state:

50 (a) Maintaining an agency or office where contracts are executed

1 which are or purport to be insurance contracts with citizens of this or any
2 other state;

3 (b) Maintaining files or records of insurance contracts except by
4 regularly licensed attorneys or regularly licensed real estate brokers;

5 (c) Receiving payment of premiums for insurance contracts except by
6 regularly licensed attorneys or regularly licensed real estate brokers; or

7 (d) Entering into contracts of reinsurance.

8 3. Any company that violates any of the provisions of subsections
9 1 and 2 of this section shall be required to pay a penalty of not [less than
10 \$100 nor] more than \$1,000 for each offense, to be recovered in the
11 name of the State of Nevada by the attorney general. Each day in which
12 a violation occurs shall constitute a separate offense.

13 SEC. 664. NRS 686.370 is hereby amended to read as follows:

14 686.370 1. Every surplus line broker transacting business under
15 the provisions of NRS 686.270 to 686.380, inclusive, shall ascertain the
16 financial condition of each company before he procures a policy of insur-
17 ance from, or places any insurance with, such company.

18 2. Any surplus line broker who shall knowingly place insurance with,
19 or procure insurance from, any insurance company whose unimpaired
20 capital and surplus assets, after providing a reinsurance reserve on the
21 pro rata basis, are less than \$200,000, or from any insurance company,
22 other than a stock company, whose cash assets are less than \$150,000,
23 of which amount not less than \$50,000 must be net surplus, after pro-
24 viding for a reinsurance reserve on the pro rata basis, shall be punished
25 by a fine of not [less than \$25 nor] more than \$500, and his license
26 shall be immediately revoked by the commissioner, and no license shall
27 be issued to the surplus line broker within 1 year from the date of revo-
28 cation for such cause.

29 SEC. 665. NRS 688.535 is hereby amended to read as follows:

30 688.535 1. No person shall cause or permit to be made, issued or
31 circulated in any form:

32 (a) Any misrepresentation or false or misleading statement concern-
33 ing the terms, benefits or advantages of any fraternal insurance contract
34 now issued or to be issued in this state, or the financial condition of any
35 society;

36 (b) Any false or misleading estimate or statement concerning the
37 dividends or shares of surplus paid or to be paid by any society on any
38 insurance contract; or

39 (c) Any incomplete comparison of an insurance contract of one
40 society with an insurance contract of another society or insurer for the
41 purpose of inducing the lapse, forfeiture or surrender of any insurance
42 contract.

43 2. A comparison of insurance contracts is incomplete if it does not
44 compare in detail:

45 (a) The gross rates, and the gross rates less any dividend or other
46 reduction allowed at the date of the comparison; and

47 (b) Any increase in cash values, and all the benefits provided by each
48 contract for the possible duration thereof as determined by the life
49 expectancy of the insured.

1 3. A comparison of insurance contracts is incomplete if it omits
2 from consideration:

3 (a) Any benefit or value provided in the contract;

4 (b) Any differences as to amount or period of rates; or

5 (c) Any differences in limitations or conditions or provisions which
6 directly or indirectly affect the benefits.

7 4. In any determination of the incompleteness or misleading char-
8 acter of any comparison or statement, it shall be presumed that the
9 insured had no knowledge of any of the contents of the contract involved.

10 5. Any person who violates any provision of this section or know-
11 ingly receives any compensation or commission by or in consequence of
12 such violation [shall upon conviction be punished by a fine of not less
13 than \$100 or more than \$500 or by imprisonment in the county jail for
14 not less than 30 days or more than 1 year, or by both fine and imprison-
15 ment,] *is guilty of a gross misdemeanor*, and shall in addition be liable
16 for a civil penalty in the amount of 3 times the sum received by such vio-
17 lator as compensation or commission, which penalty may be recovered in
18 a civil action by any person or society aggrieved for his or its own use
19 and benefit.

20 SEC. 666. NRS 688.585 is hereby amended to read as follows:

21 688.585 1. Any person who willfully makes a false or fraudulent
22 statement in or relating to an application for membership or for the pur-
23 pose of obtaining money from or a benefit in any society [shall upon
24 conviction be punished by a fine of not less than \$100 or more than \$500
25 or by imprisonment in the county jail for not less than 30 days or more
26 than 1 year, or by both such fine and imprisonment.] *is guilty of a gross*
27 *misdemeanor*.

28 2. Any person who willfully makes a false or fraudulent statement in
29 any verified report or declaration under oath required or authorized by
30 this chapter, or of any material fact or thing contained in a sworn state-
31 ment concerning the death or disability of a member for the purpose of
32 procuring payment of a benefit named in the certificate, shall be guilty of
33 perjury and shall be subject to the penalties therefor prescribed by law.

34 3. Any person who solicits membership for, or in any manner assists
35 in procuring membership in, any society not licensed to do business in
36 this state shall [upon conviction] be punished by a fine of not [less than
37 \$50 or] more than \$200.

38 4. Any person convicted of a willful violation of, or neglect or refusal
39 to comply with, any provision of this chapter for which a penalty is not
40 otherwise prescribed shall be punished by a fine of not more than \$200.

41 SEC. 667. NRS 690.070 is hereby amended to read as follows:

42 690.070 1. No agent, examining physician, or other person shall
43 knowingly or willfully make any false or fraudulent statement or rep-
44 resentation in or with reference to any application for life insurance, or
45 shall make any such statement or representation for the purpose of
46 obtaining any fees, commission, money or benefit from or in any life
47 insurance company.

48 2. Any person who violates any of the provisions of this section
49 [shall, upon conviction, be punished by a fine not exceeding \$500, or by

1 imprisonment in the county jail not exceeding 1 year, or by both fine and
2 imprisonment.】 *is guilty of a gross misdemeanor.*

3 SEC. 668. NRS 693.610 is hereby amended to read as follows:

4 693.610 1. Any person violating the provisions of NRS 693.320 to
5 693.350, inclusive, is guilty of a *gross misdemeanor*. 【, and shall be
6 punished by a fine of not less than \$250 nor more than \$1,000, or by
7 imprisonment in the county jail for not less than 30 days nor more than
8 1 year, or by both fine and imprisonment.】

9 2. Any person violating any other provisions of NRS 693.130 to
10 693.600, inclusive, other than NRS 693.320 to 693.350, inclusive, is
11 guilty of a misdemeanor.

12 SEC. 669. NRS 704.140 is hereby amended to read as follows:

13 704.140 1. It shall be unlawful for any person, firm or corporation
14 engaged in business as a common carrier to give or furnish to any state,
15 district, county or municipal officer of this state, or to any person other
16 than those named herein, any pass, frank, free or reduced transportation,
17 or for any state, district, county or municipal officer to accept any pass,
18 frank, free or reduced transportation.

19 2. Nothing herein shall prevent the carriage, storage or hauling of
20 freight free or at reduced rates for the United States, the State of Nevada,
21 or any political subdivision thereof, or for charitable purposes, or for
22 fairs and expositions, or household goods and supplies, the property of
23 employees, the equipment of a contractor under contract with a common
24 carrier for use under such contract, and the issuance of mileage, com-
25 mutation, excursion passenger tickets or party tickets, if the same shall
26 be obtainable by any person applying therefor without discrimination.

27 3. This chapter shall not be construed:

28 (a) As preventing railroads from giving free transportation or reduced
29 rates to contractors under a contract with such common carrier or to
30 employees of contractors employed under such contract, ministers of the
31 gospel, regularly employed secretaries of the Y. M. C. A. or Y. W. C. A.,
32 state officers of each recognized military ex-service organization, includ-
33 ing ladies' auxiliaries thereof, not exceeding three from each such organ-
34 ization, constables, college professors, school teachers, students of
35 institutions of learning, students of public schools, disabled or homeless
36 persons, railroad officers, attorneys, directors or employees, or the mem-
37 bers of their families, or pensioned or disabled ex-employees, their minor
38 children or dependents, or bona fide ex-employees in search of employ-
39 ment; or

40 (b) To prevent the exchange of passes with officers, attorneys or
41 employees of other railroads, telegraph or express companies, and mem-
42 bers of their families.

43 4. Upon shipment of livestock or other property requiring the care
44 of an attendant, the railroad may furnish to the shipper or such person
45 or persons designated by him free transportation, including return passage
46 to the place of shipment, if there is no discrimination between such ship-
47 pers.

48 5. Any person violating the provisions of this section 【shall be guilty
49 of a misdemeanor, and upon conviction thereof】 shall be punished by a
50 fine of not 【less than \$100 nor】 more than \$500.

1 SEC. 670. NRS 704.430 is hereby amended to read as follows:

2 704.430 1. Any person, firm, association or corporation who shall
3 violate any provisions of NRS 704.330 to 704.420, inclusive, [shall be
4 guilty of a misdemeanor, and upon conviction thereof] shall be punished
5 by a fine of not [less than \$50 nor] more than \$250.

6 2. Each day's operation without a certificate as provided in NRS
7 704.330 to 704.420, inclusive, or each day that service is discontinued,
8 modified or restricted, as defined in NRS 704.330 to 704.420, inclusive,
9 shall be considered a separate offense.

10 SEC. 671. NRS 704.640 is hereby amended to read as follows:

11 704.640 Any violation of the provisions of this chapter, where no
12 penalty or punishment is prescribed therefor, shall be punished by a fine
13 of not [less than \$500 nor] more than \$1,000.

14 SEC. 672. NRS 704.670 is hereby amended to read as follows:

15 704.670 1. Every public service company, corporation or individual
16 furnishing light and power, telephone, gas, or water, or any of them, to
17 the public shall be and they are hereby required to pay to every customer
18 or consumer, from whom any deposit shall have been required, interest
19 on the amount of the deposit at the rate of 5 percent per annum from
20 the date of deposit until the date of settlement, or withdrawal of deposit.
21 Where such deposit remains for a period of one year or more and the
22 person making the deposit continues to be a consumer, the interest on the
23 deposit at the end of the year shall be either paid in cash to the depositor
24 or applied on current bills for the use of power, telephone, gas, light or
25 water, as the depositor may desire.

26 2. Every firm, company, corporation or person who shall fail, refuse
27 or neglect to pay the interest provided in subsection 1 and in the manner
28 required by the provisions of subsection 1 shall be guilty of a misde-
29 meanor. [, and upon conviction thereof shall be punished by a fine not
30 exceeding \$500, or by imprisonment in the county jail not exceeding 6
31 months, or by both fine and imprisonment.]

32 SEC. 673. NRS 704.790 is hereby amended to read as follows:

33 704.790 Any violation of any of the provisions of NRS 704.690 to
34 704.780, inclusive, shall be a misdemeanor. [, and shall be punishable
35 upon conviction by a fine not exceeding \$500, or by imprisonment in the
36 county jail not exceeding 6 months, or by both fine and imprisonment.]

37 SEC. 674. NRS 704.800 is hereby amended to read as follows:

38 704.800 1. Every person who willfully, and with intent to injure or
39 defraud:

40 (a) Opens, breaks into, taps or connects with any pipe, flume, ditch,
41 conduit, reservoir, wire, meter or other apparatus belonging to or used by
42 any water, gas, irrigation, electric or power company or corporation, or
43 belonging to or used by any other person, persons or association, or by
44 the state, or by any county, city, district or municipality, and takes and
45 removes therefrom or allows to flow or be taken or be removed therefrom
46 any water, gas, electricity or power belonging to another; or

47 (b) Connects a pipe, tube, flume, conduit, wire or other instrument or
48 appliance with any pipe, conduit, tube, flume, wire, line, pole, lamp,
49 meter or other apparatus belonging to or used by any water, irrigation,
50 gas, electric or power company or corporation, or belonging to or used

1 by any other person, persons or association, in such manner as to take
2 therefrom water, gas, electricity or power for any purpose or use, without
3 passing through the meter or instrument or other means provided for
4 registering the quantity consumed or used; or

5 (c) Destroys, detaches, disconnects, alters, injures or prevents the
6 action of a headgate, meter or other instrument or means used to measure
7 or register the quantity of water, gas, electricity or power consumed or
8 supplied; or

9 (d) Injures or destroys, or interferes with the efficiency or use of, or
10 suffers to be injured or destroyed, any pipe, conduit, flume, wire, pole,
11 line, lamp, fixture, hydrant or other attachment or apparatus belonging
12 to or used by any water, irrigation, gas, electric or power company or
13 corporation, or belonging to or used by any other person, persons or
14 association,

15 is guilty of a *public offense, as prescribed in section 8 of this act, pro-*
16 *portionate to the value of the property removed, destroyed, altered or*
17 *damaged and in no event less than a misdemeanor;* [and upon convic-
18 tion thereof shall be punished by a fine not exceeding \$500, or by impris-
19 onment in the county jail not exceeding 6 months, or by both fine and
20 imprisonment;] and such person shall also be liable to the person, per-
21 sons, association or corporations, or the owner or user whose property
22 is injured, in a sum equal to treble the amount of actual damages sus-
23 tained thereby.

24 2. In any prosecution under subsection 1, proof that any of the acts
25 therein forbidden were done on or about the premises occupied by the
26 defendant charged with the commission of such an offense, or that he
27 received the use or benefit of such water, gas, electricity or power by rea-
28 son of the commission of any such acts, shall be prima facie evidence of
29 the guilt of such defendant.

30 SEC. 675. NRS 704.810 is hereby amended to read as follows:

31 704.810 Every person who shall willfully and maliciously remove,
32 damage or destroy:

33 1. A telegraph, telephone or electric transmission line or any part
34 thereof, or any appurtenance thereto, or apparatus connected with the
35 operation thereof; or

36 2. A fence, gate, cattle guard, bridge, water tank, milepost, car,
37 engine, motor or other useful structure on the line of any railway,
38 shall be guilty of a [misdemeanor.] *public offense, as prescribed in sec-*
39 *tion 8 of this act, proportionate to the value of the property removed,*
40 *damaged or destroyed.*

41 SEC. 676. NRS 705.110 is hereby amended to read as follows:

42 705.110 Any company, owner or custodian of such animals who
43 knowingly and willingly fails to comply with the provisions of NRS 705.-
44 090 and 705.100 shall be guilty of a misdemeanor. [and upon convic-
45 tion thereof shall be punished by a fine of not less than \$100 nor more
46 than \$500, or by imprisonment in the county jail for not less than 60
47 days nor more than 6 months, or by both fine and imprisonment.]

48 SEC. 677. NRS 705.200 is hereby amended to read as follows:

49 705.200 1. Any person falsely making an affidavit of ownership of
50 any animal killed or injured under the terms of NRS 705.150 to 705.200,

1 inclusive, shall, upon conviction thereof, be punished by a fine of not
2 more than \$500, or by imprisonment in the [state prison] county jail
3 for not more than 1 year.

4 2. If the owner or owners of animals mentioned in NRS 705.150
5 shall drive the same upon the track of any such railroad corporation or
6 company with intent thereby to injure or kill it or them, such owner or
7 owners shall be liable for all injury or damage occasioned by reason of
8 such act, and shall be [guilty of a felony.] *punished by imprisonment in*
9 *the state prison for not less than 1 year nor more than 10 years, or by a*
10 *fine of not more than \$5,000, or by both fine and imprisonment.*

11 3. Every person described in NRS 705.180 who shall fail or neglect
12 to comply with the provisions of NRS 705.180 shall be guilty of a mis-
13 demeanor. [, and upon conviction thereof shall be punished by a fine of
14 not less than \$25 nor more than \$100, or by imprisonment in the county
15 jail for not less than 10 days nor more than 30 days, or by both fine and
16 imprisonment.]

17 4. Every corporation, company, receiver, association or person who
18 shall fail, neglect or refuse to comply with the provisions of NRS 705.-
19 190 shall be guilty of a misdemeanor. [, and upon conviction thereof
20 shall be punished by a fine of not less than \$25 nor more than \$250.]

21 5. Any person or persons who shall attempt in any manner to con-
22 ceal the evidence of the killing or injury of any animal or animals
23 described in NRS 705.150 by any railroad train, engine or cars on any
24 railroad in this state, or who shall in any way destroy or cover up the
25 evidence that may lead to the identification of any animal or animals so
26 killed or injured, [shall, upon conviction thereof, be punished by a fine
27 not exceeding \$200, or by imprisonment in the county jail not exceeding
28 30 days, or by both fine and imprisonment.] *is guilty of a misdemeanor.*

29 SEC. 678. NRS 705.210 is hereby amended to read as follows:

30 705.210 1. As used in this section:

31 (a) "Employees" means persons actually engaged in or connected with
32 the movement of any train.

33 (b) "Railroad" includes all bridges and ferries used or operated in con-
34 nection with any railroad, and also all the road in use by any common
35 carrier operating a railroad, whether owned or operated under a contract
36 agreement or lease.

37 2. The provisions of this section shall apply to any common carrier
38 or carriers, their officers, agents and employees engaged in the transpor-
39 tation of passengers or property by railroad in the State of Nevada.

40 3. It shall be unlawful for any common carrier, its officers or agents,
41 subject to this section, to require or permit any employee subject to this
42 section to be or remain on duty for a longer period than 16 consecutive
43 hours, and whenever any such employee of such common carrier shall
44 have been continuously on duty for 16 hours he shall be relieved and not
45 required or permitted again to go on duty until he has had at least 10
46 consecutive hours off duty. No such employee who has been on duty 16
47 hours in the aggregate in any 24-hour period shall be required or per-
48 mitted to continue or again go on duty without having had at least 8 con-
49 secutive hours off duty.

50 4. No employee who, by the use of the telegraph or telephone or

1 other electrical device, dispatches, reports, transmits, receives or delivers
2 orders or who from towers, offices, places and stations operates signals
3 or switches or similar mechanical devices controlling, pertaining to, or
4 affecting the movement of trains of more than two cars shall be required
5 or permitted to be or remain on duty in any 24-hour period for a longer
6 period than 8 hours, which period of 8 hours shall be wholly within the
7 limits of a continuous shift and upon the completion of which period such
8 employee shall not be required or permitted again to go on duty until
9 the expiration of 16 hours. This subsection shall not apply to employees
10 who in case of emergency use the telephone to obtain orders or infor-
11 mation governing the movement of trains. In case of emergency, the
12 employees named in this subsection may be permitted to be and remain
13 on duty for 4 additional hours in a 24-hour period of not exceeding 3
14 days in any week.

15 5. Any common carrier, or any officer or agent thereof, requiring
16 or permitting any employee to go, be or remain on duty in violation of
17 subsections 3 and 4 [shall be guilty of a misdemeanor, and upon convic-
18 tion thereof] shall be punished by a fine of not [less than \$250 nor] more
19 than \$500.

20 6. In all prosecutions under this section the common carrier shall be
21 deemed to have had knowledge of all acts of its officers and agents.

22 7. The provisions of this section shall not apply:

23 (a) In any case of casualty or unavoidable accident or the act of God.

24 (b) Where the delay was the result of a cause not known to the carrier
25 or its officers or agents in charge of such employee at the time the
26 employee left the terminal and which could not have been foreseen.

27 (c) To the crews of wrecking or relief trains.

28 (d) To railroads not maintaining a regular night train schedule.

29 8. The public service commission of Nevada shall:

30 (a) Execute and enforce the provisions of this section, and all powers
31 granted by law to the public service commission of Nevada are hereby
32 extended to it in the execution of this section.

33 (b) Lodge with the proper district attorneys information of any viola-
34 tions of this section which may come to its knowledge.

35 SEC. 679. NRS 705.230 is hereby amended to read as follows:

36 705.230 1. It shall be unlawful for any railroad doing business in
37 the State of Nevada, or any officer, agent or servant of such railroad, to
38 require any conductor, engineer, brakeman, fireman or any other
39 employee, as a condition of his continued employment, or otherwise to
40 require or compel or attempt to require or compel any such employee to
41 purchase of any such railroad, or of any particular person, firm or cor-
42 poration, or at any particular place or places, any uniform or other cloth-
43 ing or apparel, required by any such railroad to be used by any such
44 employee in the performance of his duty. Any such railroad, or any
45 officer, agent or servant thereof, who shall order or require any conductor,
46 engineer, brakeman, fireman, or any other person in its employ to pur-
47 chase any uniform or other clothing or apparel as aforesaid shall be
48 deemed to have required such purchase as a condition of such employee's
49 continued employment.

50 2. Any railroad doing business in the State of Nevada, or any officer,

1 agent or servant thereof, violating any of the provisions of this section
2 shall be guilty of a misdemeanor. [, and upon conviction thereof shall be
3 punished by a fine of not less than \$100 nor more than \$500, or by
4 imprisonment in the county jail for not more than 6 months.]

5 SEC. 680. NRS 705.360 is hereby amended to read as follows:

6 705.360 1. Every company, corporation lessee, manager or receiver,
7 owning or operating a railroad in this state, is required to equip, maintain,
8 use and display at night upon each locomotive being operated in road
9 service in this state an electric or other headlight of at least 1,500-candle-
10 power, measured without the aid of a reflector. Any electric headlight
11 which will pick up and distinguish an object the size of a man dressed in
12 dark clothes upon a dark, clear night at a distance of 1,000 feet shall
13 be deemed the equivalent of a 1,500-candlepower headlight measured
14 without the aid of a reflector.

15 2. This section shall not apply to:

16 (a) Locomotive engines regularly used in switching cars or trains.

17 (b) Railroads not maintaining regular night train schedules.

18 (c) Locomotives going to or returning from repair shops when ordered
19 in for repairs.

20 3. Any railroad company, or the receiver or lessee thereof, doing
21 business in the State of Nevada, which shall violate the provisions of this
22 section shall be liable to the State of Nevada for a penalty of not [less
23 than \$100 nor] more than \$1,000 for each offense. Suit shall be brought
24 to recover the penalty in a court of competent jurisdiction, in the name of
25 the State of Nevada, by the attorney general or by the district attorney of
26 any county in or through which the railroad is operated.

27 SEC. 681. NRS 705.370 is hereby amended to read as follows:

28 705.370 1. [On and after October 1, 1949, every] Every railroad
29 company or corporation or the receiver or receivers thereof owning or
30 operating any railroad wholly or partly within this state shall equip with
31 and maintain in each, every and all their passenger trains, cabooses, loco-
32 motives and motors or diesel engines used in the propelling of trains or
33 switching of cars emergency first aid kits as provided in this section.

34 2. All such railroad companies, corporations, or the receiver or
35 receivers thereof, shall equip and maintain each of their passenger trains,
36 cabooses, locomotives, motors or diesel engines, as set forth in subsection
37 1, with an emergency first aid kit whose contents shall be prescribed by
38 the public service commission of Nevada. Each passenger train and each
39 caboose shall be equipped with at least one stretcher. All of the contents
40 of the emergency first aid kits, except the stretchers, shall be stored on
41 each passenger train, caboose, locomotive, motor or diesel engine, in a
42 clean, sanitary and sterile container and in an accessible place at all
43 times, which places, including the storage places of stretchers, shall be
44 plainly designated.

45 3. The employee of any such railroad company, corporation or the
46 receiver or receivers thereof, having charge of any passenger train,
47 caboose, locomotive, motor or diesel engine, shall as soon as possible
48 report in writing to the office or officer designated by such company, cor-
49 poration or receiver for such purpose, whenever any of the emergency
50 first aid kit has been used or has been found missing in order to facilitate

1 the replacement thereof. The emergency first aid kit shall only be used to
2 render first medical or surgical aid to injured passengers, employees or
3 other injured persons requiring such aid at the first possible moment.

4 4. Any railroad company, corporation or the receiver or receivers
5 thereof, refusing, neglecting or failing to comply with the provisions of
6 this section shall be liable for a penalty to the State of Nevada of \$25 for
7 each failure to equip a passenger train, caboose, locomotive or motor or
8 diesel engine with the emergency first aid kit specified in subsection 1.
9 The penalty shall be collected in a civil action therefor upon direction of
10 the attorney general by the district attorney of any county in the state
11 through which the railroad company, corporation or receiver operates its
12 railroad.

13 5. Any person or any employee of any railroad company, corpora-
14 tion or the receiver or receivers thereof, who shall remove, carry away
15 from its proper place or use any emergency first aid kit provided in this
16 section, except for the purpose of administering first aid in the event of
17 injury to any passenger, employee or other person in any accident
18 whereby the kit may be made available at once, [shall be guilty of a mis-
19 demeanor, and upon conviction thereof] shall be punished by a fine of
20 not [less than \$25.] *more than \$500.*

21 SEC. 682. NRS 705.380 is hereby amended to read as follows:

22 705.380 1. It shall be unlawful for any owner or operator of a rail-
23 road running through or within the boundaries of the State of Nevada and
24 engaged in the business of common carrier to operate for or transport its
25 employees in a motorcar which is not equipped with a transparent safety
26 glass windshield sufficient in width and height reasonably to protect such
27 employees. Such car shall also be equipped with an electric headlamp of
28 sufficient candlepower as to make any obstruction, landmark, warning
29 sign or grade crossing on such railroad visible at a distance of 300 feet in
30 advance of such car under ordinary atmospheric conditions. Such car
31 shall also be equipped with two electric lights on the rear end thereof with
32 sufficient candlepower as to be visible at a distance of 300 feet under ordi-
33 nary atmospheric conditions. Such car shall also be equipped with a suit-
34 able device that will remove rain, snow and sleet from the windshield
35 while the car is moving, and the windshield shall be so devised that the
36 driver or operator of the car can start or stop the windshield wiper while
37 he is driving the car.

38 2. Any owner or operator of a railroad running through or within this
39 state as a common carrier of persons or property or both, for compensa-
40 tion, who either operates for its employees, or who furnishes to its
41 employees, for their transportation to or from the place or places where
42 they are required to labor, a rail track motorcar that has not been fully
43 equipped as required by subsection 1 shall be fined not [less than \$100
44 nor] more than \$500 for each offense. Each day or part of a day it oper-
45 ates or furnishes each of such rail track motorcars not so equipped as pro-
46 vided in subsection 1 to its employees for operation to or from the place
47 or places where they are required to work shall constitute a separate
48 offense.

49 SEC. 683. NRS 705.470 is hereby amended to read as follows:

50 705.470 Any person who shall willfully, unlawfully or maliciously

1 break, destroy or injure the door, window, grating, platform, wheels or
2 other part of any railroad car, or sever therefrom any part thereof, or any
3 material of which it is formed, shall for each such offense be guilty of a
4 **[misdemeanor.]** *public offense, as prescribed in section 8 of this act,*
5 *proportionate to the value of the property damaged, destroyed or*
6 *removed.*

7 SEC. 684. NRS 705.480 is hereby amended to read as follows:

8 705.480 1. It is unlawful for any person without authority to:

9 (a) Willfully uncouple or detach any locomotive, tender or any car of
10 any railroad train, either when standing or in motion on any track of any
11 railroad.

12 (b) Take off the brake of any railroad car, tender or train.

13 (c) Put in motion any locomotive, tender, car or train.

14 2. It is unlawful for any person to:

15 (a) Throw any stone, rock, missile, or any substance at any railroad
16 train, car, locomotive or tender, or any part of any train.

17 (b) Discharge any gun, pistol or any other firearm at any train, car,
18 locomotive or tender.

19 (c) Wrongfully injure, deface or damage the same or any part thereof.

20 3. Any person violating any provision of this section is guilty of a
21 *public offense, as prescribed in section 8 of this act, proportionate to the*
22 *value of the property damaged, and in no event less than a misdemeanor.*

23 **[, and upon conviction thereof shall be punished by a fine not exceeding**
24 **\$500, or by imprisonment in the county jail not exceeding 90 days, or by**
25 **both fine and imprisonment.]**

26 SEC. 685. NRS 706.690 is hereby amended to read as follows:

27 706.690 Any person who:

28 1. Operates any carrier to which NRS 706.010 to 706.700, inclusive,
29 applies without first obtaining a certificate, permit or license, or in viola-
30 tion of the terms thereof; or

31 2. Fails to make any return or report required by NRS 706.010 to
32 706.700, inclusive, or by the commission or the department under the
33 terms of NRS 706.010 to 706.700, inclusive; or

34 3. Violates, or procures, aids or abets the violating of, any provision
35 of NRS 706.010 to 706.700, inclusive; or

36 4. Fails to obey any order, decision or regulation of the commission
37 or the department; or

38 5. Procures or aids or abets any person in his failure to obey such
39 order, decision or regulation,

40 shall be guilty of a misdemeanor. **[, and upon conviction thereof shall be**
41 **punished by a fine of not less than \$50 nor more than \$500, or by impris-**
42 **onment in the county jail for not less than 10 days nor more than 6**
43 **months, or by both fine and imprisonment.]**

44 SEC. 686. NRS 706.720 is hereby amended to read as follows:

45 706.720 1. It is unlawful for any person:

46 (a) To throw any stone, rock, missile or any substance at any motor-
47 bus, truck or other motor vehicle; or

48 (b) To discharge any gun, pistol or any other firearm at any motorbus,
49 truck or other motor vehicle; or

1 (c) Wrongfully to injure, deface or damage any motorbus, truck or
2 other motor vehicle, or any part thereof.

3 2. Any person who violates any of the provisions of subsection 1 is
4 guilty of a *public offense, as prescribed in section 8 of this act, propor-*
5 *tionate to the value of the property damaged and in no event less than a*
6 *misdemeanor.* [, and upon conviction thereof shall be punished by a fine
7 not exceeding \$500, or by imprisonment in the county jail not exceeding
8 90 days, or by both fine and imprisonment.]

9 SEC. 687. NRS 707.020 is hereby amended to read as follows:

10 707.020 1. If any officer, agent, operator, clerk or employee of a
11 telegraph company, or any other person, shall willfully:

12 (a) Divulge to any other person than the person from whom the same
13 was received, or to whom the same is addressed, or his agent or attorney,
14 any message received or sent, or intended to be sent, over any telegraph
15 line, or the contents, substance, purport, effect or meaning of such mes-
16 sage, or any part thereof; or

17 (b) Alter any such message by adding thereto, or omitting therefrom,
18 any word or words, figure or figures, so as to change materially the sense,
19 purport or meaning of such message, to the injury of the person sending
20 or desiring to send the same, or to whom the same was directed,
21 the person so offending shall be guilty of a *gross misdemeanor.* [, and
22 upon conviction thereof shall be punished by a fine not exceeding \$1,000,
23 or by imprisonment in the county jail not exceeding 1 year, or by both
24 fine and imprisonment.]

25 2. When numerals or words of number occur in any message, the
26 operator or clerk sending or receiving may express the same in words or
27 figures, or in both words and figures, and such fact shall not be deemed
28 an alteration of the message or in any manner affecting its genuineness,
29 force or validity.

30 SEC. 688. NRS 707.030 is hereby amended to read as follows:

31 707.030 Every person who shall wrongfully obtain or attempt to
32 obtain any knowledge of a telegraphic message, by connivance with the
33 clerk, operator, messenger or other employee of a telegraph company,
34 and every clerk, operator, messenger or other employee of such company
35 who shall willfully divulge to any but the person for whom it was intended
36 any telegraphic message or dispatch entrusted to him for transmission or
37 delivery, or the nature or contents thereof, or shall willfully refuse, neg-
38 lect or delay duly to transmit or deliver the same, shall be guilty of a
39 *gross misdemeanor.*

40 SEC. 689. NRS 707.040 is hereby amended to read as follows:

41 707.040 If any agent, operator or employee in any telegraph office,
42 or any other person, shall knowingly or willfully send by telegraph to any
43 person or persons any false or forged message purporting to be from such
44 telegraph office, or from any other person, or shall willfully deliver or
45 cause to be delivered to any person any such message falsely purporting
46 to have been received by telegraph; or if any person or persons shall
47 furnish or conspire to furnish, or cause to be furnished, to any such agent,
48 operator or employee, to be so sent by telegraph, or to be so delivered,
49 any such message, knowing the same to be false or forged, with the intent
50 to deceive, injure or defraud any individual, partnership, corporation or

1 the public, the person or persons so offending shall be guilty of a *gross*
2 misdemeanor. [, and upon conviction thereof shall be punished by a fine
3 not exceeding \$1,000, or by imprisonment in the county jail not exceed-
4 ing 1 year, or by both fine and imprisonment.]

5 SEC. 690. NRS 707.050 is hereby amended to read as follows:

6 707.050 1. If any agent, operator or employee in any telegraph office
7 shall in any way use or appropriate any information derived by him from
8 any private message or messages, addressed to any other person or per-
9 sons, passing through his hands, or in any other manner acquired by him,
10 by reason of his trust as such agent, operator or employee, or shall trade
11 or speculate upon any such information so obtained, or in any manner
12 turn, or attempt to turn, the same to his own account, profit or advan-
13 tage, the person so offending shall be guilty of a *gross* misdemeanor. [,
14 and upon conviction thereof shall be punished by a fine not exceeding
15 \$1,000, or by imprisonment in the county jail not exceeding 1 year, or
16 by both fine and imprisonment.]

17 2. Any person who violates any of the provisions of subsection 1
18 shall also be liable in treble damages to the party aggrieved for all loss
19 or injury sustained by reason of such wrongful act.

20 SEC. 691. NRS 707.060 is hereby amended to read as follows:

21 707.060 1. If any agent, operator or employee in any telegraph
22 office shall unreasonably and willfully refuse or neglect to send any mes-
23 sage received at such office for transmission, or shall unreasonably and
24 willfully postpone the same out of its order, or shall unreasonably and
25 willfully refuse or neglect to deliver any message received by telegraph,
26 the person so offending shall be guilty of a misdemeanor. [, and upon
27 conviction thereof shall be punished by a fine not exceeding \$500, or by
28 imprisonment in the county jail not exceeding 6 months, or by both fine
29 and imprisonment.]

30 2. Nothing contained in this section shall be construed:

31 (a) To require any message to be received, transmitted or delivered
32 unless the charges thereon shall have been paid or tendered.

33 (b) To require the sending, receiving or delivery of any message coun-
34 seling, aiding, abetting or encouraging treason against the Government
35 of the United States, or other resistance to lawful authority, or any mes-
36 sage calculated to further any fraudulent plan or purpose, or to instigate
37 or encourage the perpetration of any unlawful act, or to facilitate the
38 escape of any criminal or person accused of crime.

39 SEC. 692. NRS 707.090 is hereby amended to read as follows:

40 707.090 1. If any person not connected with any telegraph office
41 shall, without the authority or consent of the person or persons to whom
42 the same may be directed, willfully and unlawfully open any sealed enve-
43 lope enclosing a telegraphic message and addressed to any other person
44 or persons, with the purpose of learning the contents of such message, or
45 shall fraudulently represent any other person or persons and thereby pro-
46 cure to be delivered to himself any telegraphic message addressed to such
47 other person or persons, with the intent to use, destroy or detain the same
48 from the person or persons entitled to receive such message, the person
49 so offending shall be guilty of a *gross* misdemeanor. [, and upon convic-
50 tion thereof shall be punished by a fine not exceeding \$1,000, or by

1 imprisonment in the county jail not exceeding 1 year, or by both fine and
2 imprisonment.】

3 2. Any person violating any of the provisions of subsection 1 shall
4 be liable in treble damages to the person injured for all loss and damages
5 sustained by reason of such wrongful act.

6 SEC. 693. NRS 707.100 is hereby amended to read as follows:

7 707.100 If any person not connected with any telegraph company
8 shall, by means of any machine, instrument or contrivance, or in any
9 other manner, willfully and fraudulently read, or attempt to read, any
10 message, or to learn the contents thereof, while the same is being sent
11 over any telegraph line; or shall willfully and fraudulently or clandestinely
12 learn, or attempt to learn, the contents or meaning of any message while
13 the same is in any telegraph office, or is being received thereat, or sent
14 therefrom; or shall use, or attempt to use, or communicate to others, any
15 information so obtained by any person, the person so offending shall be
16 guilty of a *gross* misdemeanor. 【, and upon conviction thereof shall be
17 punished by a fine not exceeding \$1,000, or by imprisonment in the
18 county jail not exceeding 1 year, or by both fine and imprisonment.】

19 SEC. 694. NRS 707.120 is hereby amended to read as follows:

20 707.120 If any person shall, by the payment or promise of any bribe,
21 inducement or reward, procure, or attempt to procure, any telegraph
22 agent, operator or employee to disclose any private message, or the con-
23 tents, purport, substance or meaning thereof; or shall offer to any such
24 agent, operator or employee any bribe, compensation or reward for the
25 disclosure of any private information received by him by reason of his
26 trust as such agent, operator or employee; or shall use, or attempt to use,
27 any such information so obtained, the person so offending shall be guilty
28 of a *gross* misdemeanor. 【, and upon conviction thereof shall be punished
29 by a fine not exceeding \$1,000, or by imprisonment in the county jail not
30 exceeding 1 year, or by both fine and imprisonment.】

31 SEC. 695. NRS 707.130 is hereby amended to read as follows:

32 707.130 1. If any person shall:

33 (a) Willfully or maliciously cut, break or throw down any telegraph
34 pole, or any tree or other material used in any line of telegraph, or will-
35 fully or maliciously break, displace or injure any insulator in use in any
36 telegraph line, or willfully or maliciously cut, break or remove from its
37 insulator any wire used as a telegraph line; or

38 (b) By the attachment of a ground wire, or by any other contrivance,
39 willfully destroy the insulation of such telegraph line, or interrupt the
40 transmission of the electric current through the same; or

41 (c) In any other manner, willfully injure, molest or destroy any prop-
42 erty or materials appertaining to any telegraph line; or

43 (d) Willfully interfere with the use of any telegraph line, or obstruct or
44 postpone the transmission of any message over the same; or

45 (e) Procure or advise any such injury, interference or obstruction,
46 the person so offending shall be guilty of a *public offense, as prescribed in*
47 *section 8 of this act, proportionate to the value of the property damaged,*
48 *altered, removed or destroyed and in no event less than a misdemeanor.*

49 【, and upon conviction thereof shall be punished by a fine not exceeding

1 \$500, or by imprisonment in the county jail not exceeding 6 months, or
2 by both fine and imprisonment.】

3 2. Any person violating any of the provisions of subsection 1 shall be
4 liable to the telegraph company whose property is injured in a sum equal
5 to 100 times the amount of actual damages sustained thereby.

6 SEC. 696. NRS 707.160 is hereby amended to read as follows:

7 707.160 1. The president or secretary of any telegraph company
8 doing business in this state may file in the office of the county clerk of the
9 county in which the principal office of the company within this state is
10 situated a copy of any printed blank, envelope, picture or device used or
11 intended to be used by the company, with his certificate that the same is
12 commonly used, or is intended so to be used, in the business of the com-
13 pany as a distinguishing mark, notice or index of the business, and there-
14 upon such blank, envelope, picture or device shall become the property
15 of the company. It shall be unlawful for any person, unless by the
16 employment or permission of the company, to print, publish, distribute or
17 use, or cause to be printed, published, distributed or used, either of them,
18 or any copy, counterfeit, similitude or imitation thereof.

19 2. Any person willfully offending against the provisions of this sec-
20 tion [shall be punished by a fine not exceeding \$500, or by imprisonment
21 in the county jail not exceeding 6 months.】 *is guilty of a misdemeanor.*

22 SEC. 697. NRS 707.260 is hereby amended to read as follows:

23 707.260 1. The rates of charges so established shall be written,
24 painted or printed, in a plain and legible manner, and posted in each office
25 on such line.

26 2. If any person or persons, company, association or corporation
27 who constructs, puts in operation, and maintains any line of telegraph
28 demands or collects any higher or greater rates of charges than those
29 specified and so posted, he, they or the officers or agents of the company,
30 association or corporation, so doing, [shall be guilty of a gross misde-
31 meanor, and upon conviction thereof] shall, for each offense, be punished
32 by a fine of not [less than \$100 nor] more than \$1,000. [, and, in default
33 of payment of such fine, may, in the discretion of the court, be imprisoned
34 in the county jail until such fine is paid. The extent of the imprisonment
35 shall not exceed 1 day for each \$2 of the fine.】

36 SEC. 698. NRS 707.320 is hereby amended to read as follows:

37 707.320 Every person who shall intercept, read or in any manner
38 interrupt or delay the sending of a message over any telephone line shall
39 be guilty of a *gross misdemeanor*.

40 SEC. 699. NRS 708.140 is hereby amended to read as follows:

41 708.140 1. Any common carrier as defined in NRS 708.020 which
42 shall violate any provision of this chapter or shall fail to perform any duty
43 imposed by this chapter or any valid order of the commission, when not
44 stayed or suspended by an order of a court, shall be subject to a penalty
45 of not [less than \$500 nor] more than \$1,000 for each offense. The
46 penalty shall be recoverable by a suit of the attorney general in the name
47 of the state and for its use.

48 2. For the willful violation of the provisions of this chapter for-
49 bidding discrimination on the part of common carriers, it is hereby pro-
50 vided that the officers of such a common carrier and common purchaser

1 violating this chapter shall be guilty of a *gross* misdemeanor. [and upon
2 conviction thereof shall be punished by a fine of not less than \$500 nor
3 more than \$1,000, and may be punished further by imprisonment in the
4 county jail for not less than 6 months nor more than 1 year.] Each vio-
5 lation of the provisions of this chapter shall be deemed a separate offense.
6 SEC. 700. NRS 176.180, 193.180, 199.400, 200.250, 200.270,
7 200.360, 200.580 to 200.600, inclusive, 201.010, 201.200, 202.050,
8 202.080, 202.090, 202.110 to 202.130, inclusive, 202.190, 202.490,
9 202.520, 202.570, 203.120 to 203.190, inclusive, 205.135 to 205.155,
10 inclusive, 205.190, 205.250, 205.280, 205.315, 205.325, 206.020,
11 206.030, 206.050, 206.070, 206.080, 206.130, 206.210, 207.060, 213.-
12 125, 453.250, 453.340 to 453.410, inclusive, and 482.560 are hereby
13 repealed.

SUMMARY—New criminal procedure law. (BDR 14-43)

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT to regulate proceedings in criminal cases in this state; to amend and repeal designated sections of NRS relating to such proceedings; to amend certain provisions of the charters of the cities of Caliente, Carson City, Elko, Gabbs, Henderson, Las Vegas, North Las Vegas, Reno, Sparks, Wells and Yerington to conform certain provisions with state law; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly,
do enact as follows:*

- 1 SECTION 1. Chapter 169 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 24, inclusive, of this act.
3 SEC. 2. *This Title may be known and cited as the Nevada Criminal*
4 *Procedure Law.*
5 SEC. 3. *This Title governs the procedure in the courts of the State*
6 *of Nevada and before magistrates in all criminal proceedings, but does*
7 *not apply to proceedings against children under chapter 62 of NRS.*
8 SEC. 4. *This Title is intended to provide for the just determination*
9 *of every criminal proceeding. Its provisions shall be construed to secure*
10 *simplicity in procedure, fairness in administration and the elimination of*
11 *unjustifiable expense and delay.*
12 SEC. 5. *As used in Title 14, unless the context otherwise requires,*
13 *the words and terms defined in sections 6 to 21, inclusive, of this act*
14 *have the meaning ascribed to them in such sections.*
15 SEC. 6. *“Criminal action” means the proceedings by which a party*
16 *charged with a public offense is accused and brought to trial and punish-*
17 *ment. A criminal action is prosecuted in the name of the State of Nevada,*
18 *as plaintiff.*
19 SEC. 7. *“Defendant” means the party prosecuted in a criminal*
20 *action.*
21 SEC. 8. *“District attorney” includes any deputy district attorney.*
22 SEC. 9. *“Law” includes statutes and judicial decisions.*

- 1 SEC. 10. "Magistrate" means an officer having power to issue a war-
2 rant for the arrest of a person charged with a public offense and includes:
3 1. Justices of the supreme court;
4 2. Judges of the district courts;
5 3. Justices of the peace;
6 4. Police judges; and
7 5. Others upon whom are conferred by law the powers of a justice
8 of the peace in criminal cases.
- 9 SEC. 11. "Month" means a calendar month unless otherwise
10 expressed.
- 11 SEC. 12. "Oath" includes an affirmation.
- 12 SEC. 13. "Peace officer" includes:
13 1. The bailiff of the supreme court;
14 2. Sheriffs of counties and their deputies;
15 3. Constables;
16 4. Members of the Nevada state police;
17 5. Personnel of the Nevada highway patrol when exercising the
18 police powers specified in NRS 481.150 and 481.180;
19 6. The inspector or field agents of the motor carrier division of the
20 department of motor vehicles when exercising the police powers specified
21 in NRS 481.049;
22 7. Marshals and policemen of cities and towns;
23 8. Parole and probation officers;
24 9. Special investigators employed by the office of any district attorney
25 or the attorney general;
26 10. Arson investigators for fire departments specially designated by
27 the appointing authority; and
28 11. Members of the University of Nevada police department.
- 29 SEC. 14. "Person" includes a company, partnership, association or
30 corporation as well as a natural person.
- 31 SEC. 15. "Personal property" includes money, goods, chattels, things
32 in action and evidences of debt.
- 33 SEC. 16. "Property" includes both real and personal property.
- 34 SEC. 17. "Public officer" means a person elected or appointed to a
35 position which:
36 1. Is established by the constitution or a statute of this state, or by a
37 charter or ordinance of a political subdivision of this state; and
38 2. Involves the continuous exercise, as part of the regular and per-
39 manent administration of the government, of a public power, trust or
40 duty.
- 41 SEC. 18. "Real property" is coextensive with lands, tenements and
42 hereditaments.
- 43 SEC. 19. "State," when applied to the different parts of the United
44 States, includes the District of Columbia and the territories.
- 45 SEC. 20. 1. "Trial" means that portion of a criminal action which:
46 (a) If a jury is used, begins with the impaneling of the jury and ends
47 with the return of the verdict, both inclusive.
48 (b) If no jury is used, begins with the opening statement, or if there
49 is no opening statement, when the first witness is sworn, and ends with

1 *the closing argument or upon submission of the cause to the court with-*
2 *out argument, both inclusive.*

3 2. *"Trial" does not include any proceeding had upon a plea of*
4 *guilty to determine the degree of guilt or to fix the punishment.*

5 SEC. 21. *"United States" may include the District of Columbia,*
6 *Puerto Rico, territories or insular possessions.*

7 SEC. 22. 1. *Words in the present tense include the future as well as*
8 *the present.*

9 2. *Words in the masculine gender include the feminine and neuter.*

10 3. *The singular number includes the plural, and the plural the sin-*
11 *gular.*

12 4. *Writing includes printing and typewriting.*

13 5. *Every mode of oral statement, under oath or affirmation, is*
14 *embraced by the term "testify," and every written one in the term*
15 *"depose."*

16 SEC. 23. *When a signature of a person is required by Title 14, the*
17 *mark of a person, if he cannot write, shall be deemed sufficient, the name*
18 *of the person making the mark being written near it, and the mark being*
19 *witnessed by a person who writes his own name as a witness.*

20 SEC. 24. *The superseding of any law creating a criminal offense*
21 *shall not be held to constitute a bar to the prosecution and punishment of*
22 *a crime already committed, or to bar the trial and punishment of a crime*
23 *where a prosecution has been already begun, for a violation of the law so*
24 *superseded, unless the intention to bar such prosecution and punishment,*
25 *or trial and punishment where a prosecution has been already begun is*
26 *expressly declared in the superseding act.*

27 SEC. 25. NRS 170.040 is hereby amended to read as follows:

28 170.040 Public offenses may be prevented by the intervention of the
29 officers of justice [:

30 1. By requiring surety to keep the peace.

31 2. By forming a police in cities and towns, and requiring their attend-
32 ance in exposed places.

33 3. By suppressing riots.] *by requiring surety to keep the peace.*

34 SEC. 26. NRS 170.060 is hereby amended to read as follows:

35 170.060 1. A complaint may be filed and warrant issued, as in other
36 criminal cases, for the arrest of any person who has threatened to commit
37 an offense against the person or property of another.

38 2. *Such a complaint may also be filed in a municipal court. The city*
39 *attorney shall act as prosecutor, and the proceedings shall conform to*
40 *the requirements of NRS 170.070 to 170.170, inclusive.*

41 SEC. 27. Chapter 171 of NRS is hereby amended by adding thereto
42 the provisions set forth as sections 28 to 72, inclusive, of this act.

43 SEC. 28. *The complaint is a written statement of the essential facts*
44 *constituting the public offense charged. It shall be made upon oath before*
45 *a magistrate.*

46 SEC. 29. *An arrest is the taking of a person into custody, in a case*
47 *and in the manner authorized by law. An arrest may be made by a peace*
48 *officer or by a private person.*

49 SEC. 30. *If it appears from the complaint or from an affidavit or*
50 *affidavits filed with the complaint that there is probable cause to believe*

1 that an offense, triable within the county, has been committed and that
2 the defendant has committed it, a warrant for the arrest of the defendant
3 shall be issued by the magistrate to any peace officer. Upon the request
4 of the district attorney a summons instead of a warrant shall issue. More
5 than one warrant or summons may issue on the same complaint. If a
6 defendant fails to appear in response to the summons, a warrant shall
7 issue.

8 SEC. 31. The warrant of arrest is an order in writing in the name of
9 the State of Nevada which shall:

10 1. Be signed by the magistrate with his name of office;

11 2. Contain the name of the defendant or, if his name is unknown,
12 any name or description by which he can be identified with reasonable
13 certainty;

14 3. State the date of its issuance, and the county, city or town where
15 it was issued;

16 4. Describe the offense charged in the complaint; and

17 5. Command that the defendant be arrested and brought before the
18 nearest available magistrate.

19 SEC. 32. The summons shall be in the same form as the warrant
20 except that it shall summon the defendant to appear before a magistrate
21 at a stated time and place. Upon a complaint against a corporation, the
22 magistrate must issue a summons, signed by him, with his name of office,
23 requiring the corporation to appear before him at a specified time and
24 place to answer the charge, the time to be not less than 10 days after the
25 issuing of the summons.

26 SEC. 33. The warrant shall be directed to and executed by a peace
27 officer. The summons may be served by any person authorized to serve a
28 summons in a civil action.

29 SEC. 34. A magistrate may depute in writing any suitable and dis-
30 creet person to act as constable when no constable is at hand and the
31 nature of the business requires immediate action.

32 SEC. 35. The warrant may be executed or the summons may be
33 served at any place within the jurisdiction of the State of Nevada.

34 SEC. 36. 1. The warrant shall be executed by the arrest of the
35 defendant. The officer need not have the warrant in his possession at
36 the time of the arrest, but upon request he shall show the warrant to the
37 defendant as soon as possible. If the officer does not have a warrant in
38 his possession at the time of the arrest, he shall then inform the defend-
39 ant of his intention to arrest him, of the offense charged, the authority
40 to make it and of the fact that a warrant has or has not been issued. The
41 defendant must not be subjected to any more restraint than is necessary
42 for his arrest and detention, but if the defendant either flees or forcibly
43 resists, the officer may use all necessary means to effect the arrest.

44 2. The summons shall be served upon a defendant by delivering a
45 copy to him personally, or by leaving it at his dwelling house or usual
46 place of abode with some person of suitable age and discretion then
47 residing therein or by mailing it to the defendant's last-known address. In
48 the case of a corporation, the summons must be served at least 5 days
49 before the day of appearance fixed therein, by delivering a copy to an
50 officer or to a managing or general agent or to any other agent authorized

1 by appointment or by law to receive service of process and, if the agent
2 is one authorized by statute to receive service and the statute so requires,
3 by also mailing a copy to the corporation's last-known address within
4 the State of Nevada or at its principal place of business elsewhere in the
5 United States.

6 SEC. 37. 1. A peace officer may make an arrest in obedience to a
7 warrant delivered to him, or may, without a warrant, arrest a person:

8 (a) For a public offense committed or attempted in his presence.

9 (b) When a person arrested has committed a felony, although not in
10 his presence.

11 (c) When a felony has in fact been committed, and he has reasonable
12 cause for believing the person arrested to have committed it.

13 (d) On a charge made, upon a reasonable cause, of the commission of
14 a felony by the party arrested.

15 (e) When a warrant has in fact been issued in this state for the arrest
16 of a named or described person for a public offense, and he has reason-
17 able cause to believe that the person arrested is the person so named or
18 described.

19 2. He may also, at night, without a warrant, arrest any person whom
20 he has reasonable cause for believing to have committed a felony, and is
21 justified in making the arrest, though it afterward appear that a felony has
22 not been committed.

23 SEC. 38. A private person may arrest another:

24 1. For a public offense committed or attempted in his presence.

25 2. When the person arrested has committed a felony, although not in
26 his presence.

27 3. When a felony has been in fact committed, and he has reasonable
28 cause for believing the person arrested to have committed it.

29 SEC. 39. A magistrate may orally order a peace officer or private per-
30 son to arrest anyone committing or attempting to commit a public
31 offense in the presence of the magistrate, and may thereupon proceed as
32 if the offender had been brought before him on a warrant of arrest.

33 SEC. 40. Any person making an arrest may orally summon as many
34 persons as he deems necessary to aid him therein.

35 SEC. 41. If a person arrested escapes or is rescued, the person from
36 whose custody he escaped or was rescued may immediately pursue and
37 retake him at any time and in any place within the state.

38 SEC. 42. 1. If the offense charged is a felony, the arrest may be
39 made on any day, and at any time of day or night.

40 2. If it is a misdemeanor, the arrest cannot be made at night, unless
41 upon the direction of a magistrate, endorsed upon the warrant, except
42 when the offense is committed in the presence of the arresting officer.

43 SEC. 43. To make an arrest, a private person, if the offense is a
44 felony, and in all cases a peace officer, may break open a door or window
45 of the house in which the person to be arrested is, or in which there is
46 reasonable grounds for believing him to be, after having demanded
47 admittance and explained the purpose for which admittance is desired.

48 SEC. 44. Any person who has entered a house for the purpose of
49 making an arrest may break open the door or window thereof if detained
50 therein, when necessary for the purpose of liberating himself, and an

1 officer may do the same, when necessary for liberating a person who,
2 acting in his aid, entered for the purpose of making an arrest, and is
3 detained therein.

4 SEC. 45. To retake a person arrested who has escaped or been
5 rescued, the person pursuing may break open an outer or inner door or
6 window of a dwelling house, structure or other place of concealment, if,
7 after notice of his intention, he is refused admittance.

8 SEC. 46. Any person making an arrest may take from the person
9 arrested all dangerous and offensive weapons which he may have about
10 his person, and must deliver them to the magistrate before whom he is
11 taken.

12 SEC. 47. 1. A justice of the supreme court, a judge of the district
13 court, or a clerk of the district court may, by an endorsement under his
14 hand upon a warrant of arrest, authorize the service thereof by tele-
15 graph, and thereafter a telegraphic copy of such warrant may be sent to
16 one or more peace officers, and such copy is as effectual in the hands of
17 any officer, and he must proceed in the same manner under it, as though
18 he held an original warrant issued by the magistrate before whom the
19 original complaint in the case was laid.

20 2. Every officer causing telegraphic copies of warrants to be sent
21 must certify as correct and file in the telegraph office from which such
22 copies are sent a copy of the warrant and endorsement thereon, and must
23 return the original with a statement of his action thereunder.

24 SEC. 48. 1. The peace officer executing a warrant shall make return
25 thereof to the magistrate before whom the defendant is brought pursuant
26 to sections 59 and 61 of this act. At the request of the district attorney
27 any unexecuted warrant shall be returned to the magistrate by whom it
28 was issued and shall be canceled by him.

29 2. On or before the return day the person to whom a summons was
30 delivered for service shall make return thereof to the magistrate before
31 whom the summons is returnable.

32 3. At the request of the district attorney made at any time while the
33 complaint is pending, a warrant returned unexecuted and not canceled
34 or a summons returned unserved or a duplicate thereof may be delivered
35 by the magistrate to a peace officer for execution or service.

36 SEC. 49. Sections 49 to 53, inclusive, of this act may be cited as the
37 Uniform Act on Interstate Fresh Pursuit.

38 SEC. 50. As used in sections 49 to 53, inclusive, of this act, unless the
39 context or subject matter otherwise requires:

40 1. "Fresh pursuit" includes fresh pursuit as defined by the common
41 law and also the pursuit of a person who has committed a felony or who
42 is reasonably suspected of having committed a felony. It shall also include
43 the pursuit of a person suspected of having committed a supposed felony,
44 though no felony has actually been committed, if there is reasonable
45 ground for believing that a felony has been committed. Fresh pursuit as
46 used in sections 49 to 53, inclusive, of this act shall not necessarily imply
47 instant pursuit, but pursuit without unreasonable delay.

48 2. "State" includes the District of Columbia for the purpose of sec-
49 tions 49 to 53, inclusive, of this act.

1 SEC. 51. 1. Any member of a duly organized state, county or munic-
2 ipal peace unit of another state of the United States who enters this state
3 in fresh pursuit, and continues within this state in fresh pursuit, of a per-
4 son in order to arrest him on the ground that he is believed to have com-
5 mitted a felony in the other state, shall have the same authority to arrest
6 and hold such person in custody, as has any member of any duly organ-
7 ized state, county or municipal peace unit of this state, to arrest and hold
8 in custody a person on the ground that he is believed to have committed
9 a felony in this state.

10 2. The officer of another state making an arrest within this state shall
11 take the person arrested before a magistrate of the county in which the
12 arrest was made, without unnecessary delay. The magistrate shall con-
13 duct a hearing for the purpose of determining the lawfulness of the
14 arrest. If the magistrate determines that the arrest was lawful, he shall
15 commit the person arrested to await for a reasonable time the issuance
16 of an extradition warrant by the governor of this state or admit him to
17 bail for such purpose. If the magistrate determines the arrest was unlawful
18 he shall discharge the person arrested.

19 3. This section shall not be construed so as to make unlawful any
20 arrest in this state which would otherwise be lawful.

21 SEC. 52. On March 4, 1955, the secretary of state shall certify a
22 copy of sections 49 to 53, inclusive, of this act to the executive depart-
23 ment of each of the states of the United States.

24 SEC. 53. If any part of sections 49 to 53, inclusive, of this act is for
25 any reason declared void, it is declared to be the intent of sections 49 to
26 53, inclusive, of this act that such invalidity shall not affect the validity
27 of the remaining portions of those sections.

28 SEC. 54. Sections 54 to 58, inclusive, of this act may be cited as the
29 Uniform Act on Intrastate Fresh Pursuit.

30 SEC. 55. "Fresh pursuit" as used in sections 54 to 58, inclusive, of
31 this act shall include fresh pursuit as defined by the common law and
32 also the pursuit of a person who has committed a felony or is reasonably
33 suspected of having committed a felony in this state, or who has com-
34 mitted or attempted to commit any criminal offense in this state in the
35 presence of the arresting officer referred to in section 56 of this act or for
36 whom such officer holds a warrant of arrest for a criminal offense. It
37 shall also include the pursuit of a person suspected of having committed
38 a supposed felony in this state, though no felony has actually been com-
39 mitted, if there is reasonable ground for so believing. Fresh pursuit as
40 used in sections 54 to 58, inclusive, of this act shall not necessarily imply
41 instant pursuit, but pursuit without unreasonable delay.

42 SEC. 56. Any peace officer of this state in fresh pursuit of a person
43 who is reasonably believed by him to have committed a felony in this
44 state or has committed, or attempted to commit, any criminal offense in
45 this state in the presence of such officer, or for whom such officer holds a
46 warrant of arrest, may hold in custody such person anywhere in this
47 state.

48 SEC. 57. If such an arrest is made in obedience to a warrant, the dis-
49 position of the prisoner shall be as in other cases of arrest under a war-
50 rant. If the arrest is without a warrant, the prisoner shall without

1 unnecessary delay be taken before a municipal court or a justice of the
2 peace or other magistrate of the county wherein such an arrest was made,
3 and such court shall admit such person to bail, if the offense is bailable, by
4 taking security by way of recognizance for the appearance of such pris-
5 oner before the court having jurisdiction of such criminal offense.

6 SEC. 58. Section 56 of this act shall not make unlawful an arrest
7 which would otherwise be lawful.

8 SEC. 59. 1. A peace officer making an arrest under a warrant issued
9 upon a complaint or any person making an arrest without a warrant
10 shall, in all cases, take the arrested person without unnecessary delay
11 before the magistrate who issued the warrant or the nearest available
12 magistrate empowered to commit persons charged with offenses against
13 the laws of the State of Nevada.

14 2. When a person arrested without a warrant is brought before a
15 magistrate, a complaint shall be filed forthwith.

16 3. Where the defendant can be admitted to bail without appearing
17 personally before a magistrate, he shall be so admitted with the least
18 possible delay, and required to appear before a magistrate at the earliest
19 convenient time thereafter.

20 SEC. 60. If the defendant is brought before a magistrate in the same
21 county, other than the one who issued the warrant, the affidavits and
22 depositions on which the warrant was granted, if the defendant insist
23 upon an examination, must be sent to that magistrate, or, if they cannot
24 be procured, the prosecutor and his witnesses must be summoned to give
25 their testimony anew.

26 SEC. 61. 1. When a complaint is laid before a magistrate of the
27 commission of a public offense triable in another county of the state,
28 but showing that the defendant is in the county where the complaint is
29 laid, the same proceedings must be had as prescribed in this chapter
30 except that the warrant must require the defendant to be taken before
31 the nearest or most accessible magistrate of the county in which the
32 offense is triable, and the depositions of the complainant or prosecutor,
33 and of the witnesses who may have been produced, must be delivered by
34 the magistrate to the officer to whom the warrant is delivered.

35 2. The officer who executed the warrant must take the defendant
36 before the nearest or most accessible magistrate of the county in which
37 the offense is triable, and must deliver to him the depositions and the war-
38 rant, with his return endorsed thereon, and the magistrate must then pro-
39 ceed in the same manner as upon a warrant issued by himself.

40 3. If the offense charged in the warrant issued pursuant to subsection
41 1 is a misdemeanor, the officer must, upon being required by the defend-
42 ant, take him before a magistrate of the county in which the warrant was
43 issued, who must admit the defendant to bail, and immediately transmit
44 the warrant, depositions and undertaking to the justice of the peace or
45 clerk of the court in which the defendant is required to appear.

46 SEC. 62. The magistrate shall inform the defendant of the complaint
47 against him and of any affidavit filed therewith, of his right to retain
48 counsel, of his right to request the assignment of counsel if he is unable
49 to obtain counsel, and of his right to have a preliminary examination. He

1 shall also inform the defendant that he is not required to make a state-
2 ment and that any statement made by him may be used against him. The
3 magistrate shall allow the defendant reasonable time and opportunity to
4 consult counsel, and shall admit the defendant to bail as provided in this
5 Title.

6 SEC. 63. 1. Any defendant charged with a felony or a gross mis-
7 demeanor who is an indigent may, by written application addressed to
8 the district court and delivered to the magistrate, request the appointment
9 of an attorney to represent him.

10 2. The application shall be accompanied by the defendant's affidavit,
11 which shall state:

12 (a) That he is without means of employing an attorney; and

13 (b) Facts with some particularity, definiteness and certainty concern-
14 ing his financial disability.

15 3. The magistrate shall forthwith transmit the application and affi-
16 davit to the appropriate judge of the district court. If, after reading the
17 application and affidavit and conducting such further inquiry as he may
18 deem necessary, the judge finds that the defendant is without means of
19 employing an attorney, the judge shall appoint an attorney or designate
20 the public defender to represent him.

21 SEC. 64. On admitting the defendant to bail, the magistrate shall cer-
22 tify on the warrant the fact of his having done so, and deliver the warrant
23 and recognizance to the officer having charge of the defendant. The
24 officer shall forthwith discharge the defendant from arrest, and shall,
25 without delay, deliver the warrant and recognizance to the justice of the
26 peace, magistrate or clerk of the court at which the defendant is required
27 to appear.

28 SEC. 65. The defendant, when arrested under a warrant for a capital
29 offense, must be held in custody by the sheriff of the county in which the
30 complaint is filed, unless admitted to bail after an examination or upon
31 a writ of habeas corpus.

32 SEC. 66. 1. Where the offense is not triable in the justice's court, the
33 defendant shall not be called upon to plead. If the defendant waives
34 preliminary examination, the magistrate shall forthwith hold him to
35 answer in the district court.

36 2. If the defendant does not waive examination, the magistrate shall
37 hear the evidence within a reasonable time. Unless the defendant waives
38 counsel, reasonable time shall be allowed for counsel to appear.

39 3. Where application is made for the appointment of counsel for an
40 indigent defendant, the magistrate shall postpone the examination until:

41 (a) The application has been granted or denied by a district judge; and

42 (b) If the application is granted, the attorney appointed or the public
43 defender has had reasonable time to appear.

44 4. The defendant may cross-examine witnesses against him and may
45 introduce evidence in his own behalf.

46 SEC. 67. 1. The preliminary examination shall not be used by the
47 defendant for discovery.

48 2. When the prosecutor has presented his evidence, or at any time
49 thereafter, if the magistrate is satisfied that the defendant should be held
50 to answer, he shall so inform the parties. If the defendant wishes to call

1 any witnesses thereafter or introduce any evidence, the magistrate shall
2 inquire as to the nature of the testimony or other evidence that the
3 defendant wishes to admit. If the magistrate is satisfied that such testi-
4 mony or evidence, if admitted, would not affect his determination that
5 the defendant should be held to answer, the preliminary hearing shall be
6 terminated.

7 3. At any time when the defendant wishes to call witnesses or intro-
8 duce evidence, the magistrate may inquire as to the nature and purpose
9 of the testimony sought to be elicited or the evidence sought to be intro-
10 duced and if he is satisfied that such testimony or evidence would not,
11 if introduced, affect the determination as to whether or not the defendant
12 should be held to answer, he may refuse to allow such witness to be
13 called or other evidence to be introduced.

14 4. Subsections 2 and 3 do not limit the right of a defendant to testify
15 in his own behalf.

16 5. If a magistrate terminates a hearing or refuses to receive testimony
17 or other evidence, his ruling is not ground for dismissal or remand by
18 the district court unless:

19 (a) There is no evidence in the record to sustain a finding that an
20 offense has been committed and there is probable cause to believe that
21 the defendant has committed it;

22 (b) The testimony or evidence which the defendant offered to introduce
23 would, if introduced, clearly have required a different finding by the mag-
24 istrate; or

25 (c) There was manifest abuse of discretion on the part of the magistrate.

26 SEC. 68. 1. The magistrate shall employ a reporter to take down all
27 the testimony and the proceedings on the hearing or examination, and
28 within such time as the court may designate have such testimony and pro-
29 ceedings transcribed into typewritten transcript.

30 2. The reporter employed as provided in subsection 1 shall be sworn
31 by the magistrate before whom such proceedings are held to record ver-
32 batim, truthfully and correctly such proceedings and testimony, and to
33 make a true and correct transcript thereof into typewritten transcript.

34 3. When the testimony of each witness is all taken and transcribed
35 by the reporter, the reporter shall certify to the transcript in the same
36 manner as for a transcript of testimony in the district court, which cer-
37 tificate shall authenticate the transcript for all purposes of this Title.

38 4. Prior to the date set for trial, either party may move the court
39 before which the case is pending to add to, delete from, or otherwise
40 correct the transcript to conform with the testimony as given and to settle
41 the transcript so altered.

42 5. The compensation for the services of a reporter employed as pro-
43 vided in this section shall be the same as provided in subsection 1 of NRS
44 3.370, to be paid out of the county treasury as other claims against the
45 county are allowed and paid.

46 6. Testimony reduced to writing and authenticated according to the
47 provisions of this section must be filed by the examining magistrate with
48 the clerk of the district court of his county, and in case the prisoner is
49 subsequently examined upon a writ of habeas corpus, such testimony must

1 be considered as given before such judge or court. A copy of the tran-
2 script shall be furnished without charge to the defendant and to the dis-
3 trict attorney.

4 7. The testimony so taken may be used:

5 (a) By the defendant; or

6 (b) By the state if the defendant was represented by counsel or affirma-
7 tively waived his right to counsel,
8 upon the trial of the cause, and in all proceedings therein, when the wit-
9 ness is sick, out of the state, dead, or when his personal attendance can-
10 not be had in court.

11 SEC. 69. The district attorney of the proper county shall be present
12 at and conduct the prosecution in all preliminary examinations where a
13 felony is charged.

14 SEC. 70. The magistrate shall, upon the request of the defendant,
15 exclude from the examination every person except his clerk, the prose-
16 cutor and his counsel, the attorney general, the district attorney of the
17 county, the defendant and his counsel, the witness who is testifying, the
18 officer having the defendant or a witness in his custody, and any other
19 person whose presence is found by the magistrate to be necessary for the
20 proper conduct of the examination.

21 SEC. 71. If from the evidence it appears to the magistrate that there
22 is probable cause to believe that an offense has been committed and that
23 the defendant has committed it, the magistrate shall forthwith hold him to
24 answer in the district court; otherwise the magistrate shall discharge him.
25 The magistrate shall admit the defendant to bail as provided in this
26 Title. After concluding the proceeding the magistrate shall transmit forth-
27 with to the clerk of the district court all papers in the proceeding and any
28 bail taken by him.

29 SEC. 72. Whenever a preliminary examination has not been had, the
30 district court may for good cause shown at any time before a plea has
31 been entered or an indictment found remand the defendant for pre-
32 liminary examination to the appropriate justice of the peace, and such
33 justice shall then proceed with the preliminary examination as provided
34 in this chapter.

35 SEC. 73. Chapter 172 of NRS is hereby amended by adding thereto
36 the provisions set forth as sections 74 to 100, inclusive, of this act.

37 SEC. 74. Every public offense must be prosecuted by indictment or
38 information, except:

39 1. Where proceedings are had for the removal of a civil officer.

40 2. Offenses arising in the militia when in actual service in time of
41 war, or which this state may keep, with the consent of Congress, in time
42 of peace.

43 3. Offenses tried in justices' courts.

44 SEC. 75. When proceedings are had for the removal of district,
45 county, municipal or township officers, they may be commenced by
46 accusation, in writing, as provided in chapter 283 of NRS.

47 SEC. 76. All accusations, informations and indictments against dis-
48 trict, county, municipal and township officers must be found or filed in
49 the district court.

1 SEC. 77. *Grand juries shall be impaneled as provided in chapter 6 of*
2 *NRS.*

3 SEC. 78. *The district attorney or a defendant who has been held to*
4 *answer in the district court may challenge the array of jurors on the*
5 *ground that the grand jury was not selected, drawn or summoned in*
6 *accordance with law, and may challenge an individual juror on the ground*
7 *that the juror is not legally qualified. Challenges may be oral or in writing*
8 *and shall be tried by the court.*

9 SEC. 79. *A motion to dismiss the presentment or indictment may be*
10 *based on objections to the array or on the lack of legal qualification of an*
11 *individual juror, if not previously determined upon challenge. A present-*
12 *ment or indictment shall not be dismissed on the ground that one or more*
13 *members of the grand jury were not legally qualified if it appears from*
14 *the record kept pursuant to section 80 of this act that 12 or more jurors,*
15 *after deducting the number not legally qualified, concurred in finding the*
16 *presentment or indictment.*

17 SEC. 80. *The jury shall elect one of its members to be foreman,*
18 *another to be deputy foreman and a third to be secretary. The foreman*
19 *shall have power to administer oaths and affirmations and shall sign all*
20 *presentments and indictments. The secretary shall keep a record of the*
21 *number of jurors concurring in the finding of every presentment or indict-*
22 *ment and shall file the record with the clerk of the court, but the record*
23 *shall not be made public except on order of the court. During the absence*
24 *of the foreman, the deputy foreman shall act as foreman, and if both are*
25 *absent, the jury shall elect a temporary foreman.*

26 SEC. 81. *The following oath must be administered to the grand*
27 *jury:*

28 *You, as grand jurors, will diligently inquire into, and true presentment*
29 *make, of all offenses against the State of Nevada committed or triable*
30 *within this county, of which you shall have or can obtain legal evidence.*
31 *You will keep your own counsel, and that of your fellows and the govern-*
32 *ment, and will not, except when required in the due course of judicial*
33 *proceedings, disclose the testimony of any witness examined before you,*
34 *nor anything which you or any other grand juror may have said, nor the*
35 *manner in which you or any other grand juror may have voted on any*
36 *matter before you. You will present no person through malice, hatred, or*
37 *ill will, nor leave any unrepresented through fear, favor, or affection, or*
38 *for any reward, or the promise or hope thereof; but in all your present-*
39 *ments you will present the truth, the whole truth, and nothing but the*
40 *truth, according to the best of your skill and understanding, so help you*
41 *God.*

42 SEC. 82. *The grand jury being impaneled and sworn, must be*
43 *charged by the court. In doing so, the court must give them such informa-*
44 *tion as it may deem proper, or as is required by law, as to their duties,*
45 *and as to any charges for public offenses returned to the court or likely*
46 *to come before the grand jury. The court need not, however, charge them*
47 *respecting the violation of any particular statute.*

48 SEC. 83. *The grand jury must inquire into all public offenses triable*
49 *in the district court or in a justice's court, committed within the territorial*
50 *jurisdiction of the district court for which it is impaneled.*

1 SEC. 84. *A presentment is an informal statement in writing, by the*
2 *grand jury, representing to the court that a public offense has been com-*
3 *mitted, which is triable within the district, and that there is reasonable*
4 *ground for believing that a particular person, named or described, has*
5 *committed it.*

6 SEC. 85. *An indictment is an accusation in writing, presented by a*
7 *grand jury to a competent court, charging a person with a public offense.*

8 SEC. 86. 1. *In the investigation of a charge, for the purpose of either*
9 *presentment or indictment, the grand jury can receive no other evidence*
10 *than such as is given by witnesses produced and sworn before them, or*
11 *furnished by legal documentary evidence, or the deposition of witnesses*
12 *taken as provided in this Title.*

13 2. *The grand jury can receive none but legal evidence, and the best*
14 *evidence in degree, to the exclusion of hearsay or secondary evidence.*

15 SEC. 87. *The grand jury is not bound to hear evidence for the defend-*
16 *ant. It is their duty, however, to weigh all evidence submitted to them,*
17 *and when they have reason to believe that other evidence within their*
18 *reach will explain away the charge, they must order such evidence to be*
19 *produced, and for that purpose may require the district attorney to issue*
20 *process for the witnesses.*

21 SEC. 88. 1. *The grand jury ought to find an indictment when all the*
22 *evidence before them, taken together, establishes probable cause to*
23 *believe that an offense has been committed and that the defendant has*
24 *committed it.*

25 2. *The defendant may object to the sufficiency of the evidence to*
26 *sustain the indictment only by application for a writ of habeas corpus. If*
27 *no such application is made before the plea is entered, unless the court*
28 *permits it to be made within a reasonable time thereafter, the objection is*
29 *waived.*

30 SEC. 89. *If a member of the grand jury knows or has reason to*
31 *believe that a public offense has been committed, which is triable within*
32 *the jurisdiction of this court, he must declare such knowledge or belief*
33 *to his fellow jurors, who shall thereupon investigate the alleged offense.*

34 SEC. 90. 1. *The grand jury must inquire into:*

35 (a) *The case of every person imprisoned in the jail of the county, on a*
36 *criminal charge, and not indicted.*

37 (b) *The condition and management of the public prisons within the*
38 *county.*

39 (c) *The misconduct in office of public officers of every description*
40 *within the county.*

41 2. *The grand jury may inquire into any and all matters affecting the*
42 *morals, health and general welfare of the inhabitants of the county, or of*
43 *any administrative division thereof, or of any township, incorporated city,*
44 *irrigation district or town therein.*

45 SEC. 91. *The grand jury shall be entitled to free access, at all reason-*
46 *able times, to all public prisons and to the examination without charge of*
47 *all public records within its district.*

48 SEC. 92. *The grand jury shall have the power, with the consent of the*
49 *board of county commissioners, to engage the services of an attorney*

1 other than and in addition to the district attorney, certified public account-
2 ants, and such other skilled persons as may be necessary in the perform-
3 ance of its inquisitorial powers.

4 SEC. 93. Whenever criminal causes are being investigated by the
5 grand jury, it shall appoint a competent stenographic reporter. If he is
6 not an official district court reporter, he shall, before entering upon his
7 duties, take and subscribe the constitutional oath of office. He shall
8 receive the same compensation for his services as an official district court
9 reporter.

10 SEC. 94. 1. If an indictment has been found or accusation presented
11 against a defendant, the stenographic reporter shall certify and file with
12 the county clerk an original transcription of his shorthand notes and a
13 copy thereof and as many additional copies as there are defendants.

14 2. The reporter shall complete such certification and filing within 10
15 days after the indictment has been found or the accusation presented
16 unless the court for good cause makes an order extending the time.

17 3. The county clerk shall deliver the original of the transcript so filed
18 with him to the district attorney immediately upon his receipt thereof,
19 shall retain one copy for use only by judges in proceedings relating to the
20 indictment or accusation, and shall deliver a copy of such transcript to
21 each such defendant who is in custody or has given bail or to his attorney.

22 4. Any defendant to whom such copy has not been delivered is
23 entitled upon motion to a continuance of his arraignment until a date 10
24 days after he actually receives such copy.

25 5. If several criminal charges against a defendant are investigated on
26 one investigation and thereafter separate indictments are returned or
27 accusations presented upon the several charges, the delivery to such
28 defendant or his attorney of one copy of the transcript of such investiga-
29 tion is a compliance with this section as to all of such indictments or
30 accusations.

31 SEC. 95. The district attorney, the witness under examination, inter-
32 preters when needed, a stenographer for the purpose of taking the evi-
33 dence, any person engaged by the grand jury pursuant to section 90 of
34 this act, and any person requested by the grand jury to be present may be
35 present while the grand jury is in session, but no person other than the
36 jurors may be present while the grand jury is deliberating or voting.

37 SEC. 96. 1. Disclosure of matters occurring before the grand jury
38 other than its deliberations and the vote of any juror may be made to the
39 district attorney for use in the performance of his duties. Otherwise a
40 juror, attorney, interpreter, stenographer or other person may disclose
41 matters occurring before the grand jury only:

42 (a) When so directed by the court preliminary to or in connection with
43 a judicial proceeding;

44 (b) When permitted by the court at the request of the defendant upon a
45 showing that grounds may exist for a motion to dismiss the presentment
46 or indictment because of matters occurring before the grand jury; or

47 (c) As provided in section 94 of this act.

48 2. No obligation of secrecy may be imposed upon any person except
49 in accordance with this section. The court may direct that a presentment
50 or indictment shall be kept secret until the defendant is in custody or has

1 been given bail, and in that event the clerk shall seal the presentment or
2 indictment and no person shall disclose the finding of the presentment or
3 indictment except when necessary for the issuance and execution of a
4 warrant or summons.

5 SEC. 97. 1. A presentment or indictment may be found only upon
6 the concurrence of 12 or more jurors. The presentment or indictment
7 shall be returned by the grand jury to a judge in open court. If the defend-
8 ant has been held to answer and 12 jurors do not concur in finding a pre-
9 sentment or indictment, the foreman shall so report to the court in writing
10 forthwith.

11 2. The failure to indict shall not, however, prevent the same charge
12 from being again submitted to a grand jury or as often as the court shall
13 so direct. But, without such direction, it shall not be again submitted.

14 SEC. 98. When an indictment is found, the names of the witnesses
15 examined before the grand jury shall be inserted at the foot of the indict-
16 ment, or endorsed thereon before it is presented to the court.

17 SEC. 99. 1. A grand jury shall serve until discharged by the court
18 but no grand jury may serve more than 3 years. At any time for cause
19 shown the court may excuse a juror either temporarily or permanently,
20 and in the latter event the court may impanel an alternate grand juror in
21 place of the juror excused.

22 2. Where the court is composed of more than one judge, any judge
23 may discharge or excuse a juror; but if any other judge notifies the judge
24 so acting, in writing within 24 hours after the action is taken, that he
25 objects, such action shall stand rescinded and not become effective unless
26 and until the concurrence of a majority of the judges composing the court
27 is obtained.

28 SEC. 100. 1. If the court deems that the facts stated in a presentment
29 constitute a public offense triable:

30 (a) In the district court of the county, it shall direct the clerk to issue
31 a warrant for the arrest of the defendant.

32 (b) In another court of the county, it shall forward the presentment to
33 such court.

34 2. The clerk, or justice of the peace in a case forwarded to him, may
35 accordingly at any time thereafter issue a warrant under the signature and
36 seal of the court, if it has a seal.

37 3. The magistrate before whom the defendant is brought shall pro-
38 ceed to examine the charge contained in the presentment and hold the
39 defendant to answer such charge, or discharge him, in the same manner
40 as upon a warrant of arrest on complaint.

41 SEC. 101. Chapter 173 of NRS is hereby amended by adding thereto
42 the provisions set forth as sections 102 to 121, inclusive, of this act.

43 SEC. 102. The first pleading on the part of the state is the indictment
44 or information.

45 SEC. 103. The several courts of this state shall have and may exer-
46 cise the same power and jurisdiction to try and determine prosecutions
47 upon information for crimes, misdemeanors and offenses, to issue writs
48 and process and do all other acts therein as in cases of like prosecution
49 under indictment.

1 SEC. 104. 1. An information may be filed against any person for any
2 offense when the person:

3 (a) Has had a preliminary examination as provided by law before a
4 justice of the peace, or other examining officer or magistrate, and has
5 been bound over to appear at the court having jurisdiction; or

6 (b) Has waived his right to a preliminary examination.

7 2. If, however, upon the preliminary examination the accused has
8 been discharged, or the affidavit or complaint upon which the examina-
9 tion has been held has not been delivered to the clerk of the proper court,
10 the district attorney may, upon affidavit of any person who has knowledge
11 of the commission of an offense, and who is a competent witness to testify
12 in the case, setting forth the offense and the name of the person or per-
13 sons charged with the commission thereof, upon being furnished with the
14 names of the witnesses for the prosecution, by leave of the court first had,
15 file an information, and process shall forthwith issue thereon. The affidavit
16 mentioned herein need not be filed in cases where the defendant has
17 waived a preliminary examination, or upon such preliminary examination
18 has been bound over to appear at the court having jurisdiction.

19 3. The information shall be filed within 10 days after the holding or
20 waiver of the preliminary examination. All informations shall set forth
21 the crime committed according to the facts.

22 SEC. 105. 1. All informations shall be filed in the court having juris-
23 diction of the offenses specified therein, by the district attorney of the
24 proper county as informant, and his name shall be subscribed thereto by
25 himself or by his deputy.

26 2. He shall endorse thereon the names of such witnesses as are
27 known to him at the time of filing the same, and shall also endorse upon
28 such information the names of such other witnesses as may become
29 known to him before the trial at such time as the court may, by rule or
30 otherwise, prescribe; but this shall not preclude the calling of witnesses
31 whose names, or the materiality of whose testimony, are first learned by
32 the district attorney upon the trial. He shall include with each name the
33 address of the witness if known to him. He shall not endorse the name of
34 any witness whom he does not reasonably expect to call.

35 3. In all cases in which the defendant has not had or waived a pre-
36 liminary examination there shall be filed with the information the affidavit
37 of some credible person verifying the information upon the personal
38 knowledge of affiant that the offense was committed.

39 SEC. 106. 1. The district attorney of the proper county shall inquire
40 into all cases of preliminary examinations as provided by law, touching
41 the commission of any offense, whether the offenders shall be committed
42 to jail, or be recognized or held to bail.

43 2. If the district attorney shall determine in any such case that an
44 information ought not to be filed, he shall file with the clerk of the court
45 having jurisdiction of the supposed offense a written statement containing
46 his reasons, in fact and in law, for not filing any information in the case.
47 The statement shall be filed within 10 days after the holding of the pre-
48 liminary examination.

49 SEC. 107. The judge of the court having jurisdiction may in extreme
50 cases, upon affidavit filed with him of the commission of a crime, require

1 the district attorney to prosecute any person for such crime, and may
2 compel by attachment, fine or imprisonment a compliance by the district
3 attorney with the provisions of this section.

4 SEC. 108. 1. The indictment or the information shall be a plain, con-
5 cise and definite written statement of the essential facts constituting the
6 offense charged. It shall be signed by the district attorney. It need not
7 contain a formal commencement, a formal conclusion or any other matter
8 not necessary to such statement.

9 2. Allegations made in one count may be incorporated by reference
10 in another count. It may be alleged in a single count that the means by
11 which the defendant committed the offense are unknown or that he com-
12 mitted it by one or more specified means.

13 3. The indictment or information shall state for each count the official
14 or customary citation of the statute, rule, regulation or other provision of
15 law which the defendant is alleged therein to have violated. Error in the
16 citation or its omission shall not be ground for dismissal of the indictment
17 or information or for reversal of a conviction if the error or omission did
18 not mislead the defendant to his prejudice.

19 SEC. 109. The court on motion of the defendant may strike sur-
20 plusage from the indictment or information.

21 SEC. 110. The court may permit an information to be amended at
22 any time before verdict or finding if no additional or different offense is
23 charged and if substantial rights of the defendant are not prejudiced.

24 SEC. 111. When a defendant is charged by a fictitious or erroneous
25 name, and in any stage of the proceedings his true name is discovered, it
26 must be inserted in the subsequent proceedings referring to the fact of
27 his being charged by the name mentioned in the indictment or infor-
28 mation.

29 SEC. 112. Two or more offenses may be charged in the same indict-
30 ment or information in a separate count for each offense if the offenses
31 charged, whether felonies or misdemeanors or both, are:

- 32 1. Based on the same act or transaction; or
33 2. Based on two or more acts or transactions connected together or
34 constituting parts of a common scheme or plan.

35 SEC. 113. The prosecution is not required to elect between the differ-
36 ent offenses or counts set forth in the indictment or information and a
37 plea of guilty to one or more offenses charged in the indictment or infor-
38 mation does not preclude prosecution for the other offenses.

39 SEC. 114. Two or more defendants may be charged in the same
40 indictment or information if they are alleged to have participated in the
41 same act or transaction or in the same series of acts or transactions con-
42 stituting an offense or offenses. Such defendants may be charged in one or
43 more counts together or separately and all of the defendants need not be
44 charged in each count.

45 SEC. 115. 1. Upon the request of the district attorney the court shall
46 issue a warrant for each defendant named in the information, if it is sup-
47 ported by oath, or in the indictment.

48 2. The clerk shall issue a summons instead of a warrant upon the
49 request of the district attorney or by direction of the court.

1 3. Upon like request or direction the clerk shall issue more than one
2 warrant or summons for the same defendant.

3 4. The clerk shall deliver the warrant or summons to the peace officer
4 or other person authorized by law to execute or serve it.

5 5. If a defendant fails to appear in response to the summons, a war-
6 rant shall issue.

7 SEC. 116. The form of the warrant shall be as provided in section 28
8 of this act except that it shall be signed by the clerk, it shall describe the
9 offense charged in the indictment or information and it shall command
10 that the defendant be arrested and brought before the court. The amount
11 of bail may be fixed by the court and endorsed on the warrant.

12 SEC. 117. If the offense charged in the warrant is bailable, and the
13 defendant is arrested in another county, the officer must, upon being
14 required by the defendant, take him before the most convenient magis-
15 trate in that or any adjoining county, who must admit the defendant to
16 bail in the amount fixed in the warrant and take bail from him accord-
17 ingly, naming therein a time, not more than 10 days after the time of tak-
18 ing such bail, for the defendant to appear before the court in which the
19 warrant was issued; or, in case the court is not in session at the time so
20 fixed for the defendant to appear, for the defendant to appear before the
21 court in which the warrant was issued at the first time it is in session
22 thereafter.

23 SEC. 118. When the indictment or information is for a felony and
24 the defendant before the filing thereof has given bail for his appearance
25 to answer the charge, the court in which the indictment or information is
26 presented, or in which it is pending, may order the defendant to be com-
27 mitted to actual custody unless he gives bail in an increased amount, to be
28 specified in the order.

29 SEC. 119. The summons shall be in the same form as the warrant
30 except that it shall summon the defendant to appear before the court at a
31 stated time and place.

32 SEC. 120. The warrant shall be executed or the summons served as
33 provided in sections 33, 35 and 36 of this act. A summons to a corpora-
34 tion shall be served as provided in section 36 of this act. The officer exe-
35 cuting the warrant shall bring the arrested person promptly before the
36 court or, for the purpose of admission to bail, before a magistrate.

37 SEC. 121. 1. The peace officer executing a warrant shall make return
38 thereof to the court. At the request of the district attorney any unexecuted
39 warrant shall be returned and canceled.

40 2. On or before the return day the person to whom a summons was
41 delivered for service shall make return thereof.

42 3. At the request of the district attorney made at any time while the
43 indictment or information is pending, a warrant returned unexecuted and
44 not canceled or a summons returned unserved or a duplicate thereof may
45 be delivered by the clerk to a peace officer or other authorized person for
46 execution or service.

47 SEC. 122. Chapter 174 of NRS is hereby amended by adding thereto
48 the provisions set forth as sections 123 to 172, inclusive, of this act.

49 SEC. 123. 1. Arraignment shall be conducted in open court and shall

1 consist of reading the indictment or information to the defendant or stat-
2 ing to him the substance of the charge and calling on him to plead thereto.
3 He shall be given a copy of the indictment or information before he is
4 called upon to plead.

5 2. In justice's court, before the trial commences, the complaint must
6 be distinctly read to the defendant before he is called upon to plead.

7 SEC. 124. When the defendant is arraigned, he must be informed that
8 if the name by which he is prosecuted is not his true name he must then
9 declare his true name, or be proceeded against by the name in the indict-
10 ment, information or complaint. If he gives no other name, the court may
11 proceed accordingly; but, if he alleges that another name is his true name,
12 the court must direct an entry thereof in the minutes of the arraignment,
13 and the subsequent proceedings on the information, indictment or com-
14 plaint may be had against him by that name, referring also to the name by
15 which he was first charged therein.

16 SEC. 125. 1. A defendant may plead not guilty, guilty or, with the
17 consent of the court, nolo contendere. The court may refuse to accept a
18 plea of guilty, and shall not accept such plea or a plea of nolo contendere
19 without first addressing the defendant personally and determining that the
20 plea is made voluntarily with understanding of the nature of the charge
21 and consequences of the plea.

22 2. The defendant may, in the alternative or in addition to any one of
23 the pleas permitted by subsection 1, plead not guilty by reason of insanity.
24 A defendant who has not so pleaded may offer the defense of insanity
25 during trial upon good cause shown. Under such plea or defense, the bur-
26 den of proof is upon the defendant to establish his insanity by a prepon-
27 derance of the evidence.

28 3. If a defendant refuses to plead or if the court refuses to accept a
29 plea of guilty or if a defendant corporation fails to appear, the court shall
30 enter a plea of not guilty.

31 SEC. 126. 1. When any person is convicted upon a plea of guilty of
32 an offense punishable by death, except as provided in section 128 of this
33 act, the supreme court shall appoint two district judges from judicial dis-
34 tricts other than the district in which the plea is made who shall with the
35 district judge before whom such plea is made, or his successor in office,
36 by examination of witnesses determine the degree or facts of the offense
37 and give sentence accordingly. A sentence of death may be given only by
38 unanimous vote of the three judges, but any other sentence may be given
39 by the vote of a majority.

40 2. If the concurrence of a majority cannot be had for any sentence
41 less than death, the supreme court shall appoint a new panel of three dis-
42 trict judges, none of whom was a member of the original panel. The new
43 panel may in its discretion either give sentence upon the record of the
44 evidence heard before the original panel or supplement such record by
45 recalling the former witnesses or calling new ones. The same vote is
46 required for the giving of sentence by the new panel as by the original
47 panel.

48 SEC. 127. In the justice's court, if the defendant pleads guilty, the
49 court may, before entering such a plea or pronouncing judgment, examine
50 witnesses to ascertain the gravity of the offense committed; and if it

1 appears to the court that a higher offense has been committed than the
2 offense charged in the complaint, the court may order the defendant to be
3 committed or admitted to bail, to answer any indictment that may be
4 found against him or any information which may be filed by the district
5 attorney.

6 SEC. 128. 1. On a plea of guilty to an information or indictment
7 accusing a defendant of a crime divided into degrees, when consented to
8 by the district attorney in open court and approved by the court, the plea
9 may specify the degree, and in such event the defendant shall not be pun-
10 ished for a higher degree than that specified in the plea.

11 2. On a plea of guilty to an indictment or information for an offense
12 punishable by death, when consented to by the district attorney in open
13 court and approved by the court, the plea may specify a punishment less
14 than death. The specified punishment, or any lesser punishment, may be
15 imposed by a single judge.

16 SEC. 129. 1. Pleadings in criminal proceedings shall be the indict-
17 ment, the information and, in justice's court, the complaint, and the pleas
18 of not guilty, not guilty by reason of insanity, and nolo contendere.

19 2. All other pleas, and demurrers and motions to quash are abol-
20 ished, and defenses and objections raised before trial which heretofore
21 could have been raised by one or more of them shall be raised only by
22 motion to dismiss or to grant appropriate relief, as provided in this Title.

23 SEC. 130. 1. If the defendant was formerly acquitted on the ground
24 of variance between the indictment, information or complaint and proof,
25 or the indictment, information, or complaint was dismissed upon an
26 objection to its form or substance, or in order to hold the defendant for a
27 higher offense without a judgment of acquittal, it is not an acquittal of the
28 same offense.

29 2. Whenever the defendant is acquitted on the merits, he is acquitted
30 of the same offense, notwithstanding any defect in form or substance in
31 the indictment, information, or complaint on which the trial was had.

32 3. When the defendant is convicted or acquitted, or has been once
33 placed in jeopardy upon an indictment, information or complaint, the
34 conviction, acquittal or jeopardy is a bar to another indictment, informa-
35 tion or complaint for the offense charged in the former, or for an attempt
36 to commit the same, or for an offense necessarily included therein, of
37 which he might have been convicted under that indictment, information
38 or complaint.

39 4. In all cases where a jury is discharged or prevented from giving a
40 verdict by reason of any accident or other cause, except where the defend-
41 ant is discharged during the progress of the trial or after the cause is sub-
42 mitted to them, the cause may be again tried.

43 SEC. 131. Any defense or objection which is capable of determination
44 without the trial of the general issue may be raised before trial by motion.

45 SEC. 132. 1. Defenses and objections based on defects in the institu-
46 tion of the prosecution, other than insufficiency of the evidence to war-
47 rant an indictment, or in the indictment, information or complaint, other
48 than that it fails to show jurisdiction in the court or to charge an offense,
49 may be raised only by motion before trial. The motion shall include all
50 such defenses and objections then available to the defendant.

1 2. Failure to present any such defense or objection as herein provided
2 constitutes a waiver thereof, but the court for cause shown may grant
3 relief from the waiver.

4 3. Lack of jurisdiction or the failure of the indictment, information or
5 complaint to charge an offense shall be noticed by the court at any time
6 during the pendency of the proceeding.

7 SEC. 133. The motion shall be made before the plea is entered, but
8 the court may permit it to be made within a reasonable time thereafter.

9 SEC. 134. 1. All motions in a criminal prosecution to suppress evi-
10 dence, for a transcript of former proceedings, for a preliminary hearing,
11 for severance of joint defendants, for withdrawal of counsel, and all other
12 motions which by their nature, if granted, delay or postpone the time of
13 trial, shall be made prior to trial, unless opportunity to make any such
14 motion prior to trial did not exist or the moving party was not aware of
15 the grounds for the motion prior to trial.

16 2. In any judicial district in which a single judge is provided by NRS
17 3.010:

18 (a) All motions subject to the provisions of subsection 1 shall be made
19 in writing, with not less than 10 days' notice to the opposite party unless
20 good cause is shown to the court at the time of trial why the motion could
21 not have been made in writing upon the required notice.

22 (b) The court may, by written order, shorten the notice required to be
23 given to the opposite party.

24 3. In any judicial district in which two or more judges are provided
25 by NRS 3.010:

26 (a) All motions subject to the provisions of subsection 1 shall be made
27 in writing not less than 15 days before the date set for trial, except that if
28 less than 15 days intervene between entry of a plea and the date set for
29 trial, such a motion may be made within 5 days after entry of the plea.

30 (b) The court may, if a defendant waives hearing on the motion or for
31 other good cause shown, permit the motion to be made at a later date.

32 4. Grounds for making such a motion after the time provided or at
33 the trial must be shown by affidavit.

34 SEC. 135. 1. A motion before trial raising defenses or objections
35 shall be determined before trial unless the court orders that it be deferred
36 for determination at the trial of the general issue.

37 2. An issue of fact shall be tried by a jury if a jury trial is required
38 under the Constitution of the United States or of the State of Nevada or
39 by statute.

40 3. All other issues of fact shall be determined by the court with or
41 without a jury or on affidavits or in such other manner as the court may
42 direct.

43 SEC. 136. 1. If a motion is determined adversely to the defendant he
44 shall be permitted to plead if he had not previously pleaded. A plea pre-
45 viously entered shall stand.

46 2. If the court grants a motion based on a defect in the institution of
47 the prosecution or in the indictment, information or complaint, it may
48 also order that the defendant be held in custody or that his bail be contin-
49 ued for a specified time pending the filing of a new indictment, informa-
50 tion or complaint.

1 3. Nothing in this section shall affect the provisions of any statute
2 relating to periods of limitations.

3 SEC. 137. The court may order two or more indictments or informa-
4 tions or both to be tried together if the offenses, and the defendants if
5 there is more than one, could have been joined in a single indictment or
6 information. The procedure shall be the same as if the prosecution were
7 under such single indictment or information.

8 SEC. 138. 1. If it appears that a defendant or the State of Nevada is
9 prejudiced by a joinder of offenses or of defendants in an indictment or
10 information, or by such joinder for trial together, the court may order an
11 election or separate trials of counts, grant a severance of defendants or
12 provide whatever other relief justice requires.

13 2. In ruling on a motion by a defendant for severance the court may
14 order the district attorney to deliver to the court for inspection in cham-
15 bers any statements or confessions made by the defendants which the
16 state intends to introduce in evidence at the trial.

17 SEC. 139. 1. If it appears that a prospective witness may be unable
18 to attend or prevented from attending a trial or hearing, that his testimony
19 is material and that it is necessary to take his deposition in order to pre-
20 vent a failure of justice, the court at any time after the filing of an indict-
21 ment, information or complaint may upon motion of a defendant and
22 notice to the parties order that his testimony be taken by deposition and
23 that any designated books, papers, documents or tangible objects, not
24 privileged, be produced at the same time and place.

25 2. If a witness is committed for failure to give bail to appear to testify
26 at a trial or hearing, the court on written motion of the witness and upon
27 notice to the parties may direct that his deposition be taken. After the
28 deposition has been subscribed the court may discharge the witness.

29 3. This section does not apply to the prosecutor, or to an accomplice
30 in the commission of the offense charged.

31 SEC. 140. The party at whose instance a deposition is to be taken
32 shall give to every other party reasonable written notice of the time and
33 place for taking the deposition. The notice shall state the name and
34 address of each person to be examined. On motion of a party upon whom
35 the notice is served, the court for cause shown may extend or shorten the
36 time.

37 SEC. 141. If a defendant is without counsel the court shall advise him
38 of his right and assign counsel to represent him unless the defendant elects
39 to proceed without counsel or is able to obtain counsel. If it appears that
40 a defendant at whose instance a deposition is to be taken cannot bear the
41 expense thereof, the court may direct that the expenses of the court
42 reporter and of travel and subsistence of the defendant's attorney for
43 attendance at the examination shall be paid as provided in NRS 7.260.

44 SEC. 142. A deposition shall be taken in the manner provided in civil
45 actions. The court at the request of a defendant may direct that a deposi-
46 tion be taken or written interrogatories in the manner provided in civil
47 actions.

48 SEC. 143. 1. At the trial or upon any hearing, a part or all of a depo-
49 sition, so far as otherwise admissible under the rules of evidence, may be
50 used if it appears:

1 (a) That the witness is dead;

2 (b) That the witness is out of the State of Nevada, unless it appears that
3 the absence of the witness was procured by the party offering the deposi-
4 tion;

5 (c) That the witness is unable to attend or testify because of sickness or
6 infirmity; or

7 (d) That the party offering the deposition has been unable to procure
8 the attendance of the witness by subpoena.

9 2. Any deposition may also be used by any party for the purpose of
10 contradicting or impeaching the testimony of the deponent as a witness.

11 3. If only a part of a deposition is offered in evidence by a party, an
12 adverse party may require him to offer all of it which is relevant to the
13 part offered and any party may offer other parts.

14 SEC. 144. Objections to receiving in evidence a deposition or part
15 thereof may be made as provided in civil actions.

16 SEC. 145. Upon motion of a defendant the court may order the dis-
17 trict attorney to permit the defendant to inspect and copy or photograph
18 any relevant:

19 1. Written or recorded statements or confessions made by the
20 defendant, or copies thereof, within the possession, custody or control of
21 the state, the existence of which is known, or by the exercise of due dili-
22 gence may become known, to the district attorney; and

23 2. Results or reports of physical or mental examinations, and of sci-
24 entific tests or experiments made in connection with the particular case,
25 or copies thereof, within the possession, custody or control of the state,
26 the existence of which is known, or by the exercise of due diligence may
27 become known, to the district attorney.

28 SEC. 146. Upon motion of a defendant the court may order the dis-
29 trict attorney to permit the defendant to inspect and copy or photograph
30 books, papers, documents, tangible objects, buildings or places, or copies
31 or portions thereof, which are within the possession, custody or control of
32 the state, upon a showing of materiality to the preparation of his defense
33 and that the request is reasonable. Except as provided in subsection 2 of
34 section 145 of this act, this section does not authorize the discovery or
35 inspection of reports, memoranda or other internal state documents made
36 by state agents in connection with the investigation or prosecution of the
37 case, or of statements made by state witnesses or prospective state wit-
38 nesses (other than the defendant) to agents of the state.

39 SEC. 147. If the court grants relief sought by the defendant under
40 subsection 2 of section 145 or under section 146 of this act, it may, upon
41 motion of the state, condition its order by requiring that the defendant
42 permit the state to inspect and copy or photograph scientific or medical
43 reports, books, papers, documents, tangible objects, or copies or portions
44 thereof, which the defendant intends to produce at the trial and which are
45 within his possession, custody or control, upon a showing of materiality
46 to the preparation of the state's case and that the request is reasonable.
47 Except as to scientific or medical reports, this section does not authorize
48 the discovery or inspection of reports, memoranda, or other internal
49 defense documents made by the defendant, or his attorneys or agents in
50 connection with the investigation or defense of the case, or of statements

1 made by the defendant, or by state or defense witnesses, or by prospec-
2 tive state or defense witnesses, to the defendant, his agents or attorneys.

3 SEC. 148. An order of the court granting relief under sections 145 to
4 151, inclusive, of this act shall specify the time, place and manner of
5 making the discovery and inspection permitted and may prescribe such
6 terms and conditions as are just.

7 SEC. 149. Upon a sufficient showing the court may at any time order
8 that the discovery or inspection be denied, restricted or deferred, or make
9 such other order as is appropriate. Upon motion by the state the court
10 may permit the state to make such showing, in whole or in part, in the
11 form of a written statement to be inspected by the court in chambers. If
12 the court enters an order granting relief following a showing in chambers,
13 the entire text of the state's statement shall be sealed and preserved in the
14 records of the court to be made available to the appellate court in the
15 event of an appeal by the defendant.

16 SEC. 150. A motion under sections 145 to 151, inclusive, of this act
17 may be made only within 10 days after arraignment or at such reasonable
18 later time as the court may permit. The motion shall include all relief
19 sought under such sections. A subsequent motion may be made only
20 upon a showing of cause why such motion would be in the interest of
21 justice.

22 SEC. 151. If, subsequent to compliance with an order issued pursuant
23 to sections 145 to 151, inclusive, of this act, and prior to or during trial,
24 a party discovers additional material previously requested or ordered
25 which is subject to discovery or inspection under such sections, he shall
26 promptly notify the other party or his attorney or the court of the exist-
27 ence of the additional material. If at any time during the course of the
28 proceedings it is brought to the attention of the court that a party has
29 failed to comply with such sections or with an order issued pursuant to
30 such sections, the court may order such party to permit the discovery or
31 inspection of materials not previously disclosed, grant a continuance, or
32 prohibit the party from introducing in evidence the material not disclosed,
33 or it may enter such other order as it deems just under the circumstances.

34 SEC. 152. 1. A subpoena shall be issued by the clerk under the seal of
35 the court. It shall state the name of the court and the title, if any, of the
36 proceeding, and shall command each person to whom it is directed to
37 attend and give testimony at the time and place specified therein. The
38 clerk shall issue a subpoena, signed and sealed but otherwise in blank, to a
39 party requesting it, who shall fill in the blanks before it is served.

40 2. A subpoena shall be issued by a justice of the peace in a proceeding
41 before him, but it need not be under the seal of the court.

42 SEC. 153. 1. When it is necessary to have a person imprisoned in the
43 state prison brought before any district court, or a person imprisoned in
44 the county jail brought before a district court sitting in another county, an
45 order for that purpose may be made by the district court or district judge,
46 at chambers, and executed by the sheriff of the county when it is made.
47 The order can only be made upon motion of a party upon affidavit show-
48 ing the nature of the action or proceeding, the testimony expected from
49 the witness, and its materiality.

50 2. When a person required as a witness before a district court is

1 *imprisoned, the judge thereof may order the sheriff to bring the prisoner*
2 *before the court at the expense of the state or, in his discretion, at the*
3 *expense of the defendant.*

4 SEC. 154. 1. *A subpoena may also command the person to whom it is*
5 *directed to produce the books, papers, documents or other objects desig-*
6 *nated therein.*

7 2. *The court on motion made promptly may quash or modify the*
8 *subpena if compliance would be unreasonable or oppressive.*

9 3. *The court may direct that books, papers, documents or objects*
10 *designated in the subpoena be produced before the court at a time prior to*
11 *the trial or prior to the time when they are to be offered in evidence and*
12 *may upon their production permit the books, papers, documents or*
13 *objects or portions thereof to be inspected by the parties and their attor-*
14 *neys.*

15 SEC. 155. *A subpoena may be served by a peace officer or by any*
16 *other person who is not a party and who is not less than 18 years of age.*
17 *Service of a subpoena shall be made by delivering a copy thereof to the per-*
18 *son named and by tendering to him the fee for 1 day's attendance and the*
19 *mileage allowed by law.*

20 SEC. 156. *Fees and expenses of witnesses in criminal cases shall be as*
21 *provided in NRS 48.290 and 48.300.*

22 SEC. 157. *A subpoena requiring the attendance of a witness at a hear-*
23 *ing or trial may be served at any place within the State of Nevada.*

24 SEC. 158. 1. *An order to take a deposition authorizes the issuance*
25 *by the clerk of the court for the county in which the deposition is to be*
26 *taken of subpoenas for the persons named or described therein.*

27 2. *A resident of this state may be required to attend an examination*
28 *only in the county wherein he resides or is employed or transacts his busi-*
29 *ness in person. A nonresident of this state may be required to attend only*
30 *in the county where he is served with a subpoena or within 40 miles from*
31 *the place of service or at such other place as is fixed by the court.*

32 SEC. 159. 1. *Failure by any person without adequate excuse to obey*
33 *a subpoena served upon him may be deemed a contempt of the court from*
34 *which the subpoena issued.*

35 2. *A witness disobeying a subpoena issued on the part of a defendant*
36 *shall also forfeit to the defendant the sum of \$100, which may be recov-*
37 *ered in a civil action, unless good cause can be shown for his nonattend-*
38 *ance.*

39 SEC. 160. *Sections 160 to 165, inclusive, of this act, may be cited as*
40 *the Uniform Act To Secure the Attendance of Witnesses From Without a*
41 *State in Criminal Proceedings.*

42 SEC. 161. *As used in sections 160 to 165, inclusive, of this act:*

43 1. *"State" shall include any territory of the United States and the Dis-*
44 *trict of Columbia.*

45 2. *"Summons" shall include a subpoena, order or other notice requir-*
46 *ing the appearance of a witness.*

47 3. *"Witness" shall include a person whose testimony is desired in any*
48 *proceeding or investigation by a grand jury or in a criminal action, prose-*
49 *cution or proceeding.*

50 SEC. 162. 1. *If a judge of a court of record in any state which by its*

1 laws has made provision for commanding persons within that state to
2 attend and testify in this state certifies under the seal of such court that
3 there is a criminal prosecution pending in such court, or that a grand jury
4 investigation has commenced or is about to commence, that a person
5 being within this state is a material witness in such prosecution, or grand
6 jury investigation, and that his presence will be required for a specified
7 number of days, upon presentation of such certificate to any judge of a
8 court of record in the county in which such person is, such judge shall fix
9 a time and place for a hearing, and shall make an order directing the wit-
10 ness to appear at a time and place certain for the hearing.

11 2. If at a hearing the judge determines that the witness is material
12 and necessary, that it will not cause undue hardship to the witness to be
13 compelled to attend and testify in the prosecution or a grand jury investi-
14 gation in the other state, and that the laws of the state in which the prose-
15 cution is pending, or grand jury investigation has commenced or is about
16 to commence (and of any other state through which the witness may be
17 required to pass by ordinary course of travel), will give to him protection
18 from arrest and the service of civil and criminal process, he shall issue a
19 summons, with a copy of the certificate attached, directing the witness to
20 attend and testify in the court where the prosecution is pending, or where
21 a grand jury investigation has commenced or is about to commence at a
22 time and place specified in the summons. In any such hearing the certifi-
23 cate shall be prima facie evidence of all the facts stated therein.

24 3. If the certificate recommends that the witness be taken into imme-
25 diate custody and delivered to an officer of the requesting state to assure
26 his attendance in the requesting state, such judge may, in lieu of notifica-
27 tion of the hearing, direct that such witness be forthwith brought before
28 him for hearing; and the judge at the hearing being satisfied of the desir-
29 ability of such custody and delivery, for which determination the certifi-
30 cate shall be prima facie proof of such desirability, may, in lieu of issuing
31 subpoena or summons, order that the witness be forthwith taken into cus-
32 tody and delivered to an officer of the requesting state.

33 4. If the witness, who is summoned as above provided, after being
34 paid or tendered by some properly authorized person the sum of 10 cents
35 a mile for each mile by the ordinary traveled route to and from the court
36 where the prosecution is pending, and \$5 for each day that he is required
37 to travel and attend as a witness, fails without good cause to attend and
38 testify as directed in the summons, he shall be punished in the manner
39 provided for the punishment of any witness who disobeys a summons
40 issued from a court of record in this state.

41 SEC. 163. 1. If a person in any state, which by its laws has made
42 provision for commanding persons within its borders to attend and testify
43 in criminal prosecutions, or grand jury investigations commenced or
44 about to commence, in this state, is a material witness in a prosecution
45 pending in a court of record in this state, or in a grand jury investigation
46 which has commenced or is about to commence, a judge of such court
47 may issue a certificate under the seal of the court stating these facts and
48 specifying the number of days the witness shall be required. The certifi-
49 cate may include a recommendation that the witness be taken into imme-
50 diate custody and delivered to an officer of this state to assure his

1 attendance in this state. This certificate shall be presented to a judge of a
2 court of record in the county in which the witness is found.

3 2. If the witness is summoned to attend and testify in this state he
4 shall be tendered the sum of 10 cents a mile for each mile by the ordinary
5 traveled route to and from the court where the prosecution is pending and
6 \$5 for each day that he is required to travel and attend as a witness. A
7 witness who has appeared in accordance with the provisions of the sum-
8 mons shall not be required to remain within this state a longer period of
9 time than the period mentioned in the certificate unless otherwise ordered
10 by the court. If such witness, after coming into this state, fails without
11 good cause to attend and testify as directed in the summons, he shall be
12 punished in the manner provided for the punishment of any witness who
13 disobeys a summons issued from a court of record in this state.

14 SEC. 164. 1. If a person comes into this state in obedience to a sum-
15 mons directing him to attend and testify in this state he shall not while in
16 this state pursuant to such summons be subject to arrest or the service of
17 process, civil or criminal, in connection with matters which arose before
18 his entrance into this state under the summons.

19 2. If a person passes through this state while going to another state in
20 obedience to a summons to attend and testify in that state or while return-
21 ing therefrom, he shall not while so passing through this state be subject
22 to arrest or the service of process, civil or criminal, in connection with
23 matters which arose before his entrance into this state under the sum-
24 mons.

25 SEC. 165. Sections 160 to 165, inclusive, of this act shall be so inter-
26 preted and construed as to effectuate their general purpose to make uni-
27 form the law of the states which enact them.

28 SEC. 166. A criminal action prosecuted by indictment, information or
29 complaint may be removed from the court in which it is pending, on
30 application of the defendant or state, on the ground that a fair and impar-
31 tial trial cannot be had in the county where the indictment, information
32 or complaint is pending.

33 SEC. 167. 1. The application for removal must be made in open
34 court, and in writing, verified by the affidavit of the defendant or district
35 attorney, and a copy of the affidavit must be served on the adverse party,
36 at least 1 day prior to the hearing of the application.

37 2. The application may be supported or opposed by other affidavits
38 or other evidence, or other witnesses may be examined in open court.

39 3. Whenever the affidavit of the defendant shows that he cannot
40 safely appear in person to make such application, because popular prej-
41 udice is so great as to endanger his personal safety, and such statement is
42 sustained by other testimony, such application may be made by his attor-
43 ney and must be heard and determined in the absence of the defendant,
44 notwithstanding the charge then pending against him be a felony, and he
45 has not, at the time of such application, been arrested or given bail, or
46 been arraigned, or pleaded to the indictment or information.

47 SEC. 168. If the court is satisfied that the representations of the appli-
48 cant are true, an order must be made transferring the action to the dis-
49 trict court of some convenient county free from a like objection.

50 SEC. 169. The order of removal must be entered on the minutes, and

1 the clerk must immediately make out and transmit to the court to which
2 the action is removed a certified copy of the order of removal, record,
3 pleadings, and proceedings in the action, including the undertakings for
4 the appearance of the defendant and of the witnesses.

5 SEC. 170. If the defendant is in custody, the order must direct his
6 removal and he must be forthwith removed by the sheriff of the county
7 where he is imprisoned, to the custody of the sheriff of the county to
8 which the action is removed.

9 SEC. 171. The court to which the action is removed must proceed to
10 trial and judgment therein as if the action had been commenced in such
11 court. If it is necessary to have any of the original pleadings or other
12 papers before such court, the court from which the action is removed
13 must, at any time, on the application of the district attorney or the defend-
14 ant, order such papers or pleadings to be transmitted by the clerk, a cer-
15 tified copy thereof being retained.

16 SEC. 172. 1. When an action is called for trial, or at any time pre-
17 vious thereto, the court may, upon sufficient cause shown by either party
18 by affidavit, direct the trial to be postponed to another day; but in all
19 cases where a continuance is granted upon the application of either party
20 the court may require, as a condition of granting such continuance, that
21 the party applying therefor consent to taking, forthwith, or at any time to
22 be fixed by the court, of the deposition of any witness summoned by the
23 opposite party whose deposition has not previously been taken.

24 2. The court also has authority to require all witnesses to enter into
25 undertakings in such sum as the court may order, with or without sureties,
26 to appear and testify on the day to which the case may be continued; but
27 any witness who is unable to procure sureties for his attendance may be
28 discharged on his own recognizance, upon giving his deposition in the
29 manner prescribed in sections 137 and 142 of this act.

30 3. All depositions taken in pursuance of any of the provisions of this
31 Title may be read in evidence, subject to the legal objections made at the
32 time of taking the same, on the trial of the cause, whenever it shall appear
33 that the personal attendance of the witness could not, with due diligence,
34 be obtained, or when he has left the state, or become of unsound mind, or
35 is too sick or infirm to attend, or is dead.

36 SEC. 173. Chapter 175 of NRS is hereby amended by adding thereto
37 the provisions set forth as sections 174 to 229, inclusive, of this act.

38 SEC. 174. 1. Cases required to be tried by jury shall be so tried
39 unless the defendant waives a jury trial in writing with the approval of the
40 court and the consent of the state. A defendant who pleads not guilty to
41 the charge of a capital offense must be tried by jury.

42 2. Where a case is tried by jury in a justice's court, a reporter must
43 be present who is an official reporter for a district court of this state, and
44 shall report the trial.

45 SEC. 175. 1. Trial juries for criminal actions are formed in the same
46 manner as trial juries in civil actions.

47 2. Juries shall be of 12 but at any time before verdict the parties may
48 stipulate in writing with the approval of the court that the jury shall con-
49 sist of any number less than 12.

50 SEC. 176. 1. The court may permit the defendant or his attorney and

1 the district attorney to conduct the examination of prospective jurors or
2 may itself conduct the examination.

3 2. In the latter event the court shall permit the defendant or his attor-
4 ney and the district attorney to supplement the examination by further
5 inquiry.

6 SEC. 177. When several defendants are tried together, they cannot
7 sever their peremptory challenges, but must join therein.

8 SEC. 178. 1. If the offense charged is punishable by death or by
9 imprisonment for life, each side is entitled to eight peremptory challenges.

10 2. If the offense charged is punishable by imprisonment for any other
11 term or by fine or by both fine and imprisonment, each side is entitled to
12 four peremptory challenges.

13 3. The state and the defendant shall exercise their challenges alter-
14 nately, in that order. Any challenge not exercised in its proper order is
15 waived.

16 SEC. 179. 1. The court may direct that not more than four jurors in
17 addition to the regular jury be called and impaneled to sit as alternate
18 jurors. Alternate jurors in the order in which they are called shall replace
19 jurors who become unable or disqualified to perform their duties.

20 2. Alternate jurors shall:

21 (a) Be drawn in the same manner;

22 (b) Have the same qualifications;

23 (c) Be subject to the same examination and challenges;

24 (d) Take the same oath; and

25 (e) Have the same functions, powers, facilities and privileges
26 as the regular jurors.

27 3. If an alternate juror is required to replace a regular juror after the
28 jury has retired to consider its verdict, the judge shall recall the jury,
29 seat the alternate and resubmit the case to the jury.

30 4. Each side is entitled to one peremptory challenge in addition to
31 those otherwise allowed by law if one or two alternate jurors are to be
32 impaneled, and two peremptory challenges if three or four alternate
33 jurors are to be impaneled. The additional peremptory challenges may be
34 used against an alternate juror only, and the other peremptory challenges
35 allowed by these rules may not be used against an alternate juror.

36 SEC. 180. If, before the conclusion of the trial, and there being no
37 alternate juror called or available, a juror dies, or becomes disqualified
38 or unable to perform his duty, the court may duly order him to be dis-
39 charged and a new juror may be sworn and the trial began anew, or the
40 jury may be discharged and a new jury then or afterward impaneled.

41 SEC. 181. If, after the retirement of the jury, any accident or cause
42 occurs to prevent their being kept for deliberation, the jury may be dis-
43 charged.

44 SEC. 182. If by reason of death, sickness or other disability the judge
45 before whom a jury trial has commenced is unable to proceed with the
46 trial, any other judge regularly sitting in or assigned to the court, upon
47 certifying that he has familiarized himself with the record of the trial,
48 may proceed with and finish the trial.

49 SEC. 183. If by reason of absence from the judicial district, death,
50 sickness or other disability the judge before whom the defendant has been

1 *tried is unable to perform the duties to be performed by the court after*
2 *a verdict or finding of guilt, any other judge regularly sitting in or assigned*
3 *to the court may perform those duties; but if such other judge is satisfied*
4 *that he cannot perform those duties because he did not preside at the*
5 *trial or for any other reason, he may in his discretion grant a new trial.*

6 SEC. 184. *When the jury has been impaneled, the court shall admin-*
7 *ister the following oath:*

8 *Do you and each of you solemnly swear that you will well and truly*
9 *try this case, now pending before this court, and a true verdict ren-*
10 *der according to the evidence given, so help you God.*

11 SEC. 185. 1. *The judge shall then admonish the jury that:*

12 *(a) No juror may declare to his fellow jurors any fact relating to the*
13 *case as of his own knowledge; and*

14 *(b) If any juror discovers during the trial or after the jury has retired*
15 *that he or any other juror has personal knowledge of any fact in contro-*
16 *versy in the case, he shall disclose such situation to the judge out of the*
17 *presence of the other jurors.*

18 2. *When any such disclosure is made, the judge shall examine the*
19 *juror who admits or is alleged to have personal knowledge, under oath,*
20 *in the presence of counsel for the parties, and may allow such counsel to*
21 *examine the juror.*

22 3. *If the juror has disclosed his own knowledge to the judge and it*
23 *appears that he has not declared any fact relating to the case to his fellow*
24 *jurors as of his own knowledge, the judge shall after the examination*
25 *decide whether the juror shall remain or shall be replaced by an alternate*
26 *juror.*

27 4. *If it appears that the juror has declared any fact relating to the*
28 *case to his fellow jurors as of his own knowledge, or that his vote was*
29 *influenced by such knowledge undisclosed, the judge shall declare a mis-*
30 *trial.*

31 SEC. 186. *Before any evidence has been introduced the judge may*
32 *inform the jury they may individually take notes during the trial, but he*
33 *shall further caution them not to rely upon their respective notes in case*
34 *of conflict among them, because the reporter's notes contain the complete*
35 *and authentic record of the trial.*

36 SEC. 187. *The jury having been impaneled and sworn, the trial shall*
37 *proceed in the following order:*

38 1. *If the indictment or information be for a felony, the clerk must*
39 *read it and state the plea of the defendant to the jury. In all other cases*
40 *this formality may be dispensed with.*

41 2. *The district attorney, or other counsel for the state, must open the*
42 *cause. The defendant or his counsel may then either make his opening*
43 *statement or reserve it to be made immediately prior to the presentation*
44 *of evidence in his behalf.*

45 3. *The state must then offer its evidence in support of the charge,*
46 *and the defendant may then offer evidence in his defense.*

47 4. *The parties may then respectively offer rebutting testimony only,*
48 *unless the court, for good reasons, in furtherance of justice, permit them*
49 *to offer evidence upon their original cause.*

50 5. *When the evidence is concluded, unless the case is submitted to*

1 the jury on either side, or on both sides, without argument, the district
2 attorney, or other counsel for the state, must open and must conclude
3 the argument.

4 SEC. 188. If the indictment or information be for an offense pun-
5 ishable with death, two counsel on each side may argue the case to the
6 jury, but in such case, as well as in all others, the counsel for the state
7 must open and conclude the argument. If it be for any other offense, the
8 court may, in its discretion, restrict the argument to one counsel on each
9 side.

10 SEC. 189. 1. Upon the close of the argument, the judge shall charge
11 the jury, if requested by either party. He may state the testimony and
12 declare the law, but shall not charge the jury in respect to matters of
13 fact; such charge shall be reduced to writing before it is given; and in no
14 case shall any charge or instructions be given to the jury otherwise than
15 in writing, unless by the mutual consent of the parties. If either party
16 request it, the court must settle and give the instructions to the jury
17 before the argument begins, but this shall not prevent the giving of
18 further instructions which may become necessary by reason of the argu-
19 ment.

20 2. In charging the jury, the court shall state to them all such matters
21 of law as it shall think necessary for their information in giving their
22 verdict.

23 3. Either party may present to the court any written charge, and
24 request that it may be given. If the court thinks it correct and pertinent,
25 it must be given; if not, it must be refused.

26 4. Upon each charge so presented and given, or refused, the court
27 shall endorse its decision, and shall sign it. If part be given and part
28 refused, the court shall distinguish, showing by the endorsement what
29 part of the charge was given and what part refused.

30 SEC. 190. In the trial of all indictments, complaints and other pro-
31 ceedings against persons charged with the commission of crimes or
32 offenses, the person so charged shall, at his own request, but not other-
33 wise, be deemed a competent witness, the credit to be given his testimony
34 being left solely to the jury, under the instructions of the court, but no spe-
35 cial instruction shall be given relating exclusively to the testimony of the
36 defendant.

37 SEC. 191. 1. No instruction shall be given relative to the failure of
38 the person charged with the commission of crime or offense to testify,
39 except, upon the request of the person so charged, the court shall instruct
40 the jury that, in accordance with a right guaranteed by the constitution,
41 no person can be compelled, in a criminal action, to be a witness against
42 himself.

43 2. Nothing herein contained shall be construed as compelling any
44 such person to testify.

45 SEC. 192. A defendant in a criminal action is presumed to be inno-
46 cent until the contrary is proved; and in case of a reasonable doubt
47 whether his guilt is satisfactorily shown, he is entitled to be acquitted.

48 SEC. 193. Every person charged with the commission of a crime shall
49 be presumed innocent until the contrary is proved by competent evidence
50 beyond a reasonable doubt; and when an offense has been proved against

1 him, and there exists a reasonable doubt as to which of two or more
2 degrees he is guilty, he shall be convicted only of the lowest.

3 SEC. 194. 1. A reasonable doubt is one based on reason. It is not
4 mere possible doubt, but is such a doubt as would govern or control a
5 person in the more weighty affairs of life. If the minds of the jurors, after
6 the entire comparison and consideration of all the evidence, are in such a
7 condition that they can say they feel an abiding conviction of the truth
8 of the charge, there is not a reasonable doubt. Doubt to be reasonable
9 must be actual and substantial, not mere possibility or speculation.

10 2. No other definition of reasonable doubt shall be given by the court
11 to juries in criminal actions in this state.

12 SEC. 195. 1. In all trials the testimony of witnesses shall be taken
13 orally in open court, unless otherwise provided by statute.

14 2. The admissibility of evidence and the competency and privileges
15 of witnesses shall be governed, except when otherwise provided by statute,
16 by the principles of the common law as they may be interpreted by the
17 courts of the State of Nevada in the light of reason and experience.

18 SEC. 196. An official record or an entry therein or the lack of such a
19 record or entry may be proved in the same manner as in civil actions.

20 SEC. 197. If, upon a trial or proceeding in a criminal case, the exist-
21 ence, constitution or powers of any corporation shall become material, or
22 be in any way drawn in question, it is not necessary to produce a certified
23 copy of the articles or acts of incorporation, but the same may be proved
24 by general reputation, or by the printed statutes of the state, or govern-
25 ment, or country by which such corporation was created.

26 SEC. 198. Upon a trial for conspiracy, in a case where an overt act
27 shall be necessary to constitute the offense, the defendant shall not be
28 convicted unless one or more overt acts shall be expressly alleged in the
29 indictment or information, nor unless one of the acts alleged shall have
30 been proved; but other overt acts not alleged may be given in evidence.

31 SEC. 199. Upon a trial for having, with an intent to cheat or defraud
32 another designedly, by any false pretense, obtained the signature of any
33 person, to a written instrument, or having obtained from any person any
34 money, personal property, or valuable thing, the defendant shall not be
35 convicted if the false pretense shall have been expressed in language,
36 unaccompanied by a false token or writing, unless the pretense or some
37 note or memorandum thereof be in writing, subscribed by or in the
38 handwriting of the defendant, or unless the pretense be proved by the tes-
39 timony of two witnesses, or that of one witness and corroborating circum-
40 stances; but this section shall not apply to a prosecution for falsely
41 representing or personating another, and, in such assumed character,
42 marrying, or receiving any money or property.

43 SEC. 200. 1. The court may order the defendant or the state or both
44 to show cause why expert witnesses should not be appointed, and may
45 request the parties to submit nominations.

46 2. The court may appoint any expert witnesses agreed upon by the
47 parties, and may appoint witnesses of its own selection. An expert witness
48 shall not be appointed by the court unless he consents to act.

49 3. A witness so appointed shall be informed of his duties by the court

1 in writing, a copy of which shall be filed with the clerk, or at a confer-
2 ence in which the parties shall have the opportunity to participate.

3 4. A witness so appointed shall advise the parties of his findings, if
4 any, and may thereafter be called to testify by the court or by any party.
5 He shall be subject to cross-examination by each party.

6 5. The court may determine the reasonable compensation of such a
7 witness and direct its payment out of such funds as may be provided by
8 law.

9 6. The parties also may call expert witnesses of their own selection.

10 7. An expert witness, whether appointed by the court or called by a
11 party, shall not be excluded from the courtroom during the testimony of
12 other witnesses.

13 SEC. 201. The court may appoint an interpreter of its own selection
14 and may fix the reasonable compensation of such interpreter. Such com-
15 pensation shall be paid out of funds provided by law.

16 SEC. 202. 1. A conviction shall not be had on the testimony of an
17 accomplice unless he is corroborated by other evidence which in itself,
18 and without the aid of the testimony of the accomplice, tends to connect
19 the defendant with the commission of the offense; and the corroboration
20 shall not be sufficient if it merely shows the commission of the offense or
21 the circumstances thereof.

22 2. An accomplice is hereby defined as one who is liable to prosecu-
23 tion, for the identical offense charged against the defendant on trial in the
24 cause in which the testimony of the accomplice is given.

25 SEC. 203. Upon a trial for procuring or attempting to procure an
26 abortion, or aiding or assisting therein, or for inveigling, enticing or tak-
27 ing away any female of previous chaste character, for the purpose of
28 prostitution, or aiding or assisting therein, the defendant shall not be con-
29 victed upon the testimony of the woman upon or with whom the offense
30 shall have been committed, unless she is corroborated by other evidence.

31 SEC. 204. If it appears by the testimony that the facts proved consti-
32 tute an offense of a higher nature than that charged in the indictment or
33 information, the court may direct the jury to be discharged, and all pro-
34 ceedings on the indictment or information to be suspended, and may
35 order the defendant to be committed, or continued on, or admitted to
36 bail, to answer any new indictment or information which may be found
37 or filed against him for the higher offense.

38 SEC. 205. If an indictment for the higher offense be dismissed by the
39 grand jury, or be not found at its next session, or if an information be not
40 filed before the next session of the grand jury, the court shall again pro-
41 ceed to try the defendant on the original indictment or information.

42 SEC. 206. When a defendant who has given bail appears for trial, the
43 court may, in its discretion, at any time after his appearance for trial,
44 order him to be committed to the custody of the proper officer, to abide
45 the judgment or further order of the court, and he must be committed
46 and held in custody accordingly.

47 SEC. 207. When it appears, at any time before verdict or judgment,
48 that a mistake has been made in charging the proper offense, the defend-
49 ant must not be discharged, if there appears good cause to detain him in
50 custody; but the court must commit him, or require him to give bail for

1 *his appearance to answer to the offense; and may also require the wit-*
2 *nesses to give bail for their appearance.*

3 *SEC. 208. If the jury is discharged because the court has not jurisdic-*
4 *tion of the offense charged, and it appears that it was committed out of*
5 *the jurisdiction of this state, the defendant must be discharged, unless the*
6 *court orders that he be detained for a reasonable time, to be specified in*
7 *the order, to enable the district attorney to communicate with the chief*
8 *executive officer of the country, state, territory or district where the*
9 *offense was committed.*

10 *SEC. 209. If the offense was committed within the jurisdiction of*
11 *another county of this state, the court may direct the defendant to be*
12 *committed for such time as it deems reasonable, to await a warrant from*
13 *the proper county for his arrest, or, if the offense is a misdemeanor only,*
14 *it may admit him to bail in an undertaking, with sufficient sureties that he*
15 *will, within such time as the court may appoint, render himself amenable*
16 *to a warrant for his arrest from the proper county; and, if not sooner*
17 *arrested thereon, will attend at the office of the sheriff of the county,*
18 *where the trial was had, at a certain time particularly specified in the*
19 *undertaking, to surrender himself upon the warrant, if issued, or that his*
20 *bail will forfeit such sum as the court may fix, to be mentioned in the*
21 *undertaking; and the clerk must forthwith transmit a certified copy of the*
22 *indictment or information, and of all the papers filed in the action, to*
23 *the district attorney of the proper county, the expenses of which transmis-*
24 *sion are chargeable to that county.*

25 *SEC. 210. 1. If the defendant is not arrested on a warrant from the*
26 *proper county, as provided in section 209 of this act, he must be dis-*
27 *charged from custody, or his bail in the action is exonerated, or money*
28 *deposited instead of bail must be refunded, as the case may be, and the*
29 *sureties in the undertaking, as mentioned in that section, must be dis-*
30 *charged.*

31 *2. If he is arrested, the same proceedings must be had thereon as*
32 *upon the arrest of a defendant in another county on a warrant issued by*
33 *a magistrate.*

34 *SEC. 211. 1. The court on motion of a defendant or of its own*
35 *motion shall order the entry of judgment of acquittal of one or more*
36 *offenses charged in the indictment or information after the evidence on*
37 *either side is closed if the evidence is insufficient to sustain a conviction*
38 *of such offense or offenses.*

39 *2. If a defendant's motion for judgment of acquittal at the close of*
40 *the evidence offered by the state is not granted, the defendant may offer*
41 *evidence without having reserved the right.*

42 *SEC. 212. If a motion for judgment of acquittal is made at the close*
43 *of all the evidence, the court may reserve decision on the motion, sub-*
44 *mit the case to the jury and decide the motion either before the jury*
45 *returns a verdict or after it returns a verdict of guilty or is discharged*
46 *without having returned a verdict.*

47 *SEC. 213. 1. If the jury returns a verdict of guilty or is discharged*
48 *without having returned a verdict, a motion for judgment of acquittal*
49 *may be made or renewed within 7 days after the jury is discharged or*
50 *within such further time as the court may fix during the 7-day period. If a*

1 verdict of guilty is returned the court may on such motion set aside the
2 verdict and enter judgment of acquittal. If no verdict is returned the court
3 may enter judgment of acquittal.

4 2. It shall not be necessary to the making of such a motion that a
5 similar motion has been made prior to the submission of the case to the
6 jury.

7 SEC. 214. The jurors sworn to try a criminal action may, at any
8 time before the submission of the case to the jury, in the discretion of the
9 court, be permitted to separate or be kept in charge of a proper officer.
10 The officer must be sworn to keep the jurors together until the next
11 meeting of the court, to suffer no person to speak to them or communi-
12 cate with them, nor to do so himself, on any subject connected with the
13 trial, and to return them into court at the next meeting thereof.

14 SEC. 215. The jury must also, at each adjournment of the court,
15 whether they be permitted to separate or be kept in charge of officers, be
16 admonished by the court that it is their duty not to:

17 1. Converse among themselves or with anyone else on any subject
18 connected with the trial; or

19 2. Read, watch or listen to any report of or commentary on the trial
20 or any person connected with the trial by any medium of information,
21 including without limitation newspapers, television and radio; or

22 3. Form or express any opinion on any subject connected with the
23 trial until the cause is finally submitted to them.

24 SEC. 216. Upon the jury's retiring, an officer must be sworn to keep
25 them together in some private and convenient place, and not permit any
26 person to speak to or communicate with them, nor to do so himself,
27 unless by order of the court, or to ask them whether they have agreed
28 upon a verdict, and to return them into court when they have so agreed,
29 or when ordered by the court.

30 SEC. 217. A room shall be provided by the sheriff of each county
31 for the use of the jury upon their retirement for deliberation, with suit-
32 able furniture, fuel, lights and stationery, unless such necessities have
33 been already furnished by the county. The court may order the sheriff to
34 do so, and the expenses incurred by him in carrying the order into effect,
35 when certified by the court, shall be a county charge.

36 SEC. 218. While the jury are kept together, either during the progress
37 of the trial or after their retirement for deliberation, they shall be pro-
38 vided, at the expense of the county, with suitable and sufficient food and
39 lodging.

40 SEC. 219. Upon retiring for deliberation, the jury may take with
41 them:

42 1. All papers and all other items and materials which have been
43 received as evidence in the case, except depositions or copies of such pub-
44 lic records or private documents given in evidence as ought not, in the
45 opinion of the court, to be taken from the person having them in posses-
46 sion.

47 2. The written instructions given, and notes of the testimony or other
48 proceedings on the trial, taken by themselves or any of them, but none
49 taken by any other person.

50 SEC. 220. After the jury have retired for deliberation, if there is any

1 *disagreement between them as to any part of the testimony, or if they*
2 *desire to be informed on any point of law arising in the cause, they must*
3 *require the officer to conduct them into court. Upon their being brought*
4 *into court, the information required shall be given in the presence of, or*
5 *after notice to, the district attorney and the defendant or his counsel.*

6 SEC. 221. *Except as provided in section 181 of this act, the jury shall*
7 *not be discharged after the cause is submitted to them, until they have*
8 *agreed upon their verdict and rendered it in open court, unless by the con-*
9 *sent of both parties, entered upon the minutes, or unless, at the expiration*
10 *of such time as the court may deem proper, it satisfactorily appears that*
11 *there is no reasonable probability that the jury can agree.*

12 SEC. 222. *While the jury are absent, the court may adjourn from time*
13 *to time, as to other business, but it shall nevertheless be deemed to be*
14 *open for every purpose connected with the cause submitted to the jury,*
15 *until a verdict be rendered or the jury discharged.*

16 SEC. 223. *The verdict shall be unanimous. It shall be returned by the*
17 *jury to the judge in open court.*

18 SEC. 224. *If there are two or more defendants, the jury at any time*
19 *during its deliberations may return a verdict or verdicts with respect to a*
20 *defendant or defendants as to whom it has agreed; if the jury cannot agree*
21 *with respect to all, the defendant or defendants as to whom it does not*
22 *agree may be tried again.*

23 SEC. 225. *The defendant may be found guilty of an offense necessar-*
24 *ily included in the offense charged or of an attempt to convict either the*
25 *offense charged or an offense necessarily included therein if the attempt is*
26 *an offense.*

27 SEC. 226. *When the defendant may be convicted of more than one*
28 *offense charged, each offense of which the defendant is convicted must be*
29 *stated in the verdict or the finding of the court.*

30 SEC. 227. *Where on a trial a defense of insanity is interposed by the*
31 *defendant and he is acquitted by reason of that defense, the finding of the*
32 *jury shall have the same force and effect as if he were regularly adjudged*
33 *insane as now provided by law, and the judge thereupon shall forthwith*
34 *order that the defendant be confined in the Nevada state hospital until he*
35 *be regularly discharged therefrom in accordance with law.*

36 SEC. 228. *When a verdict is returned and before it is recorded the*
37 *jury shall be polled at the request of any party or upon the court's own*
38 *motion. If upon the poll there is not unanimous concurrence, the jury*
39 *may be directed to retire for further deliberation or may be discharged.*

40 SEC. 229. *If judgment of acquittal be given on a verdict, and the*
41 *defendant be not detained for any other legal cause, he must be dis-*
42 *charged as soon as the verdict is given.*

43 SEC. 230. *Chapter 176 of NRS is hereby amended by adding thereto*
44 *the provisions set forth as sections 231 to 285, inclusive, of this act.*

45 SEC. 231. 1. *Sentence shall be imposed without unreasonable delay.*
46 *Pending sentence the court may commit the defendant or continue or*
47 *alter the bail.*

48 2. *Before imposing sentence the court shall afford counsel an oppor-*
49 *tunity to speak on behalf of the defendant and shall address the defendant*

1 personally and ask him if he wishes to make a statement in his own behalf
2 and to present any information in mitigation of punishment.

3 SEC. 232. A death sentence shall not be imposed or inflicted upon
4 any person convicted of a crime now punishable by death who at the time
5 of the commission of such crime was under the age of 16 years. As to
6 such person, the maximum punishment that may be imposed shall be life
7 imprisonment.

8 SEC. 233. 1. Whenever a person shall be convicted of two or more
9 offenses, and sentence has been pronounced for one offense, the court in
10 imposing any subsequent sentence may, in its discretion, provide that the
11 sentences subsequently pronounced shall run either concurrently or con-
12 secutively with the sentence first imposed.

13 2. If the court shall make no order with reference thereto, all sen-
14 tences shall run concurrently; but whenever a person under sentence of
15 imprisonment shall commit another crime and be sentenced to another
16 term of imprisonment, such latter term shall not begin until the expiration
17 of all prior terms.

18 SEC. 234. 1. Whenever a person convicted of a public offense in this
19 state is under sentence of imprisonment pronounced by another jurisdic-
20 tion, federal or state, whether or not the prior sentence is for the same
21 offense, the court in imposing any sentence for the offense committed in
22 this state may, in its discretion, provide that such sentence shall run either
23 concurrently or consecutively with the prior sentence.

24 2. If the court provides that the sentence shall run concurrently, and
25 the defendant is released by the other jurisdiction prior to the expiration
26 of the sentence imposed in this state, the defendant shall be returned to
27 the State of Nevada to serve out the balance of such sentence.

28 3. If the court makes no order pursuant to this section, the sentence
29 imposed in this state shall not begin until the expiration of all prior sen-
30 tences imposed by other jurisdictions.

31 SEC. 235. Whenever a person is sentenced to both fine and imprison-
32 ment, or to pay a forfeiture in addition to imprisonment, he shall be con-
33 fined in the state prison or in the county jail, whichever is designated in
34 his sentence of imprisonment, for an additional period of 1 day for each
35 \$4 of the amount until such fine or forfeiture is satisfied, but his eligibility
36 for parole is governed only by his sentence of imprisonment.

37 SEC. 236. Whenever a person is sentenced to pay a fine or forfeiture
38 without accompanying sentence of imprisonment, he shall be confined in
39 the county jail for a period of not more than 1 day for each \$4 of the
40 amount until such fine or forfeiture is satisfied.

41 SEC. 237. Whenever, after a fine has been imposed but before it has
42 been discharged by payment or confinement, it is made to appear to the
43 judge or justice imposing such fine or his successor that the fine is exces-
44 sive in relation to the financial resources of the defendant, such judge or
45 justice or his successor may reduce the fine accordingly.

46 SEC. 238. The state board of parole commissioners may direct that
47 any prisoner confined in the state prison shall be released on parole as
48 provided in chapter 213 of NRS, if eligible for parole under the provi-
49 sions of such chapter.

1 SEC. 239. *A judgment of conviction shall set forth the plea, the ver-*
2 *dict or findings, and the adjudication and sentence. If the defendant is*
3 *found not guilty or for any other reason is entitled to be discharged, judg-*
4 *ment shall be entered accordingly. The judgment shall be signed by the*
5 *judge and entered by the clerk.*

6 SEC. 240. 1. *In all cases of criminal prosecution where the defendant*
7 *is not found guilty, the court may require the complainant, if it appears*
8 *that the prosecution was malicious or without probable cause, to pay the*
9 *costs of the action, or to give security to pay the same within 30 days.*

10 2. *If the complainant does not comply with the order of the court,*
11 *judgment may be entered against him for the amount thereof.*

12 3. *Such judgments may be enforced and appealed from in the same*
13 *manner as those rendered in civil actions.*

14 SEC. 241. *When judgment upon a conviction is rendered, the clerk*
15 *shall within 5 days, annex together and file the following papers, which*
16 *shall constitute the record of the action:*

17 1. *A copy of the minutes of any challenge which may have been*
18 *interposed by the defendant to the panel of the grand jury, or to any indi-*
19 *vidual grand juror, and the proceedings thereon.*

20 2. *The indictment or information and a copy of the minutes of the*
21 *plea.*

22 3. *A copy of the minutes of any challenge which may have been*
23 *interposed to any juror, and the proceedings thereon.*

24 4. *A copy of the minutes of the trial.*

25 5. *A copy of the judgment.*

26 6. *The decision of the court upon matters of law deemed excepted to,*
27 *if such decision is in writing, and a copy of the minutes showing any deci-*
28 *sion deemed excepted to.*

29 7. *Any written charges given or refused by the court, with the*
30 *endorsements thereon.*

31 8. *The affidavits and counteraffidavits, if any, used on the hearing of*
32 *a motion for a new trial.*

33 SEC. 242. *The probation service of the district court shall make a*
34 *presentence investigation and report to the court upon each defendant*
35 *who pleads guilty or nolo contendere or is found guilty before the impo-*
36 *sition of sentence or the granting of probation unless the court otherwise*
37 *directs.*

38 SEC. 243. *The report of the presentence investigation shall contain:*

39 1. *Any prior criminal record of the defendant;*

40 2. *Such information about his characteristics, his financial condition*
41 *and the circumstances affecting his behavior as may be helpful in impos-*
42 *ing sentence or in granting probation or in the correctional treatment of*
43 *the defendant;*

44 3. *A recommendation of a definite term of confinement, amount of*
45 *fine or both, with a statement either that such recommendation is the*
46 *normal punishment for like offenses in the United States or of the rea-*
47 *sons for recommending a punishment more or less severe than the nor-*
48 *mal; and*

49 4. *Such other information as may be required by the court.*

50 SEC. 244. 1. *The report of the presentence investigation is for the*

1 information of the trial court and of any reviewing court. No other person
2 is entitled of right to any disclosure of its contents.

3 2. The court may, upon its own motion or upon application by the
4 district attorney or by the defendant or his counsel, discuss the report in
5 chambers with counsel for both parties. The defendant shall not be pres-
6 ent in person unless he is not represented by counsel in the case.

7 3. The report shall be filed as part of the record in the case, but shall
8 be sealed, and may be opened only by order of a judge of a court desig-
9 nated in subsection 1.

10 4. It is unlawful for any person, except a judge of a court designated
11 in subsection 1 and except as necessary in the preparation of the report,
12 to disclose any contents of the report to any person, but an attorney in
13 the case may act upon his knowledge of the contents to protect the interest
14 of his client.

15 SEC. 245. Except as provided in section 251 of this act, a motion to
16 withdraw a plea of guilty or of nolo contendere may be made only before
17 sentence is imposed or imposition of sentence is suspended; but to cor-
18 rect manifest injustice the court after sentence may set aside the judgment
19 of conviction and permit the defendant to withdraw his plea.

20 SEC. 246. As used in sections 246 to 254, inclusive, of this act:

21 1. "Board" means the state board of parole commissioners.

22 2. "Court" means a district court of the State of Nevada.

23 3. "Parole and probation officer" means the chief parole and proba-
24 tion officer or an assistant parole and probation officer appointed in
25 accordance with the provisions of chapter 213 of NRS.

26 SEC. 247. 1. Whenever any person has been found guilty in a district
27 court of the State of Nevada of a crime upon verdict or plea, the court,
28 except in cases of murder of the first or second degree, kidnapping or for-
29 cible rape, may by its order suspend the execution of the sentence imposed
30 and grant such probation to the convicted person as the judge thereof
31 deems advisable. The court may grant probation to a person convicted of
32 the infamous crime against nature, of indecent or obscene exposure or of
33 lewdness only if a certificate of a psychiatrist, as required by NRS 201.-
34 190, 201.210 or 201.230, is received by the court.

35 2. The district judge shall not grant probation until a written report
36 is received by him from the chief parole and probation officer. The chief
37 parole and probation officer shall submit a written report not later than
38 30 days following a request for a probation investigation from the county
39 clerk, and if no report is submitted by the chief parole and probation
40 officer within 30 days the district judge may grant probation without the
41 written report.

42 3. Upon the granting of such probation, the court shall have full
43 power to fix the terms and conditions thereof in the order therefor; but in
44 imposing sentence the court shall have the power to fix the definite term
45 of imprisonment within the minimum and maximum periods fixed by
46 law, except that the court shall not suspend the execution of a sentence of
47 imprisonment after the defendant shall have begun to serve such sentence.

48 4. In placing any defendant on probation or in granting any defend-
49 ant a suspended sentence, the court shall direct that he be placed under
50 the supervision of the board and of the chief parole and probation officer.

1 5. The court shall also, upon the entering of the order of probation
2 or suspension of sentence, as provided for in sections 246 to 254, inclu-
3 sive, of this act direct the clerk of such court to certify a copy of the rec-
4 ords in the case and deliver the same to the chief parole and probation
5 officer.

6 SEC. 248. 1. The parole and probation officer shall inquire into the
7 circumstances of the offense, criminal record, social history and present
8 condition of the defendant. Such investigation may include a physical
9 and mental examination of the defendant. The expense of any such
10 examination shall be paid by the county in which the indictment was
11 found or the information filed.

12 2. If a defendant is committed to any institution, the parole and pro-
13 bation officer shall send a report of such investigation to the institution at
14 the time of commitment.

15 SEC. 249. By order duly entered, the court may impose, and may
16 at any time modify, any conditions of probation or suspension of sen-
17 tence. The court shall cause a copy of any such order to be delivered to
18 the parole and probation officer and the probationer.

19 SEC. 250. 1. The period of probation or suspension of sentence may
20 be indeterminate or may be fixed by the court and may at any time be
21 extended or terminated by the court. Such period with any extensions
22 thereof shall not exceed 5 years.

23 2. At any time during probation or suspension of sentence, the court
24 may issue a warrant for violating any of the conditions of probation or
25 suspension of sentence and cause the defendant to be arrested. Any
26 parole and probation officer or any peace officer with power to arrest may
27 arrest a probationer without a warrant, or may deputize any other officer
28 with power to arrest to do so by giving him a written statement setting
29 forth that the probationer has, in the judgment of the parole and proba-
30 tion officer, violated the conditions of probation. The parole and proba-
31 tion officer, or the peace officer, after making an arrest shall present to the
32 detaining authorities a statement of the circumstances of violation. The
33 parole and probation officer shall at once notify the court which granted
34 probation of the arrest and detention of the probationer and shall submit
35 a report in writing showing in what manner the probationer has violated
36 the conditions of probation.

37 3. If the probationer is arrested, by or without warrant, in another
38 judicial district of this state, the court which granted probation may assign
39 the case to the district court of that district, with the consent of such
40 court. The court retaining or thus acquiring jurisdiction shall cause the
41 defendant to be brought before it, and may continue or revoke the proba-
42 tion or suspension of sentence, and may cause the sentence imposed to
43 be executed.

44 4. The necessary expenses of returning to the State of Nevada a per-
45 son arrested for violation of probation shall be a charge upon the State of
46 Nevada, and shall be paid by the parole and probation officer under the
47 direction of the board, in the same manner as that in which other claims
48 against the state are paid, from any funds appropriated and set aside for
49 that purpose.

50 SEC. 251. 1. Every defendant who:

1 (a) Has fulfilled the conditions of his probation for the entire period
2 thereof; or

3 (b) Is recommended for earlier discharge by the chief parole and pro-
4 bation officer; or

5 (c) Has demonstrated his fitness for honorable discharge but because
6 of economic hardship, verified by a parole and probation officer, has been
7 unable to make restitution as ordered by the court,
8 may at any time thereafter be permitted by the court to withdraw his plea
9 of guilty or nolo contendere and enter a plea of not guilty; or, if he has
10 been convicted after a plea of not guilty, the court may set aside the ver-
11 dict of guilty; and in either case, the court shall thereupon dismiss the
12 indictment or information against such defendant, who shall thereafter be
13 released from all penalties and disabilities resulting from the offense or
14 crime of which he has been convicted.

15 2. The probationer shall be informed of this privilege in his probation
16 papers.

17 3. The probationer may make such application and change of plea
18 in person or by attorney authorized in writing, or by a parole and proba-
19 tion officer authorized in writing; but in any subsequent prosecution of
20 the defendant for any other offense, such prior conviction may be pleaded
21 and proved and shall have the same effect as if probation had not been
22 granted or the indictment or information had not been dismissed.

23 4. The clerk of the court shall notify every person who, and every
24 agency which, to his knowledge has obtained from the court or clerk
25 knowledge of the conviction, that the probationer has been honorably
26 discharged and is released as provided in subsection 1.

27 5. Any amount of restitution remaining unpaid constitutes a civil
28 liability arising upon the date of discharge.

29 SEC. 252. 1. Every defendant whose term of probation has expired
30 and:

31 (a) Who has failed to make restitution in full as ordered by the court,
32 without a verified showing of economic hardship; or

33 (b) Who has otherwise failed to qualify for an honorable discharge as
34 provided in section 251 of this act but is not subject to dishonorable dis-
35 charge under section 253 of this act; or

36 (c) Whose whereabouts are unknown but who is not known to have
37 committed any violation of law during his term of probation,
38 shall be given a general discharge.

39 2. Such general discharge releases the probationer from any further
40 obligation, except a civil liability arising on the date of discharge for any
41 unpaid restitution, but does not entitle the probationer to any privilege
42 conferred by section 251 of this act.

43 SEC. 253. 1. Every defendant:

44 (a) Whose probation has been revoked pursuant to section 250 of this
45 act; or

46 (b) Whose term of probation has expired, whose whereabouts are
47 unknown, and for whose arrest a warrant has been issued,
48 shall be given a dishonorable discharge.

49 2. Such dishonorable discharge does not release the defendant from

1 any obligation. Under the circumstances stated in paragraph (b) of sub-
2 section 1, it shall be issued if the defendant is not arrested within 1 year
3 after the expiration of his term of probation.

4 SEC. 254. All information obtained in the discharge of official duty
5 by a parole and probation officer or employee of the board shall be privi-
6 leged and shall not be disclosed directly or indirectly to anyone other than
7 the board or the judge, unless otherwise ordered by the board or judge.

8 SEC. 255. The full amount of all fines imposed and collected under
9 and for violation of any penal law of this state shall be paid into the state
10 treasury.

11 SEC. 256. A judgment which imposes a fine constitutes a lien in like
12 manner as a judgment for money rendered in a civil action.

13 SEC. 257. In justice's court, when a fine is paid or bail is forfeited,
14 the justice must pay the same to the county treasurer within 30 days
15 thereafter.

16 SEC. 258. 1. In every case where a criminal action may have been or
17 shall be removed before trial, the costs accruing upon such removal and
18 trial shall be a charge against the county in which the cause of the indict-
19 ment or information occurred.

20 2. The clerk of the county to which such action is or may be removed
21 shall certify the amount of the costs to the auditor of the county in which
22 the indictment was found, or the information filed, which shall be exam-
23 ined, allowed and paid as other county charges.

24 SEC. 259. If the judgment be imprisonment, or a fine and imprison-
25 ment until it is satisfied, the defendant must forthwith be committed to
26 the custody of the proper officer, and by him detained until the judgment
27 is complied with.

28 SEC. 260. A judgment of imprisonment to be served in a county jail
29 must be executed by delivering the defendant into the custody of the
30 sheriff or other officer in charge of the county jail. A copy of the judg-
31 ment, duly certified by the judge or justice, is a sufficient warrant for the
32 doing of every act necessary or proper in the due execution thereof. The
33 officer shall, upon discharging the defendant, return such copy to the
34 justice, with an account of his doings endorsed thereon, and must at
35 the same time pay over to the justice all money which he may have
36 received from the defendant in payment of the fine.

37 SEC. 261. When a judgment of imprisonment to be served in the state
38 prison has been pronounced, duplicate certified copies of the entry thereof
39 in the minutes, duly attested by the clerk under the seal of the court, shall
40 forthwith be furnished to the officers whose duty it is to execute the judg-
41 ment, as provided by section 262 of this act, and no other warrant or
42 authority is necessary to justify or require the execution thereof, except
43 when judgment of death is rendered.

44 SEC. 262. 1. If the judgment is for imprisonment in the state prison,
45 the sheriff of the county must, on receipt of the duplicate certified copies
46 thereof, immediately notify the warden of the state prison, and the war-
47 den of the state prison shall, without delay, send some authorized person
48 to the county where the prisoner is held for commitment to receive the
49 prisoner.

50 2. When such authorized person shall present to the sheriff holding

1 the prisoner his order for the delivery of the prisoner, the sheriff shall
2 deliver to such authorized person one of the certified copies of the judg-
3 ment, and take from such person a receipt for the prisoner, and the
4 sheriff shall make return upon his certified copy of such judgment, show-
5 ing his proceedings thereunder, and both such copy with the return
6 affixed thereto and the receipt from the authorized person shall be filed
7 with the county clerk.

8 3. The term of imprisonment designated in the judgment shall begin
9 on the date of sentence of the prisoner by the court.

10 4. Upon the expiration of the term of imprisonment of the prisoner,
11 or the termination thereof for any legal reason, the warden shall return
12 his certified copy of the judgment to the county clerk of the county from
13 whence it was issued, with a brief report of his proceedings thereunder
14 endorsed thereon, and the endorsed copy shall be filed with the county
15 clerk. The return shall show the cause of the termination of such impris-
16 onment, whether by death, legal discharge or otherwise.

17 SEC. 263. 1. When a judgment of death has been pronounced, a cer-
18 tified copy of the entry thereof in the minutes of the court shall be forth-
19 with executed and attested in triplicate by the clerk under the seal of the
20 court. There shall be attached to the triplicate copies a warrant signed by
21 the judge, attested by the clerk, under the seal of the court, which shall
22 recite the fact of the conviction and judgment, and appoint a week within
23 which the judgment is to be executed, which must not be less than 60
24 days nor more than 90 days from the time of judgment, and must direct
25 the sheriff to deliver the prisoner to such authorized person as the warden
26 of the state prison shall designate to receive the prisoner, for execution,
27 such prison to be designated in the warrant.

28 2. The original of the triplicate copies of the judgment and warrant
29 shall be filed in the office of the county clerk, and two of the triplicate
30 copies shall be immediately delivered by the clerk to the sheriff of the
31 county; one of the triplicate copies to be delivered by the sheriff, with the
32 prisoner, to such authorized person as the warden of the state prison
33 shall designate, which shall be the warrant and authority of the warden
34 of the state prison for the imprisonment and execution of the prisoner,
35 as therein provided and commanded, and the warden shall return his cer-
36 tified copy of the judgment to the county clerk of the county whence it
37 was issued; and the other triplicate copy of such judgment and warrant
38 to be the warrant and authority of the sheriff to deliver the prisoner to
39 such authorized person so designated by the warden of the state prison;
40 the last-mentioned copy to be returned to the county clerk by the sheriff
41 with his proceedings endorsed thereon.

42 SEC. 264. 1. The judgment of death shall be inflicted by the admin-
43 istration of lethal gas.

44 2. The execution shall take place within the limits of the state prison,
45 wherein a suitable and efficient enclosure and proper means for the
46 administration of such gas for that purpose shall be provided by the
47 board of prison commissioners.

48 3. The warden of the state prison must be present, and must invite a
49 competent physician, and not less than six reputable citizens over the age

1 of 21 years, to be present at the execution; but no other persons shall be
2 present at the execution.

3 SEC. 265. After the execution, the warden must make a return upon
4 the death warrant to the court by which the judgment was rendered,
5 showing the time, place, mode and manner in which it was executed.

6 SEC. 266. 1. Whenever any person shall be convicted of any crime
7 except murder, kidnaping, burglary in the first degree, arson in the first
8 degree, robbery, carnal knowledge of a female child under the age of 10
9 years, or rape, the court in which the conviction is had may in its discre-
10 tion and when in its opinion clemency should be exercised, at the time of
11 imposing sentence upon such person, direct that the execution of such
12 sentence be stayed for a period of not more than 20 days for the pur-
13 pose of allowing such person to apply to the state board of pardons com-
14 missioners or to the state board of parole commissioners for the remission
15 of the fine or forfeiture, commutation of sentence, parole or pardon, as
16 the case may be.

17 2. Upon the staying of the execution of the sentence the court may,
18 in its discretion, permit such person his liberty on his own recognizance,
19 admit him to bail or commit him to such custody as to the court shall
20 seem meet pending the determination of such application by the board.

21 SEC. 267. 1. Upon the staying of the sentence, as provided in section
22 268 of this act, the person making application to the state board of par-
23 dons commissioners or to the state board of parole commissioners shall
24 make or cause to be made a statement in writing, signed by him, setting
25 forth in full the reasons for the remission of the fine or forfeiture, com-
26 mutation of the sentence, parole or pardon, as the case may be, which
27 statement shall be forwarded to and filed with the chairman of the board
28 within 6 days of the staying of the execution of the sentence.

29 2. Accompanying the statement shall be a statement in writing signed
30 by the judge of the court staying the sentence, wherein such judge shall
31 give his reasons for staying the sentence, his reasons for recommending
32 consideration by the board, and such other matters as will fully advise
33 the board concerning the case.

34 3. When the statements are received by the chairman of the board,
35 the board shall convene and consider the statements and such other evi-
36 dence as it may require within such time as will permit of a determination
37 of the matter within the 20-day period and transmittal of its order thereon
38 to the court staying the execution of such sentence.

39 4. The board may, upon consideration of the statements, evidence,
40 and any other matters in connection therewith, remit the fine or for-
41 feiture, commute the sentence, grant a parole upon such terms as it deems
42 just, or grant a full or conditional pardon.

43 5. Upon the receipt of the order made by the board, the court shall
44 enter the same upon its records and the sentence of the court theretofore
45 imposed shall be vacated, or otherwise modified or changed so as to
46 comply with the action of the board.

47 SEC. 268. If the board shall remit the fine or forfeiture in its entirety,
48 or absolve the person from punishment, or grant an unconditional par-
49 don, such person shall be relieved of all liability imposed by the sentence
50 and the sentence shall be vacated and annulled by the court.

1 SEC. 269. *Nothing in sections 268 to 271, inclusive, of this act shall*
2 *be deemed to provide for or be used as an appeal to an appellate court.*

3 SEC. 270. *The execution of a judgment of death shall be stayed only:*
4 1. *By the governor or the state board of pardons commissioners as*
5 *authorized in sections 13 and 14 of article 5 of the constitution of the*
6 *State of Nevada;*

7 2. *When an appeal from such judgment is taken to the supreme court*
8 *of Nevada; or*

9 3. *By a judge of the district court of the county in which the state*
10 *prison is situated, for the purpose of a sanity or pregnancy investigation*
11 *as provided in section 271 to 277, inclusive, of this act.*

12 SEC. 271. 1. *If, after judgment of death, there is a good reason to*
13 *believe that the defendant has become insane, the warden of the state*
14 *prison to whom the convicted person has been delivered for execution*
15 *may by a petition in writing, verified by a physician, petition a district*
16 *judge of the district court of the county in which the state prison is situ-*
17 *ated, alleging the present insanity of such person, whereupon such judge*
18 *shall:*

19 (a) *Fix a day for a hearing to determine whether the convicted person*
20 *is insane;*

21 (b) *Appoint two physicians, at least one of whom shall be a psychia-*
22 *trist, to examine the convicted person; and*

23 (c) *Give immediate notice of the hearing to the attorney general and to*
24 *the district attorney of the county in which the conviction was had.*

25 2. *If such judge shall determine that the hearing on and the deter-*
26 *mination of the sanity of the convicted person cannot be had before the*
27 *date of the execution of such person, such judge may stay the execution*
28 *of the judgment of death pending the determination of the sanity of such*
29 *convicted person.*

30 SEC. 272. 1. *On the day fixed, the warden of the state prison shall*
31 *bring the convicted person before the court, and the attorney general or*
32 *his deputy shall attend the hearing. The district attorney of the county in*
33 *which the conviction was had, and an attorney for the convicted person,*
34 *may attend the hearing.*

35 2. *The court shall receive the report of the examining physicians and*
36 *may require the production of other evidence. The attorney general or his*
37 *deputy, the district attorney, and the attorney for the convicted person or*
38 *such person if he is without counsel may introduce evidence and cross-*
39 *examine any witness, including the examining physicians.*

40 3. *The court shall then make and enter its finding of sanity or insan-*
41 *ity.*

42 SEC. 273. *If it is found by the court that the convicted person is sane,*
43 *the warden must execute the judgment of death; but if such judgment has*
44 *been stayed, as provided in section 271 of this act, the judge shall cause a*
45 *certified copy of his order staying the execution of the judgment, together*
46 *with a certified copy of his finding that the convicted person is sane, to be*
47 *immediately forwarded by the clerk of the court to the clerk of the district*
48 *court of the county in which the conviction was had, who shall give notice*
49 *thereof to the district attorney of such county, whereupon proceedings*
50 *shall be instituted in the last-mentioned district court for the issuance of a*

1 new warrant of execution of the judgment of death in the manner pro-
2 vided in section 278 of this act.

3 SEC. 274. 1. If it is found by the court that the convicted person is
4 insane, the judge shall make and enter an order staying the execution of
5 the judgment of death until the convicted person shall have become sane,
6 and shall therein direct the warden of the state prison to confine such
7 person in a safe place of confinement until his reason is restored.

8 2. The clerk of the court shall serve or cause to be served three certi-
9 fied copies of the order, one on the warden, one on the governor, for the
10 use of the state board of pardons commissioners, and one on the clerk of
11 the district court of the county in which the conviction was had.

12 3. If the convicted person shall thereafter become sane, notice of such
13 fact shall be given by the warden to a judge of the court staying the exe-
14 cution of the judgment, and such judge, upon being satisfied that such
15 person is then sane, shall enter an order vacating the order staying the
16 execution of the judgment.

17 4. The clerk of the court shall immediately serve or cause to be
18 served three certified copies of such vacating order as follows: One on
19 the warden, one on the governor, for the use of the state board of pardons
20 commissioners, and one on the clerk of the district court of the county in
21 which the conviction was had, who shall give notice thereof to the district
22 attorney of such county, whereupon proceedings shall be instituted in the
23 last-mentioned district court for the issuance of a new warrant of execu-
24 tion of the judgment of death in the manner provided in section 278 of
25 this act.

26 SEC. 275. 1. If there is good reason to believe that a female against
27 whom a judgment of death has been rendered is pregnant, the warden of
28 the state prison to whom she has been delivered for execution shall peti-
29 tion a judge of the district court of the county in which the state prison is
30 situated, in writing, alleging such pregnancy, whereupon such judge shall
31 summon a jury of three physicians to inquire into the alleged pregnancy
32 and fix a day for the hearing thereon, and give immediate notice thereof
33 to the attorney general and to the district attorney of the county in which
34 the conviction was had.

35 2. The provisions of sections 271 and 272 of this act shall apply to
36 the proceedings upon the inquisition, save and except that three physi-
37 cians shall be summoned. They shall certify in writing to the court their
38 findings as to pregnancy.

39 SEC. 276. 1. If it is found by the court that the female is not preg-
40 nant, the warden must execute the judgment of death; but if a stay of
41 execution has been granted pursuant to section 271 of this act the proce-
42 dure provided in section 273 of this act shall then be applicable.

43 2. If the female is found to be pregnant, the judge shall enter an
44 order staying the execution of the judgment of death, and shall therein
45 direct the warden of the state prison to confine such female in a safe place
46 of confinement commensurate with her condition until further order of
47 the court.

48 3. Thereafter and when such female shall be no longer pregnant,
49 notice of such fact shall be given by the warden to a judge of the court
50 staying the execution of the judgment. Thereupon the judge, upon being

1 satisfied that the pregnancy no longer exists, shall enter an order vacating
2 the order staying the execution of the judgment and shall direct the clerk
3 of such court to serve or cause to be served three certified copies of such
4 order, one on the warden, one on the governor, for the use of the state
5 board of pardons commissioners, and one on the clerk of the district court
6 of the county in which the conviction was had, who shall give notice
7 thereof to the district attorney of such county, whereupon proceedings
8 shall be instituted in the last-mentioned district court for the issuance of
9 a new warrant of execution of the judgment in the manner provided in
10 section 278 of this act.

11 SEC. 277. The costs and expenses of the investigations provided in
12 sections 270 to 276, inclusive, of this act shall be borne by the state
13 and paid in the following manner: The costs and expenses of an investiga-
14 tion shall first be paid by county warrants drawn upon the order of the
15 district judge. The county clerk shall then present a claim to the state
16 board of examiners for the amount of such costs and expenses so ordered
17 paid by the district judge. Upon approval of the claim by the state board
18 of examiners, the state controller shall draw his warrant for the payment
19 thereof, and the state treasurer shall pay the same from the reserve for
20 statutory contingency fund.

21 SEC. 278. 1. If for any reason a judgment of death has not been exe-
22 cuted, and it remains in force, the court in which the conviction was had
23 must, upon the application of the attorney general or the district attorney
24 of the county in which the conviction was had, cause another warrant to
25 be drawn, signed by the judge and attested by the clerk under the seal of
26 the court, and delivered to the warden of the state prison.

27 2. The warrant must state the conviction and judgment and appoint a
28 day on which the judgment is to be executed, which must be not less than
29 15 days nor more than 30 days after the date of the warrant.

30 3. Where sentence was imposed by a district court composed of three
31 judges, the district judge before whom the confession or plea was made,
32 or his successor in office, shall set the date of execution and sign the war-
33 rant.

34 SEC. 279. When a remittitur showing the affirmation of a judgment
35 of death has been filed with the clerk of the court from which the appeal
36 therefrom has been taken, the court in which the conviction was had must
37 inquire into the facts, and, if no legal reasons exist against the execution
38 of the judgment, must make and enter an order that the warden of the
39 state prison shall execute the judgment at a specified time; but the pres-
40 ence of the defendant in the court at the time the order of execution is
41 made and entered, or the warrant is issued, as in this section provided,
42 shall not be required.

43 SEC. 280. 1. The court may grant a new trial to a defendant if
44 required as a matter of law or on the ground of newly discovered evi-
45 dence.

46 2. If trial was by the court without a jury the court may vacate the
47 judgment if entered, take additional testimony and direct the entry of a
48 new judgment.

49 3. A motion for a new trial based on the ground of newly discovered
50 evidence may be made only before or within 2 years after final judgment,

1 but if an appeal is pending the court may grant the motion only on
2 remand of the case.

3 4. A motion for a new trial based on any other grounds shall be
4 made within 7 days after verdict or finding of guilty or within such further
5 time as the court may fix during the 7-day period.

6 SEC. 281. The court shall arrest judgment if the indictment, informa-
7 tion or complaint does not charge an offense or if the court was without
8 jurisdiction of the offense charged. The motion in arrest of judgment shall
9 be made within 7 days after determination of guilt or within such further
10 time as the court may fix during the 7-day period.

11 SEC. 282. The effect of allowing a motion in arrest of judgment is to
12 place the defendant in the same situation in which he was before the
13 indictment was found or information or complaint filed.

14 SEC. 283. 1. If, from the evidence on the trial, there is reasonable
15 ground to believe the defendant guilty, and a new indictment, information
16 or complaint can be framed upon which he may be convicted, the court
17 may order him to be recommitted to the officers of the proper county, or
18 admitted to bail anew to answer the new indictment, information or com-
19 plaint.

20 2. If the evidence shows him guilty of another offense, he shall be
21 committed or held thereon, and in neither case shall the verdict be a bar
22 to another prosecution.

23 3. But if no evidence appear sufficient to charge him with any offense,
24 he shall, if in custody, be discharged; or, if admitted to bail, his bail shall
25 be exonerated; or, if money has been deposited instead of bail, it shall be
26 refunded to the defendant, and the arrest of judgment shall operate as an
27 acquittal of the charge upon which the indictment, information or com-
28 plaint was founded.

29 SEC. 284. The court may correct an illegal sentence at any time. The
30 court may reduce a sentence within 60 days after the sentence is imposed,
31 or within 60 days after receipt by the court of a mandate issued upon
32 affirmance of the judgment or dismissal of the appeal.

33 SEC. 285. Clerical mistakes in judgments, orders or other parts of the
34 record and errors in the record arising from oversight or omission may
35 be corrected by the court at any time and after such notice, if any, as the
36 court orders.

37 SEC. 286. Chapter 177 of NRS is hereby amended by adding thereto
38 the provisions set forth as sections 287 to 324, inclusive, of this act.

39 SEC. 287. The party aggrieved in a criminal action, whether that
40 party be the state or the defendant, may appeal as follows:

41 1. To the district court of the county from a final judgment of the
42 justice's court.

43 2. To the supreme court from:

44 (a) A final judgment of the district court in all criminal cases.

45 (b) An order of the district court granting a motion to dismiss, a motion
46 for acquittal or a motion in arrest of judgment, or granting or refusing a
47 new trial.

48 SEC. 288. The appeal to the supreme court from the district court
49 can be taken on questions of law alone.

50 SEC. 289. The party appealing shall be known as the appellant, and

1 the adverse party as the respondent, but the title of the action is not
2 changed by reason of the appeal.

3 SEC. 290. Upon the appeal, any decision of the court in an inter-
4 mediate order or proceeding, forming a part of the record, may be
5 reviewed.

6 SEC. 291. When upon a plea of not guilty a judgment of death is
7 entered, an appeal is deemed automatically taken by the defendant with-
8 out any action by him or his counsel, unless the defendant or his counsel
9 affirmatively waives such appeal.

10 SEC. 292. In other cases, an appeal to the supreme court from a judg-
11 ment or order must be taken within 30 days after its rendition. An appeal
12 to a district court from a final judgment of a justice's court must be
13 taken within the time specified in NRS 189.010.

14 SEC. 293. 1. Except where appeal is automatic, an appeal from a dis-
15 trict court to the supreme court is taken by filing with the clerk of the
16 district court a notice of appeal in duplicate. Bills of exception and assign-
17 ments of error in cases governed by this chapter are abolished.

18 2. When a court imposes sentence upon a defendant who has not
19 pleaded guilty and who is without counsel, the court shall advise the
20 defendant of his right to appeal, and if he so requests, the clerk shall pre-
21 pare and file forthwith a notice of appeal on his behalf.

22 3. The notice of appeal shall set forth:

23 (a) The title of the case;

24 (b) The name and address of the appellant and of appellant's attorney;

25 (c) A general statement of the offense;

26 (d) A concise statement of the judgment or order, giving its date and
27 any sentence imposed;

28 (e) The place of confinement if the defendant is in custody; and

29 (f) A statement that the appellant appeals from the judgment or order.

30 4. The notice of appeal shall be signed:

31 (a) By the appellant or appellant's attorney; or

32 (b) By the clerk if prepared by him.

33 5. The duplicate notice of appeal and a statement of the docket
34 entries shall be forwarded immediately by the clerk of the district court
35 to the clerk of the supreme court.

36 6. Notification of the filing of the notice of appeal shall be given by
37 the clerk by mailing copies thereof to adverse parties, but his failure to
38 do so does not affect the validity of the appeal.

39 7. When the appeal is both from the judgment and from an order
40 denying a motion for a new trial, one notice of appeal so specifying is
41 sufficient.

42 SEC. 294. 1. An appeal taken by the state shall in no case stay or
43 affect the operation of a judgment in favor of the defendant; but if the
44 appeal by the state is from an order sustaining a demurrer to an indict-
45 ment or information, or granting a motion to set aside an indictment or
46 information, and upon such appeal the order is reversed, the defendant
47 shall thereupon be liable to arrest and trial upon the indictment or infor-
48 mation. In all such cases any statute of limitations on the offense from
49 which the appeal is taken is tolled from the time the notice of appeal is
50 filed by the state until such appeal is heard and a ruling made thereon.

1 2. If the appeal by the state is from an order allowing a motion in
2 arrest of judgment, or granting a motion for a new trial, and upon appeal
3 the order is reversed, the trial court shall enter judgment against the
4 defendant.

5 SEC. 295. A sentence of death shall be stayed if an appeal is taken.

6 SEC. 296. A sentence of imprisonment shall be stayed if an appeal is
7 taken and the defendant is admitted to bail.

8 SEC. 297. A sentence to pay a fine or a fine and costs, if an appeal is
9 taken, may be stayed by a justice's court, district court, or by the supreme
10 court upon such terms as the court deems proper. The court may require
11 the defendant pending appeal to deposit the whole or any part of the fine
12 and costs in the registry of the court appealed from, or to give bond for
13 the payment thereof, or to submit to an examination of assets, and it may
14 make any appropriate order to restrain the defendant from dissipating his
15 assets.

16 SEC. 298. An order placing the defendant on probation may be
17 stayed if an appeal is taken.

18 SEC. 299. Admission to bail upon appeal shall be as provided in this
19 Title.

20 SEC. 300. If application is made to a district court or to a justice of
21 the supreme court for bail pending appeal or for an extension of time for
22 filing the record on appeal or for any other relief which might have been
23 granted by the trial court, the application shall be upon notice and shall
24 show that:

25 1. Application to the court below or a judge thereof is not practi-
26 cable; or

27 2. Application has been made and denied, with the reasons given for
28 the denial; or

29 3. The action on the application did not afford the relief to which the
30 applicant considers himself to be entitled.

31 SEC. 301. The supervision and control of the proceedings on appeal
32 shall be in the appellate court from the time the notice of appeal is filed
33 with its clerk, except as otherwise provided in this Title. The appellate
34 court may at any time entertain a motion to dismiss the appeal, or for
35 directions to the trial court, or to modify or vacate any order made by the
36 trial court or by any judge or justice of the peace in relation to the prose-
37 cution of the appeal, including any order fixing or denying bail.

38 SEC. 302. All appeals from a district court to the supreme court shall
39 be heard on the original papers and the reporter's transcript of evidence
40 or proceedings. The form and manner of preparation of the record and of
41 other papers filed may be prescribed by the supreme court, and to the
42 extent not otherwise so prescribed shall conform to the practice in civil
43 cases.

44 SEC. 303. 1. In an appeal from a district court to the supreme court,
45 the record on appeal shall be filed with the supreme court and the pro-
46 ceeding there docketed within 40 days from the date the notice of appeal
47 is filed in the district court.

48 2. Where more than one appeal is taken from the same judgment, the
49 district court may prescribe the time for filing and docketing all such

1 appeals, which shall not be less than 40 days from the date the first notice
2 of appeal is filed.

3 3. In all appeals to the supreme court, the district court or the
4 supreme court or any justice thereof in vacation may, for cause shown,
5 extend the time for filing and docketing.

6 SEC. 304. 1. As used in this section, "brief" includes points and
7 authorities.

8 2. In an appeal from a district court to the supreme court:

9 (a) Appellant shall file and serve his brief within 30 days after the filing
10 of the record on appeal.

11 (b) Respondent shall file and serve his brief within 30 days after the
12 service of appellant's brief.

13 (c) Appellant shall file and serve his brief in reply within 30 days after
14 the service of respondent's brief.

15 3. The times provided in subsection 2 may be extended by the
16 supreme court either pursuant to general rule or by special order in the
17 case.

18 SEC. 305. Upon an appeal being taken to the supreme court as pro-
19 vided in this chapter, the appellant or person taking the appeal shall, in
20 addition to service upon all adverse parties or their attorneys, serve or
21 cause to be served upon the attorney general a true copy of the notice of
22 appeal.

23 SEC. 306. The supreme court may, on its own motion or on motion
24 of the respondent, dismiss an appeal:

25 1. If the appeal is irregular in any substantial particular.

26 2. If the appellant has failed to comply with the requirements of sec-
27 tion 303 or 304 of this act for docketing of the record on appeal or filing
28 briefs, unless for good cause shown an extension is granted.

29 SEC. 307. Unless good cause is shown for an earlier hearing, the
30 supreme court shall set the appeal for argument on a date not less than
31 30 days after the expiration of the time limited for filing briefs and as
32 soon thereafter as the state of the calendar will permit. Preference shall
33 be given to appeals in criminal cases over appeals in civil cases.

34 SEC. 308. Judgment of affirmance may be granted without argument,
35 if the appellant fail to appear. But judgment of reversal can only be given
36 upon argument, orally or upon written brief, though the respondent fail
37 to appear.

38 SEC. 309. Upon the argument of the appeal, if the offense is punish-
39 able with death, two counsel shall be heard on each side, if they require
40 it. In any other case the court may, in its discretion, restrict the argument
41 to one counsel on each side.

42 SEC. 310. The defendant need not personally appear in the supreme
43 court.

44 SEC. 311. After hearing the appeal, the court shall give judgment
45 without regard to technical error or defect which does not affect the sub-
46 stantial rights of the parties.

47 SEC. 312. The supreme court may reverse, affirm, or modify the
48 judgment appealed from, and may, if necessary or proper, order a new
49 trial.

50 SEC. 313. If a judgment against the defendant is reversed, without

1 ordering a new trial, the supreme court shall direct, if he is in custody,
2 that he be discharged therefrom, or if he is admitted to bail, that his bail
3 be exonerated, or if money be deposited instead of bail, that it be
4 refunded to the defendant.

5 SEC. 314. On a judgment of affirmance against the defendant, the
6 original judgment shall be carried into execution, as the supreme court
7 shall direct.

8 SEC. 315. When the judgment of the supreme court has been given,
9 it must be entered on the minutes, and a certified copy of the entry
10 remitted to the clerk of the court from which the appeal has been taken.
11 When the supreme court reverses or modifies the judgment of an inferior
12 court on appeal, the clerk of the supreme court shall return to the infe-
13 rior court with the remittitur therein the papers transmitted to the
14 supreme court on appeal.

15 SEC. 316. After the certificate of judgment has been remitted, the
16 supreme court shall have no further jurisdiction of the appeal or of the
17 proceedings thereon, and all orders which may be necessary to carry
18 the judgment into effect shall be made by the court to which the certificate
19 is remitted.

20 SEC. 317. 1. Any person convicted of a crime and under sentence of
21 death or imprisonment who claims that the conviction was obtained, or
22 that the sentence was imposed, in violation of the Constitution of the
23 United States or the constitution or laws of this state, or that the court
24 was without jurisdiction to impose the sentence, or that the sentence
25 exceeds the maximum authorized by law, or that the conviction or sen-
26 tence is otherwise subject to collateral attack upon any ground of alleged
27 error heretofore available under any common law, statutory or other writ,
28 motion, petition, proceeding or remedy, may, without paying a filing fee,
29 apply for a writ of habeas corpus under sections 317 to 324, inclusive, of
30 this act to secure relief from the conviction or sentence.

31 2. The remedy herein provided is not a substitute for nor does it
32 affect any remedies which are incident to the proceedings in the trial
33 court, or any remedy of direct review of the sentence or conviction. It
34 comprehends and takes the place of all other common law, statutory, or
35 other remedies which have heretofore been available for challenging the
36 validity of the conviction or sentence, and shall be used exclusively in
37 place of them. A petition for relief under sections 317 to 324, inclusive,
38 of this act may be filed at any time.

39 SEC. 318. Unless otherwise ordered by the supreme court or a justice
40 thereof, the proceeding is commenced by filing a petition verified by the
41 petitioner with the clerk of the court in which the conviction took place.
42 Facts within the personal knowledge of the petitioner and the authenticity
43 of all documents and exhibits included in or attached to the petition must
44 be sworn to affirmatively as true and correct. The supreme court may by
45 rule prescribe the form of the petition and verification. The clerk shall
46 docket the petition upon its receipt and promptly bring it to the attention
47 of the court and deliver a copy to the district attorney and to the attorney
48 general.

49 SEC. 319. The petition shall identify the proceedings in which the
50 petitioner was convicted, give the date of the entry of the judgment and

1 sentence complained of, specifically set forth the grounds upon which the
2 petition is based, and clearly state the relief desired. All facts within the
3 personal knowledge of the petitioner shall be set forth separately from
4 other allegations of facts and shall be verified as provided in section 318
5 of this act. Affidavits, records, or other evidence supporting its allegations
6 shall be attached to the petition unless the petition recites why they are
7 not attached. The petition shall identify any previous state or federal
8 court proceedings, together with the grounds therein asserted, taken by
9 the petitioner to secure relief from his conviction or sentence. No such
10 ground upon which a decision has been rendered in any such proceeding
11 may be asserted in a proceeding under sections 317 to 324, inclusive, of
12 this act. Argument, citations and discussion of authorities are unnec-
13 essary.

14 SEC. 320. If the conviction was for a gross misdemeanor or a felony:

15 1. The petition may allege that the petitioner is unable to pay the
16 costs of the proceeding or to employ counsel. If the court is satisfied that
17 the allegation is true, it shall appoint counsel for him.

18 2. If after judgment, a review is sought by the petitioner or by the
19 state, and the reviewing court is of the opinion that the requested review,
20 if sought by the petitioner, is not frivolous, and the court finds that the
21 petitioner is unable to pay the costs of the review or to employ counsel, it
22 shall appoint counsel for him.

23 3. If inability to pay is determined, all necessary costs and expense
24 incident to the proceedings in the trial court and in the reviewing court,
25 including all court costs, stenographic services, printing, and reasonable
26 compensation for legal services, shall be paid from the reserve for statu-
27 tory contingency fund.

28 4. Where a copy of the transcript of any proceedings pursuant to sec-
29 tions 317 to 324, inclusive, of this act is necessary to a review by the
30 Supreme Court of the United States, and inability to pay has been deter-
31 mined, such copy shall be supplied and the cost shall be paid from the
32 reserve for statutory contingency fund.

33 5. Any order by a court, justice or judge for the supplying of a tran-
34 script may provide expressly for the rejection of all or any parts of such
35 transcript upon which the petitioner or appellant relies which raise ques-
36 tions of law not open to him under section 319 of this act.

37 SEC. 321. Within 30 days after the docketing of the petition, or
38 within any further time the court may fix, the state shall respond by
39 motion or answer. No further pleadings shall be filed except as the court
40 orders. At any time prior to entry of judgment the court may grant leave
41 to withdraw the petition. The court may make appropriate orders for
42 amendment of the petition or any pleading, for pleading over, for filing
43 further pleadings, or for extending the time of the filing of any pleading.
44 In considering the petition or an amendment the court shall take account
45 of substance regardless of defects of form.

46 SEC. 322. 1. The petition shall be heard in, and before any judge of,
47 the court in which the conviction took place. A record of the proceedings
48 shall be made and kept. All existing rules and statutes applicable in civil
49 proceedings including pretrial and discovery procedures are available to
50 the parties. The court may receive proof by affidavits, depositions, oral

1 testimony, or other evidence and may order the petitioner brought before
2 it for the hearing.

3 2. If the court finds in favor of the petitioner, it shall enter an appro-
4 priate order with respect to the conviction or sentence in the former
5 proceedings, and any supplementary orders as to rearraignment, retrial,
6 custody, bail, discharge, correction of sentence, or other matters that may
7 be necessary and proper. The court shall make specific findings of fact,
8 and state expressly its conclusions of law, relating to each issue presented.
9 This order is a final judgment for purposes of review.

10 SEC. 323. All grounds for relief available to a petitioner under sec-
11 tions 317 to 324, inclusive, of this act must be raised in his original,
12 supplemental or amended petition. Any ground not so raised or finally
13 adjudicated or knowingly and understandingly waived in the proceedings
14 resulting in the conviction or sentence or in any other proceeding that the
15 petitioner has taken to secure relief from his conviction or sentence may
16 not be the basis for a subsequent petition, unless the court finds a ground
17 for relief asserted which for reasonable cause was omitted or inadequately
18 raised in the original, supplemental, or amended petition.

19 SEC. 324. A final judgment entered under sections 317 to 324, inclu-
20 sive, of this act may be reviewed by the supreme court of this state on
21 appeal, brought either by the petitioner or by the state as provided by
22 law.

23 SEC. 325. NRS 178.405 is hereby amended to read as follows:

24 178.405 When an indictment or information is called for trial, or
25 upon conviction the defendant is brought up for judgment, if doubt shall
26 arise as to the sanity of the defendant, the court shall [order the question
27 to be submitted to a jury that must be drawn and selected as in other
28 cases.] suspend the trial of the indictment or information or the pro-
29 nouncing of the judgment, as the case may be, until the question of insan-
30 ity is determined.

31 SEC. 326. NRS 178.415 is hereby amended to read as follows:

32 178.415 [The trial of the question of insanity shall proceed in the
33 following form:

34 1. The counsel for the defendant shall open the case and offer evi-
35 dence in support of the allegations of insanity.

36 2. The counsel for the state shall open their case and offer evidence
37 in support thereof.

38 3. The parties may then respectively offer rebutting testimony only,
39 unless the court for good reason in furtherance of justice permit them to
40 offer evidence upon their original cause.

41 4. When the evidence is concluded, unless the case is submitted to
42 the jury, on either or both sides, without argument, the counsel for the
43 state must commence, and the defendant, or his counsel, may conclude
44 the argument to the jury.

45 5. If the indictment or information be for an offense punishable with
46 death, two counsel on each side may argue the cause to the jury, in which
47 case they must do so alternately. In other cases the argument may be
48 restricted to one counsel on each side.

49 6. The court shall then charge the jury, stating to them all matters of
50 law necessary for their information in rendering a verdict.]

1 1. The court shall appoint two physicians, at least one of whom is a
2 psychiatrist, to examine the defendant.

3 2. At a hearing in open court, the judge shall receive the report of
4 the examining physicians and shall permit counsel for both sides to exam-
5 ine them. The state and the defendant may introduce other evidence and
6 cross-examine one another's witnesses.

7 3. The court shall then make and enter its finding of sanity or insan-
8 ity.

9 SEC. 327. NRS 178.420 is hereby amended to read as follows:

10 178.420 If the [jury find] court finds that the defendant is sane, the
11 trial of the indictment or information shall proceed, or judgment may be
12 pronounced, as the case may be.

13 SEC. 328. NRS 178.425 is hereby amended to read as follows:

14 178.425 1. If the [jury find] court finds the defendant insane, [and
15 the court deems his freedom a menace to public quietude,] the judge shall
16 order the sheriff to convey him forthwith, together with a copy of the
17 complaint, the commitment and the physicians' certificate, if any, to the
18 Nevada state hospital.

19 2. Proceedings against the defendant must be suspended until he
20 becomes sane.

21 SEC. 329. NRS 178.445 is hereby amended to read as follows:

22 178.445 Where any person shall have been charged in an indictment
23 or an information with a public offense and is placed upon his or her trial
24 therefor and shall have been found by the [jury] court to be insane at
25 that time, or in the event of a conviction for the commission of the offense
26 and before or at the time of the pronouncement of the judgment of the
27 court the question of the then sanity of such person is raised, all as pro-
28 vided in NRS 178.400 to 178.440, inclusive, and the [jury] court shall
29 have found the convicted person insane as of that time, the district judge
30 of the trial court shall commit such person to the Nevada state hospital
31 and such person shall remain in the hospital until released therefrom for
32 trial, judgment or discharge, as provided in NRS 178.445 to 178.470,
33 inclusive.

34 SEC. 330. Chapter 178 of NRS is hereby amended by adding thereto
35 the provisions set forth as sections 331 to 386, inclusive, of this act.

36 SEC. 331. 1. The defendant shall be present at the arraignment, at
37 every stage of the trial including the impaneling of the jury and the
38 return of the verdict, and at the imposition of sentence, except as other-
39 wise provided by this Title. A corporation may appear by counsel for all
40 purposes.

41 2. In prosecutions for offenses not punishable by death, the defend-
42 ant's voluntary absence after the trial has been commenced in his pres-
43 ence shall not prevent continuing the trial to and including the return of
44 the verdict.

45 3. In prosecutions for offenses punishable by fine or by imprisonment
46 for not more than 1 year or both, the court, with the written consent of
47 the defendant, may permit arraignment, plea, trial and imposition of
48 sentence in the defendant's absence.

49 4. The defendant's presence is not required at the settling of jury
50 instructions or at a reduction of sentence under section 284 of this act.

1 SEC. 332. No person can be subject to a second prosecution for a
2 public offense for which he has once been prosecuted and duly convicted
3 or acquitted.

4 SEC. 333. No person can be compelled, in a criminal action, to be
5 a witness against himself, nor shall a person charged with a public offense
6 be subjected, before conviction, to any more restraint than is necessary
7 for his detention to answer the charge.

8 SEC. 334. Every defendant accused of a gross misdemeanor or felony
9 who is financially unable to obtain counsel is entitled to have counsel
10 assigned to represent him at every stage of the proceedings from his
11 initial appearance before a magistrate or the court through appeal, unless
12 he waives such appointment.

13 SEC. 335. In computing any period of time the day of the act or
14 event from which the designated period of time begins to run shall not be
15 included. The last day of the period so computed shall be included, unless
16 it is a Saturday, a Sunday, or a nonjudicial day, in which event the period
17 runs until the end of the next day which is not a Saturday, a Sunday, or a
18 nonjudicial day. When a period of time prescribed or allowed is less than
19 7 days, intermediate Saturdays, Sundays and nonjudicial days shall be
20 excluded in the computation.

21 SEC. 336. When an act is required or allowed to be done at or
22 within a specified time, the court for cause shown may at any time in its
23 discretion:

24 1. With or without motion or notice, order the period enlarged if
25 request therefor is made before the expiration of the period originally
26 prescribed or as extended by a previous order; or

27 2. Upon motion made after the expiration of the specified period per-
28 mit the act to be done if the failure to act was the result of excusable
29 neglect,

30 but the court may not extend the time for taking any action under sec-
31 tions 280, 281, 284, 292 or 303 of this act except to the extent and under
32 the conditions stated in such sections.

33 SEC. 337. 1. A written motion, other than one which may be heard
34 ex parte, and notice of the hearing thereof shall be served not later than
35 5 days before the time specified for the hearing unless a different period
36 is fixed by rule or order of the court. For cause shown such an order may
37 be made on ex parte application.

38 2. When a motion is supported by affidavit, the affidavit shall be
39 served with the motion; and opposing affidavits may be served not less
40 than 1 day before the hearing unless the court permits them to be served
41 at a later time.

42 SEC. 338. Whenever a party has the right or is required to do an act
43 within a prescribed period after the service of a notice or other paper
44 upon him and the notice or other paper is served upon him by mail, 3
45 days shall be added to the prescribed period.

46 SEC. 339. 1. A person arrested for an offense not punishable by
47 death shall be admitted to bail.

48 2. A person arrested for an offense punishable by death may be
49 admitted to bail unless the proof is evident or the presumption great by
50 any competent court or magistrate authorized by law to do so in the

1 exercise of discretion, giving due weight to the evidence and to the nature
2 and circumstances of the offense.

3 SEC. 340. When the admission to bail is a matter of discretion, the
4 court, or officer by whom it may be ordered, shall require such notice of
5 the application therefor as he may deem reasonable to be given to the
6 district attorney of the county where the examination is had.

7 SEC. 341. 1. Bail may be allowed pending appeal or certiorari unless
8 it appears that the appeal is frivolous or taken for delay.

9 2. Pending appeal to a district court, bail may be allowed by the trial
10 justice, by the district court, or by any judge thereof, to run until final
11 termination of the proceedings in all courts.

12 3. Pending appeal or certiorari to the supreme court, bail may be
13 allowed by the district court or by any judge thereof or by the supreme
14 court or by a justice thereof.

15 4. Any court or any judge or justice authorized to grant bail may at
16 any time revoke the order admitting the defendant to bail.

17 SEC. 342. When the admission to bail is a matter of discretion, the
18 court or judge by whom it may be ordered shall require such notice of
19 the application therefor as he may deem reasonable to be given to the
20 district attorney of the county in which the verdict or judgment was
21 originally rendered.

22 SEC. 343. If it appears by affidavit that the testimony of a person is
23 material in any criminal proceeding and if it is shown that it may become
24 impracticable to secure his presence by subpoena, the magistrate may
25 require him to give bail for his appearance as a witness, in an amount
26 fixed by the magistrate. If the person fails to give bail the magistrate
27 may:

28 1. Commit him to the custody of a peace officer pending final dispo-
29 sition of the proceeding in which the testimony is needed;

30 2. Order his release if he has been detained for an unreasonable
31 length of time; and

32 3. Modify at any time the requirement as to bail.

33 SEC. 344. Infants and married women who are material witnesses
34 against the defendant may be required to procure sureties for their
35 appearance, as provided in section 343 of this act.

36 SEC. 345. If the defendant is admitted to bail, the amount thereof
37 shall be such as in the judgment of the magistrate will insure the presence
38 of the defendant, having regard to:

39 1. The nature and circumstances of the offense charged;

40 2. The financial ability of the defendant to give bail; and

41 3. The character of the defendant.

42 SEC. 346. 1. A person required or permitted to give bail shall exe-
43 cute a bond for his appearance. The magistrate or court or judge or jus-
44 tice, having regard to the considerations set forth in section 345 of this
45 act, may require one or more sureties, may authorize the acceptance of
46 cash or bonds or notes of the United States in an amount equal to or less
47 than the face amount of the bond, or may authorize the release of the
48 defendant without security upon his written agreement to appear at a
49 specified time and place and upon such conditions as may be prescribed
50 to insure his appearance.

1 2. Bail given originally on appeal shall be deposited with the magis-
2 trate or the clerk of the court from which the appeal is taken.

3 SEC. 347. 1. Every surety, except a corporate surety which is
4 approved as provided by law, shall justify by affidavit and may be
5 required to describe in the affidavit:

6 (a) The property by which he proposes to justify and the encumbrances
7 thereon;

8 (b) The number and amount of other bonds and undertakings for bail
9 entered into by him and remaining undischarged; and

10 (c) All his other liabilities.

11 2. No bond shall be approved unless the surety thereon appears to
12 be qualified.

13 SEC. 348. If there is a breach of condition of a bond, the court shall
14 declare a forfeiture of the bail.

15 SEC. 349. If the undertaking or money deposited instead of bail is in
16 excess of \$50, the court shall direct that the sureties first be given notice
17 by certified mail that the defendant has failed to appear, and the under-
18 taking or money instead of bail shall not be declared forfeited until the
19 fifth day after the notice is mailed. A copy of the notice shall be trans-
20 mitted to the district attorney at the time notice is given to the sureties.

21 SEC. 350. The court may direct that a forfeiture be set aside, upon
22 such conditions as the court may impose, if it appears that justice does
23 not require the enforcement of the forfeiture.

24 SEC. 351. 1. When a forfeiture has not been set aside, the court shall
25 on motion enter a judgment of default and execution may issue thereon.

26 2. By entering into a bond the obligors submit to the jurisdiction of
27 the court and irrevocably appoint the clerk of the court as their agent
28 upon whom any papers affecting their liability may be served. Their lia-
29 bility may be enforced on motion and such notice of the motion as the
30 court prescribes may be served on the clerk of the court, who shall forth-
31 with mail copies to the obligors to their last-known addresses.

32 SEC. 352. After entry of such judgment, the court may remit it in
33 whole or in part under the conditions applying to the setting aside of for-
34 feiture in section 350 of this act.

35 SEC. 353. Money collected pursuant to sections 348 to 352, inclusive,
36 of this act is to be paid over to the county treasurer.

37 SEC. 354. 1. When the condition of the bond has been certified or
38 the forfeiture thereof has been set aside or remitted, the court shall exon-
39 erate the obligors and release any bail.

40 2. A surety may be exonerated by a deposit of cash in the amount of
41 the bond or by a timely surrender of the defendant into custody.

42 SEC. 355. If the defendant surrenders himself to, is apprehended by
43 or is in the custody of a peace officer in the State of Nevada or the war-
44 den of the Nevada state prison other than the officer to whose custody he
45 was committed at the time of giving bail, the bail may make application
46 to the court for the discharge of his bail bond, and shall then give to the
47 court an amount in cash or a surety bond sufficient in amount to guar-
48 antee reimbursement of any costs that may be expended in returning the
49 defendant to the officer to whose custody the defendant was committed at
50 the time of giving bail.

1 SEC. 356. *For the purpose of surrendering the defendant, the sureties,*
2 *at any time before they are finally discharged, and at any place within the*
3 *state, may themselves arrest him, or by a written authority, endorsed on a*
4 *certified copy of the undertaking, may empower any person of suitable*
5 *age and discretion to do so.*

6 SEC. 357. *When money has been deposited, if it remains on deposit*
7 *at the time of a judgment for the payment of a fine, the court, or the clerk*
8 *under the direction of the court, shall apply the money in satisfaction*
9 *thereof, and after satisfying the fine and costs shall refund the surplus, if*
10 *any, to the defendant.*

11 SEC. 358. *The court to which the committing magistrate shall return*
12 *the depositions and statement, or in which an indictment or information*
13 *or an appeal is pending, or to which a judgment on appeal is remitted to*
14 *be carried into effect, may, by an order to be entered on its minutes,*
15 *direct the arrest of the defendant and his commitment to the officer to*
16 *whose custody he was committed at the time of giving bail, and his deten-*
17 *tion until legally discharged, in the following cases:*

18 1. *When, by reason of his failure to appear, he has incurred a for-*
19 *feiture of his bail, or of money deposited instead thereof, as provided in*
20 *section 348 of this act.*

21 2. *When it satisfactorily appears to the court that his bail, or either of*
22 *them, are dead, or insufficient, or have removed from the state.*

23 3. *Upon an indictment being found or information filed in the cases*
24 *provided in section 118 of this act.*

25 SEC. 359. *The order for the recommitment of the defendant shall:*

26 1. *Recite generally the facts upon which it is founded.*

27 2. *Direct that the defendant be arrested by any sheriff, constable,*
28 *marshal, policeman or other peace officer within the state, and committed*
29 *to the custody of the sheriff of the county where the depositions and state-*
30 *ment were returned, or the indictment was found, or the information was*
31 *filed, or the conviction was had, as the case may be, to be detained until*
32 *legally discharged.*

33 SEC. 360. *The defendant may be arrested pursuant to the order, upon*
34 *a certified copy thereof, in any county, in the same manner as upon*
35 *a warrant of arrest, except that when arrested in another county the order*
36 *need not be endorsed by a magistrate of that county.*

37 SEC. 361. 1. *If the order recites, as the grounds upon which it is*
38 *made, the failure of the defendant to appear for judgment upon convic-*
39 *tion, the defendant must be committed according to the requirement of*
40 *the order.*

41 2. *If the order be made for any other cause, and the offense is bail-*
42 *able, the court may fix the amount of bail, and may cause a direction to*
43 *be inserted in the order that the defendant be admitted to bail in the sum*
44 *fixed, which shall be specified in the order.*

45 SEC. 362. *Each county clerk shall maintain a bail bond register in*
46 *which the following information relative to each bail bond accepted by a*
47 *justice's or district court within the county or the supreme court as here-*
48 *after provided shall be recorded:*

- 49 1. *The name of the defendant;*
50 2. *The name of the surety;*

- 1 3. *The amount of the bond;*
- 2 4. *The court admitting the defendant to bail and the case number;*
- 3 5. *The date of exoneration or forfeiture of the bond;*
- 4 6. *The book and page of the minute order declaring the exoneration*
- 5 *or forfeiture; and*
- 6 7. *The date of notice to the district attorney of any forfeiture of the*
- 7 *bond.*

8 SEC. 363. 1. *Whenever a person is admitted to bail in a justice's*
9 *court and the bail is put in by a written undertaking, the justice of the*
10 *peace admitting such person to bail, or the clerk of the justice's court if*
11 *there is one, shall file with the county clerk of the county in which the*
12 *court is located a notice containing:*

- 13 (a) *The name of the defendant;*
- 14 (b) *The names of the sureties;*
- 15 (c) *The amount of the bond;*
- 16 (d) *The name of the court;*
- 17 (e) *The case number; and*
- 18 (f) *Such other information as the county clerk may reasonably*
- 19 *require.*

20 *Upon registration of the bond described in the notice, the county clerk*
21 *shall issue a receipt for the notice which shall bear the number assigned*
22 *to the bond in the bail bond register.*

23 2. *When the bond is exonerated or forfeited, the justice of the peace*
24 *declaring the exoneration or forfeiture, or the clerk of the justice's court*
25 *if there is one, shall file a notice with the county clerk containing:*

- 26 (a) *The name of the defendant;*
- 27 (b) *The names of the sureties;*
- 28 (c) *The amount of the bond;*
- 29 (d) *The date of the exoneration or forfeiture;*
- 30 (e) *The book and page of the minute order declaring the exoneration*
- 31 *or forfeiture; and*
- 32 (f) *The registration number assigned to the bond in the bail bond reg-*
- 33 *ister.*

34 SEC. 364. 1. *Whenever a person is admitted to bail by the supreme*
35 *court or a justice of the supreme court, the clerk of the supreme court*
36 *shall file with the county clerk of the county where the defendant was*
37 *convicted, or if no conviction has been had, of the county where the*
38 *defendant was incarcerated, a notice containing:*

- 39 (a) *The name of the defendant;*
- 40 (b) *The names of the sureties;*
- 41 (c) *The amount of the bond; and*
- 42 (d) *The case number.*

43 *Upon registration of the bond described in the notice, the county clerk*
44 *shall issue a receipt for the notice which shall bear the number assigned*
45 *to the bond in the bail bond register.*

46 2. *When the bond is exonerated or forfeited, the clerk of the supreme*
47 *court shall file with the county clerk with whom the first notice was filed*
48 *a notice containing:*

- 49 (a) *The name of the defendant;*
- 50 (b) *The names of the sureties;*

- 1 (c) *The amount of the bond;*
- 2 (d) *The date of the exoneration or forfeiture;*
- 3 (e) *The file number of the order declaring the forfeiture or exoneration;*
- 4 *and*
- 5 (f) *The registration number assigned to the bond in the bail bond reg-*
- 6 *ister.*

7 SEC. 365. 1. *The county clerk shall record in the bail bond register*
8 *the information contained in the notices which are filed with him pursuant*
9 *to sections 363 and 364 of this act and shall obtain and record the neces-*
10 *sary information relating to all bail bonds filed in the district court of the*
11 *county.*

12 2. *No bail bond may be filed in any case file unless it has been reg-*
13 *istered by the county clerk and the registration number assigned to such*
14 *bond in the bail bond register is recorded on the face of the bond.*

15 3. *The county clerk shall notify the district attorney in writing*
16 *promptly upon the receipt of information indicating that a bail bond has*
17 *been forfeited.*

18 SEC. 366. *An application to the court for an order shall be by*
19 *motion. A motion other than one made during a trial or hearing shall be*
20 *in writing unless the court permits it to be made orally. It shall state the*
21 *grounds upon which it is made and shall set forth the relief or order*
22 *sought. It may be supported by affidavit.*

23 SEC. 367. *The district attorney, or the attorney general in those cases*
24 *which have been initiated by him, may by leave of court file a dismissal of*
25 *an indictment, information or complaint and the prosecution shall there-*
26 *upon terminate. Such a dismissal may not be filed during the trial without*
27 *the consent of the defendant.*

28 SEC. 368. *If no indictment is found or information filed against a per-*
29 *son within 15 days after he has been held to answer for a public offense,*
30 *or if a defendant whose trial has not been postponed upon his application*
31 *is not brought to trial within 60 days after the finding of the indictment or*
32 *filing of the information, the court may dismiss the indictment, informa-*
33 *tion or complaint.*

34 SEC. 369. *A defendant who before being brought to trial in this state*
35 *is held in custody in another state for a crime committed in that state*
36 *shall be brought to trial within a reasonable time after his release from*
37 *such custody, and no motion to discharge such a person from custody in*
38 *this state may be granted if the requirements of this section are met.*

39 SEC. 370. 1. *An order for the dismissal of the action, as provided in*
40 *sections 367 and 368 of this act, shall be a bar to another prosecution for*
41 *the same offense.*

42 2. *The discharge of a person accused upon preliminary examination*
43 *shall be a bar to another complaint against him for the same offense, but*
44 *shall not bar the finding of an indictment or filing of an information.*

45 SEC. 371. *When a defendant is held to answer on a charge of a mis-*
46 *demeanor, for which the person injured by the act constituting the offense*
47 *has a remedy by a civil action, the offense may be compromised as pro-*
48 *vided in section 372 of this act, except when it was committed:*

49 1. *By or upon an officer of justice, while in the execution of the duties*
50 *of his office.*

1 2. *Riotously.*

2 3. *With intent to commit a felony.*

3 SEC. 372. 1. *If the party injured appears before the court to which*
4 *the depositions are required to be returned, at any time before trial, and*
5 *acknowledges in writing that he has received satisfaction for the injury,*
6 *the court may, in its discretion, on payment of the costs incurred, order*
7 *all proceedings to be stayed upon the prosecution, and the defendant to*
8 *be discharged therefrom; but in such case the reasons for the order must*
9 *be set forth therein, and entered on the minutes.*

10 2. *The order shall be a bar to another prosecution for the same*
11 *offense.*

12 SEC. 373. *No public offense shall be compromised, nor shall any pro-*
13 *ceeding for the prosecution or punishment thereof, upon a compromise,*
14 *be stayed, except as provided in this Title.*

15 SEC. 374. *Written motions other than those which are heard ex parte,*
16 *written notices, designations of record on appeal and similar papers shall*
17 *be served upon each of the parties.*

18 SEC. 375. 1. *Whenever under this Title or by an order of the court*
19 *service is required or permitted to be made upon a party represented by*
20 *an attorney, the service shall be made upon the attorney unless service*
21 *upon the party himself is ordered by the court.*

22 2. *Service upon the attorney or upon a party shall be made in the*
23 *manner provided in civil actions.*

24 SEC. 376. *Immediately upon the entry of an order made on a written*
25 *motion subsequent to arraignment the clerk shall mail to each party a*
26 *notice thereof and shall make a note in the docket of the mailing. Lack of*
27 *notice of the entry by the clerk does not affect the time to appeal or*
28 *relieve or authorize the court to relieve a party for failure to appeal*
29 *within the time allowed.*

30 SEC. 377. *Papers required to be served shall be filed with the court.*
31 *Papers shall be filed in the manner provided in civil actions.*

32 SEC. 378. 1. *The clerk must prepare a calendar of all criminal*
33 *actions pending in the court, enumerating them according to the date of*
34 *filing of the indictment, information or complaint, specifying opposite the*
35 *title of each action whether such action is for a felony or misdemeanor,*
36 *and whether the defendant is in custody or on bail.*

37 2. *Preference shall be given to criminal proceedings as far as practi-*
38 *cable.*

39 SEC. 379. *The issues on the calendar must be disposed of in the fol-*
40 *lowing order, unless for good cause the court shall direct an action to be*
41 *tried out of its order:*

42 1. *Prosecutions for felony, when the defendant is in custody.*

43 2. *Prosecutions for misdemeanor, when the defendant is in custody.*

44 3. *Prosecutions for felony, when the defendant is on bail.*

45 4. *Prosecutions for misdemeanor, when the defendant is on bail.*

46 SEC. 380. *Exceptions to rulings or orders of the court are unneces-*
47 *sary and for all purposes for which an exception has been necessary prior*
48 *to the effective date of this act it is sufficient that a party, at the time the*
49 *ruling or order of the court is made or sought, makes known to the court*
50 *the action which he desires the court to take or his objection to the*

1 action of the court and the grounds therefor; but if a party has no oppor-
2 tunity to object to a ruling or order, the absence of an objection does not
3 thereafter prejudice him.

4 SEC. 381. Any error, defect, irregularity or variance which does not
5 affect substantial rights shall be disregarded.

6 SEC. 382. Plain errors or defects affecting substantial rights may be
7 noticed although they were not brought to the attention of the court.

8 SEC. 383. The taking of photographs in the courtroom during the
9 progress of judicial proceedings or radio or television broadcasting of
10 judicial proceedings from the courtroom shall not be permitted by the
11 court.

12 SEC. 384. A docket shall be kept by the justice, or by the clerk of
13 the justice's court, if there be one, in which he shall enter each action, and
14 the minutes of the proceedings of the court therein.

15 SEC. 385. Rules made by justices' courts and district courts for the
16 conduct of criminal proceedings shall not be inconsistent with this Title.

17 SEC. 386. If no procedure is specifically prescribed by this Title, the
18 court may proceed in any lawful manner not inconsistent with this Title
19 or with any other applicable statute.

20 SEC. 387. Chapter 179 of NRS is hereby amended by adding thereto
21 the provisions set forth as sections 388 to 422, inclusive, of this act.

22 SEC. 388. As used in sections 389 to 398, inclusive, of this act, the
23 term "property" includes documents, books, papers and any other tan-
24 gible objects.

25 SEC. 389. A search warrant authorized by sections 388 to 398, inclu-
26 sive, of this act may be issued by a magistrate of the State of Nevada.

27 SEC. 390. A warrant may be issued under sections 388 to 398, inclu-
28 sive, of this act to search for and seize any property:

29 1. Stolen or embezzled in violation of the laws of the State of Nevada;
30 or

31 2. Designed or intended for use or which is or has been used as the
32 means of committing a criminal offense.

33 3. When the property or things to be seized consist of any item or
34 constitute any evidence which tends to show that a felony has been com-
35 mitted, or tends to show that a particular person has committed a felony.

36 SEC. 391. 1. A search warrant shall issue only on affidavit or affi-
37 davits sworn to before the magistrate and establishing the grounds for
38 issuing the warrant. If the magistrate is satisfied that grounds for the
39 application exist or that there is probable cause to believe that they exist,
40 he must issue a warrant identifying the property and naming or describing
41 the person or place to be searched.

42 2. The warrant shall be directed to a peace officer in the county
43 where the warrant is to be executed. It shall state the grounds or probable
44 cause for its issuance and the names of the persons whose affidavits have
45 been taken in support thereof. It shall command the officer to search
46 forthwith the person or place named for the property specified.

47 3. The warrant shall direct that it be served in the daytime, unless
48 the magistrate, upon a showing of good cause therefor, inserts a direction
49 that it be served at any time.

50 4. It shall designate the magistrate to whom it shall be returned.

1 SEC. 392. 1. *The officer may break open any outer or inner door or*
2 *window of a house, or any part of the house, or anything therein, to exe-*
3 *cute the warrant, if, after notice of his authority and purpose, he is*
4 *refused admittance.*

5 2. *The officer may break open any outer or inner door or window of*
6 *a house for the purpose of liberating a person who, having entered to aid*
7 *him in the execution of his warrant, is detained therein, or when neces-*
8 *sary for his own liberation.*

9 3. *All reasonable and necessary force may be used to effect an entry*
10 *into any building or property or part thereof to execute a search warrant.*
11 *In the execution of the warrant, the person executing it may reasonably*
12 *detain and search any person in the place at the time in order to protect*
13 *himself from attack or to prevent destruction, disposal or concealment of*
14 *any instruments, articles or things particularly described in the warrant.*

15 SEC. 393. *When a person charged with a felony is supposed to have*
16 *on his person a dangerous weapon, or anything which may be used as*
17 *evidence of the commission of the offense, the officer making the arrest*
18 *shall cause him to be searched, and the weapon or other thing to be*
19 *retained, subject to the order of the court in which the defendant may be*
20 *tried.*

21 SEC. 394. 1. *The warrant may be executed and returned only within*
22 *10 days after its date.*

23 2. *The officer taking property under the warrant shall give to the per-*
24 *son from whom or from whose premises the property was taken a copy*
25 *of the warrant and a receipt for the property taken or shall leave the copy*
26 *and receipt at the place from which the property was taken.*

27 3. *The return shall be made promptly and shall be accompanied by*
28 *a written inventory of any property taken. The inventory shall be made*
29 *in the presence of the applicant for the warrant and the person from*
30 *whose possession or premises the property was taken, if they are present,*
31 *or in the presence of at least one credible person other than the applicant*
32 *for the warrant or the person from whose possession or premises the*
33 *property was taken, and shall be verified by the officer.*

34 4. *The magistrate shall upon request deliver a copy of the inventory*
35 *to the person from whom or from whose premises the property was taken*
36 *and to the applicant for the warrant.*

37 SEC. 395. 1. *A person aggrieved by an unlawful search and seizure*
38 *may move the court having jurisdiction where the property was seized*
39 *for the return of the property and to suppress for use as evidence any-*
40 *thing so obtained on the ground that:*

41 (a) *The property was illegally seized without warrant; or*

42 (b) *The warrant is insufficient on its face; or*

43 (c) *The property seized is not that described in the warrant; or*

44 (d) *There was not probable cause for believing the existence of the*
45 *grounds on which the warrant was issued; or*

46 (e) *The warrant was illegally executed.*

47 *The judge shall receive evidence on any issue of fact necessary to the*
48 *decision of the motion.*

49 2. *If the motion is granted the property shall be restored unless*

1 otherwise subject to lawful detention and it shall not be admissible evi-
2 dence at any hearing or trial.

3 3. The motion to suppress evidence may also be made in the court
4 where the trial is to be had. The motion shall be made before trial or
5 hearing unless opportunity therefor did not exist or the defendant was not
6 aware of the grounds for the motion, but the court in its discretion may
7 entertain the motion at the trial or hearing.

8 SEC. 396. The magistrate who has issued a search warrant shall
9 attach to the warrant a copy of the return, inventory and all other papers
10 in connection therewith and shall file them with the clerk of the court
11 having jurisdiction where the property was seized.

12 SEC. 397. All property or things taken on a warrant must be retained
13 by an officer in his custody, subject to the order of the court to which he
14 is required to return the proceedings before him, or of any other court in
15 which the offense in respect to which the property or things are taken is
16 triable. If it appears that the property taken is not the same as that
17 described in the warrant, or that there is no probable cause for believing
18 the existence of the grounds on which the warrant was issued, the magis-
19 trate shall cause it to be restored to the person from whom it was taken.
20 However, no search warrant shall be quashed by any magistrate or judge
21 within this state nor shall any evidence based upon a search warrant be
22 suppressed in any criminal action or proceeding because of mere technical
23 irregularities which do not affect the substantial rights of the accused.

24 SEC. 398. Sections 388 to 397, inclusive, of this act do not modify
25 any other statute regulating search, seizure and the issuance and execu-
26 tion of search warrants in circumstances for which special provision is
27 made.

28 SEC. 399. When property, alleged to have been stolen or embezzled,
29 shall come into the custody of a peace officer, he shall hold the same sub-
30 ject to the order of the magistrate authorized by section 400 of this act to
31 direct the disposal thereof.

32 SEC. 400. On satisfactory proof of the title of the owner of the prop-
33 erty, the magistrate to whom the information is laid, or who shall examine
34 the charge against the person accused of stealing or embezzling the prop-
35 erty, may order it to be delivered to the owner, on his paying the reason-
36 able and necessary expenses incurred in its preservation, to be certified
37 by the magistrate. The order shall entitle the owner to demand and
38 receive the property.

39 SEC. 401. If the property stolen or embezzled come into the custody
40 of the magistrate, it shall be delivered to the owner on satisfactory proof
41 of his title, and on his paying the necessary expenses incurred in its pres-
42 ervation, to be certified by the magistrate.

43 SEC. 402. If the property stolen or embezzled has not been delivered
44 to the owner, the court before which a conviction is had for stealing or
45 embezzling it may, on proof of his title, order it to be restored to the
46 owner.

47 SEC. 403. If property stolen or embezzled is not claimed by the
48 owner before the expiration of 6 months from the conviction of a person
49 for stealing or embezzling it, the magistrate or other officer having it in
50 custody shall, on payment of the necessary expenses incurred for its

1 preservation, deliver it to the county treasurer, by whom it must be sold
2 and the proceeds paid into the county treasury.

3 SEC. 404. When money or other property is taken from a defendant
4 arrested upon a charge of a public offense, the officer taking it shall at the
5 time give duplicate receipts therefor, specifying particularly the amount
6 of money and the kind of property taken, one of which receipts he shall
7 deliver to the defendant, and the other of which he shall forthwith file
8 with the clerk of the court to which the deposition and statements must
9 be sent.

10 SEC. 405. 1. Unless otherwise expressly required by this Title, no
11 particular form of words is required to be used in any pleading, warrant,
12 order, motion or other paper incident to a criminal proceeding. Substan-
13 tial compliance with any statutory requirement as to content, or in the
14 absence of any such requirement, language which reasonably informs the
15 defendant or other person to whom such paper is directed of its nature, is
16 sufficient.

17 2. The use of one of the forms set out in sections 406 to 422, inclu-
18 sive, of this act, modified as may be necessary to fit the case, is prima
19 facie sufficient for their respective purposes.

20 SEC. 406. A warrant of arrest may be in substantially the following
21 form:

22 *Warrant of Arrest*

23 County of The State of Nevada, to any sheriff, consta-
24 ble, marshal, policeman, or peace officer in this state: A complaint, upon
25 oath, has been this day laid before me by A. B. that the crime of (desig-
26 nate it) has been committed, and accusing C. D. thereof; you are therefore
27 commanded forthwith to arrest the above-named C. D. and bring him
28 before me at (naming the place), or, in case of my absence or inability to
29 act, before the nearest or most accessible magistrate in this county. Dated
30 at, this day of, 19.....

31
32 (Signature and official title of magistrate)

33 SEC. 407. A summons may be in substantially the following form:

34 *Summons*

35 STATE OF NEVADA, }
36 COUNTY OF } ss.

37 The State of Nevada to the (naming defendant or corporation):

38 You are hereby summoned to appear before me at (naming the place)
39 on (specifying the day and hour), to answer a charge made against you
40 upon the complaint of A. B. for (designating the offense generally).

41 Dated at this day of, 19.....

42
43 (Signature and official title of magistrate)

44 SEC. 408. A search warrant may be in substantially the following
45 form:

46 *Search Warrant*

47 STATE OF NEVADA, }
48 COUNTY OF } ss.

49 The State of Nevada, to any peace officer in the county of
50 Proof by affidavit having been made before me by (naming every person

1 whose affidavit has been taken) that (stating the grounds or probable
2 cause for issuance).

3 You are hereby commanded to search (naming the person or describ-
4 ing with reasonable particularity the place to be searched) for the follow-
5 ing property (describing it with reasonable particularity), making the
6 search (in the daytime or at any time, as determined by the magistrate)
7 and if any such property is found there to seize it, prepare a written
8 inventory of the property seized and bring the property before me (or
9 another designated magistrate).

10 Dated at this day of, 19.....

11
12 (Signature and official title of magistrate)

13 SEC. 409. A motion for the return of seized property and the sup-
14 pression of evidence may be in substantially the following form:

15 Motion for the Return of Seized Property
16 and the Suppression of Evidence

17 Defendant (naming defendant) hereby moves this court to direct that
18 certain property of which he is the owner, a schedule of which is annexed
19 hereto, and which on (stating date and time), at (describing the place),
20 was unlawfully seized and taken from him by a peace officer of the State
21 of Nevada (name and designation of peace officer, or, if so, state "whose
22 true name is unknown to the petitioner"), be returned to him and that it
23 be suppressed as evidence against him in any criminal proceeding.

24 The petitioner further states that the property was seized against his
25 will and without a search warrant (or other reason why the warrant is
26 defective or illegal).

27
28 (Attorney for Petitioner)

29 SEC. 410. An undertaking for bail after arrest and before preliminary
30 examination may be in substantially the following form:

31 Undertaking

32 A warrant having been issued on the day of, A.D.
33 19...., by, a justice of the peace of County, for
34 the arrest of (stating name of the accused), upon
35 a charge of (stating briefly the nature of the
36 offense), upon which he has been arrested and duly ordered admitted to
37 bail in the sum of dollars and ordered to appear before the
38 magistrate who issued the warrant, we,, of
39, and, (stating their
40 names and place of residence), hereby undertake that the above-named
41 shall appear and answer the charge above men-
42 tioned, at o'clockm., on the day of,
43 A.D. 19...., before, the magistrate issuing the
44 warrant, at his office in, County, State of
45 Nevada, and that the above-named (insert name of accused) shall appear
46 and answer the charge above mentioned in whatever court and before
47 whatever magistrate it may be prosecuted, or before which he may be
48 required to appear by law, and shall at all times render himself amenable
49 to the orders and process of the court and the requirements of the law,
50 and if convicted shall appear for judgment and render himself in

1 execution thereof; or if he fail to perform any of these conditions, that
2 we will pay to the State of Nevada the sum of dollars
3 (inserting the sum in which the defendant is admitted to bail).
4
5

6
7 (Signatures of Sureties)

8 SEC. 411. An endorsement on a warrant of arrest for commitment
9 for preliminary examination may be in substantially the following form:

10 Endorsement

11 The within-named A. B., having been brought before me under this
12 warrant, is committed for examination to the sheriff (or other appropriate
13 peace officer) of the county of

14
15 (Signature and official title of magistrate)

16 SEC. 412. A discharge after preliminary examination may be in sub-
17 stantially the following form:

18 Discharge

19 There being no sufficient cause to believe the within-named A. B.
20 guilty of the offense within named, I order him to be discharged.

21
22 (Signature and official title of magistrate)

23 SEC. 413. Commitment and bail may be in substantially the following
24 form:

25 Commitment and Bail

26 It appearing to me by the within depositions and statement (if any)
27 that the offense therein named (or any other offense according to the fact,
28 stating generally the nature thereof) has been committed, and that there
29 is sufficient cause to believe the within-named A.B. guilty thereof, I order
30 that he be held to answer the same (and he is hereby committed to the
31 sheriff of the county of) or (and I have admitted him to bail
32 to answer by the undertaking hereto annexed) or (and that he be admitted
33 to bail in the sum of dollars, and is committed to the sheriff
34 of the county of until he give such bail).

35
36 (Signature and official title of magistrate)

37 SEC. 414. A commitment where defendant is held to answer after a
38 preliminary examination may be in substantially the following form:

39 Commitment

40 County of (as the case may be).

41 The State of Nevada to the sheriff of the county of: An
42 order having been this day made by me, that A.B. be held to answer
43 upon a charge of (stating briefly the nature of the offense, and giving as
44 near as may be the time when and the place where the same was com-
45 mitted), you are commanded to receive him into your custody and detain
46 him until he is legally discharged.

47 Dated this day of, 19....

48
49 (Signature and official title of magistrate)

50 SEC. 415. An undertaking for bail after preliminary examination and
before arraignment may be in substantially the following form:

Undertaking

1
2 *An order having been made on the day of, A. D.*
3 *19...., by A. B., a justice of the peace of County (or as the*
4 *case may be), that C. D. be held to answer upon a charge of (stating*
5 *briefly the nature of the offense), upon which he has been duly admitted*
6 *to bail in the sum of dollars, we, E. F. and G. H. (stating*
7 *their place of residence), hereby undertake that the above-named C. D.*
8 *shall appear and answer the charge above mentioned, in whatever court*
9 *it may be prosecuted, and shall at all times render himself amenable to*
10 *the orders and process of the court, and, if convicted, shall appear for*
11 *judgment and render himself in execution thereof, or, if he fail to perform*
12 *any of these conditions, that we will pay to the State of Nevada the sum*
13 *of dollars (inserting the sum in which the defendant is*
14 *admitted to bail).*

.....
.....
Signatures of Sureties

15
16
17
18 SEC. 416. *An indictment may be substantially in the following form:*

Indictment

19
20 *STATE OF NEVADA,* }
21 *COUNTY OF* } *ss.*

22 *The State of Nevada, plaintiff, against A. B., defendant (or John Doe,*
23 *whose real name is unknown). Defendant A. B., above named, is accused*
24 *by the grand jury of the county of, of a felony (or of the*
25 *crime of murder or other name of crime), committed as follows: The said*
26 *A. B., on the day of, A. D. 19...., or thereabouts, at*
27 *the county of, State of Nevada, without authority of law*
28 *and with malice aforethought, killed Richard Roe, by shooting with a pis-*
29 *tol (or with a gun or other weapon, according to the facts).*

.....
District Attorney

or District Attorney, by Deputy.

30
31
32
33 SEC. 417. *An information may be in substantially the following form:*

Information

34
35 *STATE OF NEVADA,* }
36 *COUNTY OF* } *ss.*

37 *In the court. The State of Nevada against A. B., C. D.*
38 *district attorney within and for the county of in the state*
39 *aforesaid, in the name and by the authority of the State of Nevada,*
40 *informs the court that A. B. on the day of, A. D.*
41 *19...., at the county of, did (here state offense) against the*
42 *peace and dignity of the State of Nevada.*

43 *C. D., District Attorney.*

44 *or C. D., District Attorney, by H. M., Deputy.*

45 SEC. 418. *A warrant upon the finding of a presentment, indictment*
46 *or information may be in substantially the following form:*

Warrant

47
48 *County of The State of Nevada, to any sheriff, con-*
49 *stable, marshal, policeman, or peace officer in this state: A presentment*

1 having been made or an indictment having been found (or information
2 filed) on the day of, A. D. 19...., in the district court
3 of the, county of, charging C. D. with the
4 crime of (designating it generally), you are therefore commanded forth-
5 with to arrest the above-named C. D. and bring him before that court to
6 answer the presentment, indictment or information; or if the court is not
7 in session that you deliver him into the custody of the sheriff of the county
8 of, By order of the court. Given under my hand with the
9 seal of the court affixed this day of, A.D. 19....

10 (Seal)

E. F., Clerk.

11 SEC. 419. An undertaking for bail after arrest on a warrant following
12 the finding of a presentment, indictment or information may be in sub-
13 stantially the following form:

14 *Undertaking*

15 A presentment having been made (or an indictment having been found
16 or an information having been filed), on the day of,
17 A.D. 19...., in the District Court of the Judicial District of
18 the State of Nevada, in and for the County of (as the case
19 may be), charging A. B. with the crime of (indicating it generally), and he
20 having been duly admitted to bail in the sum of dollars, we,
21 C. D. and E. F. (stating their place of residence), hereby undertake that
22 the above-named A. B. shall appear and answer the indictment or infor-
23 mation above mentioned in whatever court it may be prosecuted, and
24 shall at all times render himself amenable to the orders and processes of
25 the court, and, if convicted, shall appear for judgment and render himself
26 in execution thereof; or, if he fail to perform either of these conditions,
27 that we will pay to the State of Nevada the sum of dollars
28 (inserting the sum in which the defendant is admitted to bail).

29
30
31 *Signatures of Sureties*

32 SEC. 420. A subpoena or subpoena duces tecum may be in substantially
33 the following form:

34 *Subpena*

35 The State of Nevada to A. B.: You are commanded to appear before
36 C. D., a justice of the peace of township, in
37 County (or, the court of, as the case may be), at (naming
38 the place), on (stating the day and hour), as a witness in a criminal action,
39 prosecuted by the State of Nevada against E. F. Given under my hand
40 this day of, A.D. 19.... G. H., Justice of the Peace
41 (or "By order of the court, L. M., Clerk (seal)" as the case may be).
42 (If books, papers or documents be required, a direction to the following
43 effect shall be contained in the subpoena: "And you are required also to
44 bring with you the following (describing intelligibly the books, papers or
45 documents required).")

46 SEC. 421. A bench warrant may be in substantially the following
47 form:

48 *Bench Warrant*

49 STATE OF NEVADA,)
50 COUNTY OF } ss.

SEC. 422. *When bail is taken upon the recommitment of the defendant, the undertaking shall be in substantially the following form:*

14 and, the undertaking shall be in conformity with
15 Undertaking

15 *An order having been made on the day of, A. D.*
16 *19...., by the court (naming it), that A. B. be admitted to bail in the sum*
17 *of \$....., in an action pending in that court against him, in behalf*
18 *of the State of Nevada, upon a (presentment, indictment, information, or*
19 *appeal, as the case may be), we, C. D. and E. F., of (stating their place*
20 *of residence), hereby undertake that the above-named A. B. shall appear*
21 *in that or any other court in which his appearance may be lawfully*
22 *required, upon that (presentment, indictment, information, or appeal, as*
23 *the case may be), and shall at all times render himself amenable to its*
24 *orders and processes, and appear for judgment, and surrender himself in*
25 *execution thereof; or, if he fail to perform any of these conditions, that*
26 *we will pay to the State of Nevada the sum of \$..... (inserting the*
27 *sum in which the defendant is admitted to bail).*
28

31
32 SEC. 423. Chapter 185 of NRS is hereby amended by adding thereto
33 a new section which shall read as follows:

33 a new section which shall read as follows:
34 *Except as otherwise expressly provided in chapter 189 of NRS, crimi-*
35 *nal proceedings in justices' courts are governed by the provisions of Title*
36 *14 of NRS.*

37 SEC. 424. NRS 189.020 is hereby amended to read as follows:

189.020 1. The party intending to appeal must file with the justice and serve upon the district attorney a notice entitled in the action, setting forth the character of the judgment, and the intention of the party to appeal therefrom to the district court.

41 appeal therefrom to the district court.
42 2. [He may also, at any time thereafter, if he desire to be released
43 from custody during the pendency of the appeal, or desire a stay of pro-
44 ceedings under the judgment until the appeal be disposed of, enter bail
45 for the due prosecution of the appeal, the payment of any judgment, fine
46 and costs that may be awarded against him on the appeal, and for failure
47 to prosecute the same, and for the rendering of himself in execution of the
48 judgment appealed from, or of any judgment rendered against him in the
49 action appealed from in the court to which the same is appealed.] Stay

1 *of judgment pending appeal is governed by sections 296 and 297 of this*
2 *act.*

3 SEC. 425. NRS 189.080 is hereby amended to read as follows:

4 189.080 1. If the defendant does not object to the complaint for any
5 of the causes specified in NRS 189.070, or if his objections are overruled,
6 he must be required to plead as to an indictment without regard to any
7 plea entered before the justice.

8 2. *If a jury trial was had in the justice's court, the reporter shall tran-*
9 *scribe his notes and no evidence except such transcript may be received.*

10 3. *No appeal may be tried by jury.*

11 4. In other respects, the proceedings shall be the same as in criminal
12 actions originally commenced in the district court, and judgment shall be
13 rendered and carried into effect accordingly.

14 SEC. 426. Chapter 6 of NRS is hereby amended by adding thereto a
15 new section which shall read as follows:

16 *Upon the completion of its business for the time being, the court may*
17 *recess the grand jury subject to recall at such time or times as new busi-*
18 *ness may require its attention.*

19 SEC. 427. NRS 6.130 is hereby amended to read as follows:

20 6.130 1. In any county it shall be mandatory to summon a grand
21 jury whenever a verified petition is presented *to the clerk of the district*
22 *court* containing the signatures of 75 registered voters or the signatures of
23 registered voters equal in number to 5 percent of the number of votes
24 cast within the county at the last preceding general election for the office
25 of Representative in Congress, whichever number of signatures is the
26 greater, specifically setting forth the fact or facts constituting the neces-
27 sity of convening a grand jury.

28 2. In any county, if the statute of limitations has not run against the
29 person offending, it shall also be mandatory, within 5 days, to summon a
30 grand jury after an affidavit or verified petition by any taxpayer accom-
31 panied by and with corroborating affidavits of at least 2 additional per-
32 sons has been filed with the clerk of the district court, setting forth that
33 there is reason to believe that there has been a misappropriation of public
34 funds or property by a public officer, past or present, or any fraud com-
35 mitted against the county or state by any officer, past or present, or any
36 violation of trust by any officer, past or present.

37 3. *If there is a grand jury in recess, the court shall recall that grand*
38 *jury. Otherwise, a new grand jury shall be summoned.*

39 SEC. 428. NRS 7.260 is hereby amended to read as follows:

40 7.260 1. An attorney other than a public defender appointed by a
41 district court to represent a defendant before a magistrate or to defend
42 a person charged with any offense by indictment or information, or by a
43 district court or the supreme court or a justice thereof to represent an
44 indigent petitioner for a writ of habeas corpus, which petitioner is impris-
45 oned pursuant to a judgment of conviction of a gross misdemeanor or a
46 felony, is entitled to receive a fee to be set at the discretion of the appoint-
47 ing court, judge or justice, but the fee shall not be set at more than \$200
48 for services in a justice's court and \$300 for services in a district court
49 unless the crime is punishable by death, in which event the fee for serv-
50 ices in a district court shall not be set at more than \$1,000. The fee shall

1 be paid from the county treasury, unless the proceeding is based upon a
2 petition for a writ of habeas corpus filed by an indigent petitioner impris-
3 oned pursuant to a judgment of conviction of a gross misdemeanor or a
4 felony, *or upon an automatic appeal*, in which **[case]** cases the fee shall
5 be paid from the reserve for statutory contingency fund pursuant to NRS
6 353.264.

7 2. If such an attorney is called by a court into a county other than
8 the county in which he has his office, he shall be allowed in addition to
9 the fee provided in subsection 1 traveling expenses and subsistence allow-
10 ances in the amounts specified in NRS 281.160.

11 3. Compensation for services and expenses which is a county charge
12 shall be paid by the county treasurer out of any moneys in the county
13 treasury not otherwise appropriated, upon the certificate of the judge of
14 the court that such attorney has performed the services required and
15 incurred the expenses claimed. Compensation for services and expenses
16 which is a state charge shall be paid from the reserve for statutory con-
17 tingency fund upon approval by the state board of examiners.

18 4. An attorney cannot, in such case, be compelled to follow a case
19 to another county or into the supreme court, and if he does so, he may
20 recover an enlarged compensation to be graduated on a scale correspond-
21 ing to the sums allowed.

22 SEC. 429. NRS 34.360 is hereby amended to read as follows:

23 34.360. 1. Every person unlawfully committed, detained, confined or
24 restrained of his liberty, under any pretense whatever, may prosecute a
25 writ of habeas corpus to inquire into the cause of such imprisonment or
26 restraint.

27 2. *Application for the writ by or on behalf of a person who has been*
28 *convicted of a crime and is under sentence of death or imprisonment*
29 *shall be made in the manner provided by sections 317 to 324, inclusive,*
30 *of this act.*

31 SEC. 430. NRS 34.500 is hereby amended to read as follows:

32 34.500 If it appears on the return of the writ of habeas corpus that
33 the prisoner is in custody by virtue of process from any court of this
34 state, or judge or officer thereof, such prisoner may be discharged, in any
35 one of the following cases: **[, subject to the restrictions of NRS 34.490:]**

36 1. When the jurisdiction of such court or officer has been exceeded.

37 2. When the imprisonment was at first lawful, yet by some act, omis-
38 sion or event, which has taken place afterwards, the party has become
39 entitled to be discharged.

40 3. When the process is defective in some matter of substance required
41 by law, rendering such process void.

42 4. When the process, though proper in form, has been issued in a
43 case not allowed by law.

44 5. When the person having the custody of the prisoner is not the per-
45 son allowed by law to detain him.

46 6. Where the process is not authorized by any judgment, order or
47 decree of any court, nor by any provision of law.

48 7. Where a party has been committed *or indicted* on a criminal
49 charge without reasonable or probable cause.

1 SEC. 431. Chapter 193 of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 432 to 435, inclusive, of this act.

3 SEC. 432. *Lawful resistance to the commission of a public offense*
4 *may be made:*

5 1. *By the party about to be injured.*

6 2. *By other parties.*

7 SEC. 433. *Resistance sufficient to prevent the offense may be made*
8 *by the party about to be injured:*

9 1. *To prevent an offense against his person, or his family or some*
10 *member thereof.*

11 2. *To prevent an illegal attempt, by force, to take or injure property*
12 *in his lawful possession.*

13 SEC. 434. *Any other person, in aid or defense of a person about to be*
14 *injured, may make resistance sufficient to prevent the offense.*

15 SEC. 435. *Whenever the officers of justice are authorized to act in*
16 *the prevention of public offenses, other persons, who by their command*
17 *act in their aid, are justified in so doing.*

18 SEC. 436. NRS 193.180 is hereby amended to read as follows:

19 193.180 **[1.]** All offenses recognized by the common law as
20 crimes, and not enumerated in NRS, shall be punished:

21 **[(a)]** 1. In cases of felonies, by imprisonment in the state prison for
22 a term not less than 1 year nor more than 5 years.

23 **[(b)]** 2. In cases of misdemeanors, by imprisonment in the county
24 jail for a term not exceeding 6 months nor less than 1 month, or by fine
25 not exceeding \$500, or both.

26 **[2.]** Whenever any fine is imposed for any felony or misdemeanor,
27 whether such be by statute or at common law, the party upon whom the
28 fine is imposed shall be committed to the county jail, when not sentenced
29 to the state prison, until the fine is paid; and he shall be imprisoned at the
30 rate of 1 day for each \$2 until such fine is paid.]

31 SEC. 437. Chapter 199 of NRS is hereby amended by adding thereto
32 a new section which shall read as follows:

33 *Every person who has been admitted to bail, whether provided by*
34 *deposit, surety or upon his own recognizance, and has not been recom-*
35 *mitted to custody who fails to appear at the time and place required by*
36 *the order admitting him to bail or any modification thereof, unless he*
37 *surrenders himself within 30 days or is excused by the court, is guilty of:*

38 1. *A felony, if admitted incident to prosecution for a felony.*

39 2. *A misdemeanor, if admitted incident to prosecution for a misde-*
40 *meanor or gross misdemeanor.*

41 SEC. 438. NRS 200.030 is hereby amended to read as follows:

42 200.030 1. All murder which shall be perpetrated by means of poi-
43 son, or lying in wait, torture, or by any other kind of willful, deliberate
44 and premeditated killing, or which shall be committed in the perpetration,
45 or attempt to perpetrate, any arson, rape, robbery or burglary, or which
46 shall be committed by a convict in the state prison serving a sentence of
47 life imprisonment, shall be deemed murder of the first degree; and all
48 other kinds of murder shall be deemed murder of the second degree.

49 2. The jury before whom any person indicted for murder shall be

1 tried shall, if they find such person guilty thereof, designate by their ver-
2 dict whether it be murder of the first or second degree.

3 3. [Upon a plea of guilty which specifies a degree lower than murder
4 in the first degree, the district judge before whom such plea was made
5 shall give sentence accordingly. If any person is convicted of murder on
6 his confession in open court without a jury, or upon a plea of guilty with-
7 out specification of a degree, the supreme court shall appoint two district
8 judges from judicial districts other than the district in which the confes-
9 sion or plea is made, who shall, with the district judge before whom such
10 confession or plea was made, or his successor in office, by examination
11 of witnesses, determine the degree of the crime and give sentence accord-
12 ingly. Such determination shall be by unanimous vote of the three district
13 judges.

14 4.] If the jury shall find the defendant guilty of murder in the first
15 degree, then the jury by its verdict shall fix the penalty at death or impris-
16 onment in the state prison for life with or without possibility of parole,
17 except that if the murder was committed by a convict in the state prison
18 serving a sentence of life imprisonment, the jury shall fix the penalty at
19 death or imprisonment in the state prison for life without possibility of
20 parole. [Upon a plea of guilty the court, as provided in subsection 3, shall
21 determine the same; and every] Every person convicted of murder of the
22 second degree shall suffer imprisonment in the state prison for a term of
23 not less than 10 years, which term may be extended to life.

24 SEC. 439. Chapter 201 of NRS is hereby amended by adding thereto
25 a new section which shall read as follows:

26 *Any sexual penetration, however slight, is sufficient to complete the*
27 *crime against nature.*

28 SEC. 440. NRS 213.1098 is hereby amended to read as follows:

29 213.1098 All information obtained in the discharge of official duty
30 by a parole and probation officer or employee of the board shall be privi-
31 leged and shall not be disclosed directly or indirectly to anyone other than
32 the board [, the] or judge, [district attorney or others entitled to receive
33 such information,] unless otherwise ordered by the board or judge.

34 SEC. 441. NRS 260.030 is hereby amended to read as follows:

35 260.030 1. The public defender shall be a qualified attorney licensed
36 to practice in this state.

37 2. The public defender shall, when designated by the appropriate
38 judge of the district court, [pursuant to the provisions of NRS 171.370,]
39 represent, without charge, each indigent person who is under arrest and
40 held for a crime which constitutes a felony or gross misdemeanor.

41 SEC. 442. NRS 260.050 is hereby amended to read as follows:

42 260.050 When representing an indigent person, the public defender
43 shall:

44 1. Counsel and defend him, if he is held in custody and charged with
45 a public offense amounting to a felony or gross misdemeanor, at every
46 stage of the proceedings following his designation by the appropriate
47 judge of the district court, [pursuant to the provision of NRS 171.370;]
48 and

49 2. Prosecute any appeals or other remedies before or after conviction
50 that he considers to be in the interests of justice.

1 SEC. 443. NRS 266.590 is hereby amended to read as follows:

2 266.590 1. Any person upon whom any fine or penalty shall be
3 imposed may, upon the order of the court before whom the conviction is
4 had, be committed to the county jail or the city jail, or to such other place
5 as may be provided by the city for the incarceration of offenders, until
6 such fine **[,]** or penalty **[and costs]** shall be fully paid.

7 2. The city council shall have power to provide by ordinance that
8 every person committed shall be required to work for the city at such
9 labor as his strength will permit, not exceeding 8 hours each working
10 day; and for such work the person so employed shall be allowed **[\$2]** \$4
11 for each day's work on account of such fine. **[and costs.]** The council
12 may provide for the formation of a chain gang for persons convicted of
13 offenses in violation of the ordinances of the city, and for their proper
14 employment for the benefit of the city, and to safeguard and prevent their
15 escape while being so employed.

16 3. Fines imposed by the municipal court may be recovered by execu-
17 tion against the property of the defendant, or the payment thereof
18 enforced by imprisonment in the city jail of the city at the rate of 1 day
19 for every **[\$1]** \$4 of such fine, or the court may, in its discretion, adjudge
20 and enter upon the docket a supplemental order that such offender shall
21 work on the streets or public works of the city, at the rate of **[\$2]** \$4 for
22 each day of the sentence, which shall apply on such fine until the same
23 shall be exhausted or otherwise satisfied.

24 SEC. 444. Chapter 281 of NRS is hereby amended by adding thereto
25 a new section which shall read as follows:

26 *As used in this chapter, "public officer" means a person elected or*
27 *appointed to a position which:*

28 1. *Is established by the constitution or a statute of this state, or by a*
29 *charter or ordinance of a political subdivision of this state; and*

30 2. *Involves the continuous exercise, as part of the regular and per-*
31 *manent administration of the government, of a public power, trust or*
32 *duty.*

33 SEC. 445. NRS 353.264 is hereby amended to read as follows:

34 353.264 1. There is hereby created in the state treasury the reserve
35 for statutory contingency fund.

36 2. The reserve for statutory contingency fund shall be administered
37 by the state board of examiners, and the moneys in such fund shall be
38 expended only for the payment of claims which are obligations of the
39 state under NRS 7.260, **[34.690,]** 41.037, **[176.610,]** 178.435, 179.-
40 310, 212.040, 212.050, 212.070, 214.040 and 353.120 **[.]** and sections
41 277 and 320 of this act.

42 SEC. 446. Chapter 462 of NRS is hereby amended by adding thereto
43 a new section which shall read as follows:

44 *Upon a trial for violation of any of the provisions of NRS 462.010 to*
45 *462.060, inclusive, it shall not be necessary to prove the existence of any*
46 *lottery in which any lottery ticket shall purport to have been issued, nor to*
47 *prove the actual signing of any such ticket or share, or pretended ticket*
48 *or share of any pretended lottery, nor that any lottery ticket, share, or*
49 *interest was signed or issued by the authority of any manager, or of any*
50 *person assuming to have authority as manager; but in all cases proof of*

1 *the sale, furnishing, bartering, or procuring of any ticket, share, or inter-*
2 *est therein, or of any instrument purporting to be a ticket, or part or*
3 *share of any such ticket, shall be evidence that such share or interest was*
4 *signed and issued according to the purport thereof.*

5 SEC. 447. Chapters 186, 187, 188 and 190 of NRS and NRS 34.490,
6 34.690, 169.010 to 169.190, inclusive, 170.010 to 170.030, inclusive,
7 170.050, 171.105 to 171.510, inclusive, 172.010 to 172.420, inclu-
8 sive, 173.010 to 173.450, inclusive, 174.010 to 174.540, inclusive, 175.-
9 010 to 175.575, inclusive, 176.010 to 176.610, inclusive, 177.010 to
10 177.280, inclusive, 178.010 to 178.395, inclusive, 178.410, 178.475 to
11 178.600, inclusive, 179.010 to 179.200, inclusive, 185.010 to 185.130,
12 inclusive, and 211.070 are hereby repealed.

13 SEC. 448. Section 16 of the charter of the City of Caliente, being
14 chapter 289, Statutes of Nevada 1957, at page 406, is hereby amended to
15 read as follows:

16 Section 16. Police Judge, Courts, Powers and Duties.

17 (1) There shall be in the City of Caliente a municipal court; the
18 papers, pleadings filed therein and process issuing therefrom shall be
19 entitled "In the Municipal Court of the City of Caliente."

20 (2) The municipal court shall be presided over by a police judge, who
21 shall be a citizen of the state, and shall have been a bona fide resident of
22 the city for not less than one year next preceding his election or appoint-
23 ment, and he shall be an elector and taxpayer in the city.

24 (3) The municipal court shall have such powers and jurisdiction in the
25 city as are now provided by law for justices of the peace wherein any per-
26 son or persons are charged with the breach or violation of the provisions
27 of any ordinance of said city or of this act, of a police or municipal
28 nature; provided, that the trial and proceedings in such cases shall be
29 summary and without a jury.

30 (4) The said court shall have jurisdiction to hear, try and determine
31 all cases, whether civil or criminal, for the breach or violation of any city
32 ordinance or any provision of this act of a police or municipal nature, and
33 shall hear, try and determine such cases in accordance with the provisions
34 of such ordinances or of this act.

35 (5) The practice and proceedings in said court shall conform, as nearly
36 as practicable, to the practice and proceedings of justice courts in similar
37 cases.

38 (6) Fines imposed by the court may be recovered by execution against
39 the property of the defendant, or the payment thereof enforced by impris-
40 onment in the city jail of said city, at the rate of one day for every **[two]**
41 *four* dollars of such fine, or the court may, in its discretion, adjudge and
42 enter upon the docket a supplemental order that such offender shall work
43 on the streets or public works of said city, at the rate of **[three]** *four* dol-
44 lars for each day of the sentence, which shall apply on such fine until the
45 same shall be exhausted or otherwise satisfied.

46 (7) Said court shall have jurisdiction of any action for the collection
47 of taxes or assessments levied for city purposes, when the principal sum
48 thereof does not exceed three hundred dollars; also of actions to foreclose
49 liens in the name of the city for the nonpayment of such taxes or assess-
50 ments when the principal sum claimed does not exceed three hundred

1 dollars; also for the breach of any bond given by any officer or persons to
2 or for the use or benefit of the city, and of any action for damages to
3 which the city is a party, and upon all forfeited recognizances given to or
4 for the use or benefit of the city, and upon all appeal bonds given on
5 appeals from said court in any of the cases above named, when the prin-
6 cipal sum claimed does not exceed three hundred dollars; provided, that
7 nothing herein contained shall be so construed as to give such court juris-
8 diction to determine any such cause when it shall be made to appear by
9 the pleadings or the verified answer, that the validity of any tax, assess-
10 ment or levy, or title to real property shall necessarily be an issue in such
11 cause, in which case the court shall certify such cause to the district court
12 in like manner and with the same effect as provided by law for certifica-
13 tion of causes by justice courts.

14 (8) The said court shall have jurisdiction of offenses committed within
15 the city, which violate the peace and good order of the city or which
16 invade any of the police powers of the city, or endanger the health of the
17 inhabitants thereof, such as breaches of the peace, drunkenness, intoxica-
18 tion, fighting, quarreling, dog fights, cock fights, routs, riots, riot affrays,
19 violent injury to property, malicious mischief, vagrancy, indecent conduct,
20 lewd or lascivious cohabitation, or behavior, and all disorderly, offensive
21 or opprobrious conduct, and of all offenses under ordinances of the city.

22 (9) The said court shall be treated and considered as a justice court
23 whenever the proceedings thereof are called into question. The court shall
24 have power to issue all warrants, search warrants, writs and process nec-
25 essary to a complete and effective exercise of its powers and jurisdiction,
26 and may punish for contempts in like manner and with the same effect as
27 is provided by general law for justices of the peace.

28 (10) The police judge shall keep a docket in which shall be entered
29 all official business in like manner as in justice courts. He shall render
30 monthly or oftener as the council may require, an exact and detailed
31 statement, in writing, under oath, of the business done and of all fines col-
32 lected, as well as fines imposed but uncollected, since his last report, and
33 shall at the same time render and pay into the city treasury all fines col-
34 lected and moneys received on behalf of the city since his last report.

35 (11) In all cases in which the police judge shall, by reason of being a
36 party, or being interested therein, to any proceeding pending in the
37 municipal court, or related to either defendant or plaintiff or complaining
38 witness therein as the case may be, by consanguinity or affinity within the
39 third degree, or in case of his sickness, absence or inability to act, any jus-
40 tice of the peace of said county, on the written request of the mayor, shall
41 act in place and stead of said police judge; and the council shall have
42 power to apportion ratably the salary of such police judge to such justice
43 of the peace so serving, and deduct the sum so apportioned from the sal-
44 ary of such police judge.

45 (12) Appeals to the district court may be taken from any final judg-
46 ment of said municipal court in the same manner and with the same effect
47 as appeals from justice courts in civil or criminal cases, as the case
48 may be.

49 (13) All warrants issued by the municipal court shall run to any sheriff
50 or constable of the county, or to the marshal or any policeman of the city.

1 SEC. 449. Section 31 of the charter of the City of Caliente, being
2 chapter 289, Statutes of Nevada 1957, at page 424, is hereby amended
3 to read as follows:

4 Section 31. Punishment of Offenders. In all actions for the viola-
5 tion of any ordinance, it shall be sufficient if the complaint refer to the
6 title and section of the ordinance under which such action is brought. Any
7 person upon whom any fine or penalty shall be imposed, may, upon the
8 order of the court, before whom the conviction is had, be committed to
9 the county jail or the city prison, or to such other place as may be pro-
10 vided by the city for the incarceration of offenders, until such fine [.] or
11 penalty [and costs] shall be fully paid.

12 The city council shall have power to provide by ordinance that every
13 person committed shall be required to work for the city at such labor as
14 his strength will permit, not exceeding eight hours each working day; and
15 for such work the person so employed shall be allowed [three] four dol-
16 lars for each day's work on account of such fine. [and costs.] The council
17 may provide for the formation of a chain-gang for persons convicted of
18 offenses in violation of the ordinances of the city, and to safeguard and
19 prevent their escape while being so employed.

20 SEC. 450. Section 28 of the charter of Carson City, being chapter 43,
21 Statutes of Nevada 1875, at page 96, is hereby amended to read as fol-
22 lows:

23 Section 28. Civil actions may be brought by the city in any Court of
24 competent jurisdiction, and actions for violation of any ordinances of
25 the city may be brought before the City Recorder, and fines imposed by
26 the Recorder may be recovered by execution against the property of the
27 defendant, or the payment thereof may be enforced by imprisonment in
28 the County Jail of Ormsby County, which shall serve as the City Jail, at
29 the rate [not exceeding] of one day for every [two] four dollars of such
30 fine; [and costs;] or said Recorder may, at his discretion, adjudge and
31 enter up in his docket an order that such offender shall work on the
32 streets or public works at the rate of [two] four dollars for each day,
33 which shall apply on such fine [and costs] until the same be so exhausted
34 or otherwise satisfied. Appeal may be taken from such judgments as in
35 cases of appeal from Justices' Courts in criminal cases.

36 SEC. 451. Section 35 of the charter of the City of Elko, being chap-
37 ter 417, Statutes of Nevada 1965, at page 1122, is hereby amended to
38 read as follows:

39 Section 35. Punishment of Offenders. In all actions for the viola-
40 tion of any ordinance, it shall be sufficient if the complaint refer to the
41 title and section of the ordinance under which such action is brought. Any
42 person upon whom any fine or penalty shall be imposed may, upon the
43 order of the court before whom the conviction is had, be committed to
44 the county jail or the city prison, or to such other place as may be pro-
45 vided by the city for the incarceration of offenders, until such fine [.] or
46 penalty [and costs] shall be paid, or satisfied at the rate of one day for
47 each four dollars of such fine. [and costs.]

48 SEC. 452. Section 36 of the charter of the City of Elko, being chapter
49 417, Statutes of Nevada 1965, at page 1122, is hereby amended to read
50 as follows:

1 Section 36. Chain Gang. The board of supervisors shall have
2 power to provide by ordinance that every person committed shall be
3 required to work for the city at such labor as his strength will permit, not
4 exceeding eight hours each working day; and for such work the person so
5 employed shall be allowed four dollars for each day's work on account of
6 such fine. [and costs.] The board may provide for the formation of a
7 chain gang for persons convicted of offenses in violation of the ordinances
8 of the city, and for their proper employment for the benefit of the city,
9 and to safeguard and prevent their escape while being so employed.

10 SEC. 453. Section 32 of the charter of the city of Gabbs, being chap-
11 ter 381, Statutes of Nevada 1955, at page 674, is hereby amended to read
12 as follows:

13 Section 32. The municipal court shall be presided over by a police
14 judge, who shall be a citizen of the state and resident of the city for not
15 less than 1 year and who shall be a qualified elector of the city. The
16 municipal court shall have such powers and jurisdiction in the city as are
17 now provided by law for justices of the peace, wherein any person or per-
18 sons are charged with breach or violation of the provisions of any ordi-
19 nance of the city or of this act, or of a violation of a municipal nature,
20 and the court shall have concurrent jurisdiction with the justice of the
21 peace in both civil and criminal matters arising and triable within the lim-
22 its of the city and be governed by the same rules and receive the same
23 fees as are now, or may be provided by law; provided, that the trial and
24 proceedings in such cases shall be summary and without a jury. The court
25 shall have exclusive jurisdiction to hear, try and determine all cases,
26 whether civil or criminal, for the breach or violation of any city ordinance
27 or any provision of the charter of a police nature, and shall hear, try,
28 determine, acquit, convict, commit, fine or hold to bail in accordance
29 with the provisions of such ordinances, or of this charter. The practice
30 and proceedings in the court shall conform, as nearly as practicable, to
31 the practice and proceedings of the justices' courts in similar cases. Fines
32 imposed by the court may be recovered by execution against the property
33 of the defendant, or the payment thereof enforced by imprisonment in the
34 city or county jail, at the rate of 1 day for every [\$2] \$4 of such fine, or
35 the court may, in its discretion, adjudge and enter upon the docket a sup-
36 plemental order that such offender shall work on the streets or public
37 works of the city, at a rate of [\$2] \$4 for each day of the sentence, which
38 shall apply on such fine until the same shall be exhausted or otherwise
39 satisfied.

40 The court shall have jurisdiction of any action for the collection of
41 taxes or assessments levied for city purposes, when the principal sum
42 thereof does not exceed \$300; also, of actions to foreclose liens in the
43 name of the city for the nonpayment of such taxes or assessments where
44 the principal sum claimed does not exceed \$300; also, of any action for
45 the collection of any money payable to the city from any person when the
46 principal sum claimed does not exceed \$300; also, for the breach of any
47 bond given by any officer or person to or for the use or benefit of the city,
48 and any action for damages in which the city is a party, and upon all for-
49 feited recognizances given to or for the use or benefit of the city, and
50 upon all appeal bonds given on appeals from the court in any of the cases

1 named above, when the principal sum claimed does not exceed \$300;
2 also, for the recovery of personal property belonging to the city when the
3 value thereof does not exceed \$300; provided, that nothing herein con-
4 tained shall be construed as to give such court jurisdiction to determine
5 any such cause when it shall be made to appear by the pleadings or the
6 verified answer that the validity of any tax, assessment, or levy shall nec-
7 essarily be in issue in such cause, in which case the court shall certify such
8 cause to the district court in like manner and with the same effect as pro-
9 vided by law for certification of causes by justices' courts.

10 The court shall have jurisdiction of offenses committed within the city,
11 which violate the peace and good order of the city, or which invade any
12 of the police powers of the city, or endanger the health of the inhabitants
13 thereof, such as breaches of the peace, drunkenness, intoxication, fight-
14 ing, quarreling, routs, riots, affrays, violent injury to property, malicious
15 mischief, vagrancy, indecent conduct, lewd or lascivious cohabitation or
16 behavior, and all disorderly, offensive, or opprobrious conduct, and of all
17 offenses under ordinances of the city.

18 The court shall be treated and considered as a justice's court whenever
19 the proceedings thereof are called into question. The court shall have
20 power to issue all warrants, writs and process necessary to a complete and
21 effective exercise of the powers and jurisdiction of the court, and may
22 punish for contempt in like manner and with the same effect as is provided
23 by the general law for justices of the peace.

24 The police judge shall keep a docket in which shall be entered all
25 official business in like manner as in justices' courts. He shall render
26 monthly or oftener, as the councilmen may require, an exact and detailed
27 statement in writing, under oath, of the business done and of all fines
28 collected, as well as imposed but uncollected, since his last report, and
29 shall at the same time render and pay unto the city clerk all fines col-
30 lected and moneys received on behalf of the city since his last report.

31 In all cases in which the police judge shall by reason of being a party,
32 or being interested, or related to either defendant or plaintiff, or com-
33 plaining witness, as the case may be, by consanguinity or affinity within
34 the third degree, or in case of his sickness, absence or inability to act,
35 any justice of the peace of the county on the written request of the mayor,
36 may act in the place and stead of such police judge, and the councilmen
37 shall have the power to apportion ratably the salary or compensation of
38 such police judge to such justice of the peace so serving, and deduct the
39 sum so apportioned from the salary of such police judge.

40 Appeals to the district court may be taken from any final judgment of
41 the municipal court, in the same manner and with the same effect as in
42 cases of appeal from justices' courts in civil and criminal cases, as the
43 case may be.

44 All warrants issued by the municipal court shall run to any sheriff or
45 constable of the county or the marshal or any policeman of the city.

46 SEC. 454. Section 39 of the charter of the city of Gabbs, being
47 chapter 381, Statutes of Nevada 1955, at page 685, is hereby amended
48 to read as follows:

49 Section 39. Punishment of Offenders. In all actions for the viola-
50 tion of any ordinance, it shall be sufficient if the complaint refer to the

1 title and section of the ordinance under which such action is brought.
2 Any person upon whom any fine or penalty shall be imposed may, upon
3 the order of the court, before whom the conviction is had, be committed
4 to the county jail or the city prison, or to such other place as may be pro-
5 vided by the city for the incarceration of offenders, until such fine [.] or
6 penalty [and costs] shall be fully paid.

7 SEC. 455. Section 40 of the charter of the City of Gabbs, being
8 chapter 381, Statutes of Nevada 1955, at page 685, is hereby amended to
9 read as follows:

10 Section 40. Chain Gang. The board of councilmen shall have power
11 to provide by ordinance that every person committed shall be required
12 to work for the city at such labor as his strength will permit, not
13 exceeding 8 hours each working day; and for such work the person so
14 employed shall be allowed [2] \$4 for each day's work on account of
15 such fine. [and costs.] The board may provide for the formation of a
16 chain gang for persons convicted of offenses in violation of the ordinances
17 of the city, and for their proper employment for the benefit of the city,
18 and to safeguard and prevent their escape while being so employed.

19 SEC. 456. Section 79 of the charter of the City of Henderson, being
20 chapter 240, Statutes of Nevada 1965, at page 461, is hereby amended
21 to read as follows:

22 Section 79. Fines and penalties: Commitment; recovery by execu-
23 tion; work gang.

24 1. Any person upon whom any fine or penalty is imposed may, upon
25 the order of the court before whom the conviction is had, be committed
26 to the city jail, or to such other place as may be provided by the city for
27 the incarceration of offenders, until such fine and penalty are fully paid.

28 2. The council shall have power to provide by ordinance that every
29 person committed shall be required to work for the city at such labor as
30 his strength will permit, not exceeding 8 hours each working day; and for
31 such work the person so employed shall be allowed \$4 for each day's
32 work on account of such fine. The council may provide for the formation
33 of a work gang for persons convicted of offenses in violation of the ordi-
34 nances of the city, and for their proper employment for the benefit of the
35 city, and to safeguard and prevent their escape while being so employed.

36 3. Fines imposed by the municipal court may be recovered by exe-
37 cution against the property of the defendant, or the payment thereof
38 enforced by imprisonment in the city jail at the rate of 1 day for every
39 [2] \$4 of such fine, or the court may, in its discretion, adjudge and
40 enter upon the docket a supplemental order that such offender shall work
41 on the streets or public works of the city, at the rate of \$4 for each day
42 of the sentence, which shall apply on such fine until the same shall be
43 exhausted or otherwise satisfied.

44 SEC. 457. Section 29 of chapter II of the charter of the City of Las
45 Vegas, being chapter 132, Statutes of Nevada 1911, as last amended by
46 chapter 377, Statutes of Nevada 1963, at page 824, is hereby amended
47 to read as follows:

48 Section 29. The Municipal Court—Jurisdiction of—Coextensive
49 and Concurrent Jurisdiction of Judges. One department of the munici-
50 pal court shall be presided over by the elected municipal judge. Other

1 departments of the municipal court shall be presided over by municipal
2 judges appointed by the mayor, which judges shall possess the same qual-
3 ifications required for the elected municipal judge and shall receive such
4 compensation as may be determined by the mayor and board of commis-
5 sioners. All municipal judges shall possess equal coextensive and concur-
6 rent jurisdiction and power. The municipal court shall have such powers
7 and jurisdiction in the city as are now provided by law for a justice
8 of the peace, wherein any person or persons are charged with a breach or
9 violation of the provisions of any ordinance of the city or of this act, or
10 of a violation of a municipal nature, and the court shall have concurrent
11 jurisdiction with the justice of the peace in both civil and criminal matters
12 arising and triable within the limits of the city, and be governed by the
13 same rules and receive the same fees as are now or may be provided by
14 law; provided, that the trial and proceedings in such cases shall be sum-
15 mary and without a jury. The court shall have jurisdiction to hear, try,
16 and determine all cases whether civil or criminal, for the breach or viola-
17 tion of any city ordinance or any provision of this act of a police nature,
18 and shall hear, try, and determine, acquit, convict, commit, fine, punish,
19 or hold to bail in accordance with the provisions of such ordinances or of
20 this act. The practice and proceedings of the court shall conform, as
21 nearly as practicable, to the practice and proceedings of the justices'
22 courts in similar cases. Fines imposed by the court may be recovered by
23 execution against the property of the defendant, or by the payment thereof
24 enforced by imprisonment in the city jail of the city at the rate of one day
25 for every **[two]** *four* dollars of such fine, or the court may, in its discre-
26 tion, adjudge and enter upon the docket a supplemental order that such
27 offender shall work on the streets of the city at a rate of **[two]** *four*
28 dollars for each day of the sentence which shall apply on such fine until
29 the same shall be exhausted or otherwise satisfied. The court shall have
30 jurisdiction of actions for the collection of taxes and assessments
31 levied for city purposes, by the city for such services, when the principal
32 sum claimed does not exceed three hundred dollars; also, actions to fore-
33 close liens in the name of the city for the nonpayment of such taxes,
34 assessments, and charges where the principal sum claimed does not exceed
35 three hundred dollars; also, of actions for the collection of any money
36 payable to the city when the principal sum claimed does not exceed
37 three hundred dollars; and actions for damage in which the city is a party,
38 and upon all forfeited recognizances given to or for the use or benefit of
39 the city, and upon all appeal bonds given on appeals from the court in
40 any of the cases above named, when the principal sum claimed does not
41 exceed three hundred dollars; also, the recovery of personal property
42 belonging to the city when the value thereof does not exceed three hun-
43 dred dollars; provided, that nothing herein contained shall be so construed
44 as to give such court jurisdiction to determine any such cause when it
45 shall be made to appear by the pleadings or the verified answer that the
46 validity of any tax, assessment, or levy shall necessarily be in issue in
47 such cause, in which case the court shall certify such cause to the district
48 court in like manner and with the same effect as provided for by law for
49 certifications of causes by justices' courts. The court shall have jurisdiction
50 of the following offenses committed within the city which either violate

1 the peace and good order of the city or the peace and quietude of an
2 individual or individuals, or which invade any of the police powers of
3 the city, or endanger the health of the inhabitants thereof, such as
4 breaches of the peace, drunkenness, intoxication, driving any vehicle
5 while under the influence of intoxicating liquors, fighting, quarreling, dog-
6 fights, cockfights, riots, affrays, violent injury to property, malicious mis-
7 chief, vagrancy, indecent conduct, lewd or lascivious cohabitation or
8 behavior and all disorderly, offensive, or opprobrious conduct and all
9 other offenses under ordinances of the city. The court shall be treated
10 and considered as a justices' court whenever the proceedings thereof are
11 called into question. The court shall have power to issue all warrants,
12 writs, and process necessary to a complete and effective exercise of the
13 powers and jurisdiction of the court and for the enforcement of its judg-
14 ment, and may punish for contempt in like manner and with the same
15 effect as if provided by the general law for a justice of the peace. Each
16 municipal judge shall keep a docket in which shall be entered all official
17 business in like manner as in justices' courts. He shall render monthly or
18 oftener, as the commissioners may require, an exact and detailed state-
19 ment in writing, under oath, of the business done and of all fines collected,
20 as well as imposed and uncollected, since his last report, and shall at the
21 same time render and pay unto the city treasurer all fines collected and
22 moneys received on behalf of the city since his last report. In all cases
23 in which a municipal judge shall by reason of being a party, or being inter-
24 ested, or related to either defendant or plaintiff, or complaining witness,
25 as the case may be, by consanguinity or affinity within the third degree,
26 or in case of his sickness, absence, or inability to act, and no other municip-
27 al judge of the city is qualified to act, any justice of the peace of Clark
28 County, or any person who possesses the qualification prescribed by this
29 act for the office of municipal judge, on the written request of the mayor,
30 may act in the place and stead of such municipal judge. The commission-
31 ers shall have the power to apportion ratably the salary or compensation
32 of such municipal judge to such person so serving, and deduct the sum so
33 apportioned from the salary of such municipal judge, provided, that the
34 commissioners shall not apportion ratably the salary or compensation of
35 the municipal judge to such person so serving, and deduct the sum so
36 apportioned from the salary of the municipal judge, for a period of
37 absence on leave or vacation authorized by the commissioners, and, in
38 that event, the person so serving in the place and stead of the municipal
39 judge shall receive such compensation as the commissioners shall pre-
40 scribe. Appeals to the district court may be taken from any final judgment
41 of the municipal court in the same manner and with the same effect as in
42 cases of appeal from justices' courts in civil and criminal cases, as the
43 case may be. All warrants, writs, and process issued by the municipal
44 court shall run to any sheriff or constable of the county or the marshal or
45 policeman of the city.

46 SEC. 458. Section 35 of chapter II. of the charter of the City of Las
47 Vegas, being chapter 132, Statutes of Nevada 1911, as amended by
48 chapter 132, Statutes of Nevada 1949, at page 251, is hereby amended
49 to read as follows:

50 Section 35. Punishment of Offenders—Pleading in Action. In all

1 actions for the violation of any ordinance, it shall be sufficient if the com-
2 plaint refer to the title and section of the ordinance, or the chapter and
3 section of the revised or code of ordinances, if such there be, under which
4 such action is brought. Any person upon whom any fine or penalty shall
5 be imposed, may, upon the order of the court, before whom the conviction
6 is had, be committed to the county jail or the city prison, or to such other
7 place as may be provided by the city for the incarceration of offenders,
8 until such fine **[.]** or penalty **[and costs]** shall be fully paid.

9 SEC. 459. Section 36 of chapter II of the charter of the City of Las
10 Vegas, being chapter 132, Statutes of Nevada 1911, at page 172, is
11 hereby amended to read as follows:

12 Section 36. Chain Gang. The board of commissioners shall have
13 power to provide by ordinance that every person committed shall be
14 required to work for the city at such labor as his strength will permit, not
15 exceeding eight hours each working day; and for such work the person so
16 employed shall be allowed **[two]** *four* dollars for each day's work on
17 account of such fine. **[and costs.]** The board may provide for the forma-
18 tion of a chain gang for persons convicted of offenses in violation of the
19 ordinances of the city, and for their proper employment for the benefit of
20 the city, and to safeguard and prevent their escape while being so
21 employed.

22 SEC. 460. Section 38 of chapter II of the city of North Las Vegas,
23 being chapter 283, Statutes of Nevada 1953, as amended by chapter 440,
24 Statutes of Nevada 1965, at page 1211, is hereby amended to read as
25 follows:

26 Section 38. Punishment of Offenders. In all actions for the viola-
27 tion of any ordinance, it shall be sufficient if the complaint refer to the
28 number and section of the ordinance or if there is a code as provided in
29 Chapter II in section 32.5 of this act, then in the manner in which the sec-
30 tion of the ordinance is identified in that code, under which such action
31 is brought. Any person upon whom any fine or penalty shall be imposed
32 may, upon the order of the court, before whom the conviction is had, be
33 committed to the county jail or the city prison, or to such other place as
34 may be provided by the city for the incarceration of offenders, until such
35 fine **[.]** or penalty **[and costs]** shall be fully paid, or satisfied at the rate
36 of one day for each four dollars of such fine. **[and costs.]**

37 SEC. 461. Section 3 of article XIV of the charter of the City of Reno,
38 being chapter 102, Statutes of Nevada 1903, as added by chapter 71,
39 Statutes of Nevada 1905, and amended by chapter 204, Statutes of
40 Nevada 1937, at page 456, is hereby amended to read as follows:

41 Section 3. The municipal court shall have the powers and jurisdiction
42 in said city as are now provided for justices of the peace, wherein any
43 person or persons are charged with the breach or violation of the provi-
44 sions of any ordinance of said city or of this charter, of a police nature;
45 provided, that the trial and proceedings in such cases, in the municipal
46 court or on appeal therefrom, shall be summary and without a jury. The
47 said court shall have jurisdiction to hear, try and determine all cases,
48 whether civil or criminal for the breach or violation of any city ordinance
49 or any provision of this charter of a police nature, or for violation of the
50 rules and regulations or quarantine laws of the board of health, when the

1 city council has by ordinance provided a penalty therefor, and shall hear,
2 try, determine, acquit, convict, commit, fine or hold to bail in accordance
3 with the provisions of such ordinances or of this charter. The practice and
4 proceedings in said court shall conform, as nearly as practicable, to the
5 practice and proceedings of justice's courts in similar cases, except as
6 herein limited or extended. Fines imposed by the court may be recovered
7 by execution against the property of the defendant, or the payment
8 thereof enforced by imprisonment in the city jail of said city, at the rate of
9 one day for every **[dollar]** *four dollars* of such fine, or said court may, in
10 its discretion, adjudge and enter upon the docket a supplemental order
11 that such offender shall work on the streets or public works of said city,
12 at a rate of **[two]** *four* dollars for each day of the sentence, which shall
13 apply on such fine until the same shall be exhausted or otherwise satisfied.
14 The complaint in any prosecution for any offense or offenses committed
15 under any ordinance or ordinances of the city may state the offense in the
16 language of the ordinance; and no complaint shall be dismissed on appeal
17 or otherwise where more than one offense is stated therein, if such
18 offenses arose out of the same act, transaction or event; nor shall the city
19 be required to elect between the different offenses stated, but in no event
20 shall the defendant be punished for more than one of such offenses.

21 SEC. 462. Section 8 of the charter of the City of Sparks, being chap-
22 ter 180, Statutes of Nevada 1949, as last amended by chapter 469, Stat-
23 utes of Nevada 1965, at page 1260, is hereby amended to read as
24 follows:

25 Section 8. There shall be a police judge, who shall be elected by the
26 qualified electors of the city at each general municipal election and he
27 shall hold office for the term of 4 years and until his successor shall be
28 duly elected and qualified. He shall be a bona fide resident of the city of
29 Sparks for at least 3 years prior to his election and a taxpayer on real
30 property therein. He shall execute and file such bond as the council by
31 ordinance shall prescribe. The police judge shall have the jurisdiction and
32 powers in the city, as are now provided by law for justices of the peace,
33 wherein any person or persons are charged with a breach of violation of
34 the provisions of any ordinance of the city or of this charter, of a police
35 nature; provided, that the trial and proceedings in such cases shall be
36 summary and without a jury. The police judge shall have jurisdiction to
37 try, hear, and determine all cases, whether civil or criminal, for a breach
38 or violation of any city ordinance or any provisions of this charter of a
39 police nature and shall hear, try, determine, acquit, convict, commit, fine,
40 or hold to bail in accordance with the provisions of such ordinance. The
41 practice and proceedings in the court shall conform as nearly as practi-
42 cable to the practice and proceedings of justices' courts in similar cases.
43 Fines imposed by the police judge may be recovered by execution against
44 the property of the defendant, or the payment thereof may be enforced by
45 imprisonment in the city jail of the city at the rate of one day for each \$4
46 of such fine, or the police judge may at his discretion adjudge and enter
47 upon his docket a supplemental order that such offender shall work on the
48 streets or public works of the city at a rate of **[\$6]** \$4 for each day of
49 sentence, which shall apply on such sentence or fine until the same be
50 exhausted or otherwise satisfied. If a sentence of imprisonment is

1 imposed, the police judge may order intermittent periods of incarceration
2 so long as the entire sentence will be completed within 6 months from the
3 date of sentence. The periods of incarceration may be varied from time to
4 time with consent of the defendant, but the total time of incarceration
5 may not be increased.

6 SEC. 463. Section 35 of chapter II of the charter of the City of Wells,
7 being chapter 104, Statutes of Nevada 1927, at page 171, is hereby
8 amended to read as follows:

9 Section 35. Punishment of Offenders. In all actions for the viola-
10 tion of any ordinance, it shall be sufficient if the complaint refer to the
11 title and section of the ordinance under which such action is brought. Any
12 person upon whom any fine or penalty shall be imposed may, upon the
13 order of the court, before whom the conviction is had, be committed to
14 the county jail or the city prison, or to such other place as may be pro-
15 vided by the city for the incarceration of offenders, until such fine [.] or
16 penalty [and costs] shall be fully paid.

17 SEC. 464. Section 36 of chapter II of the charter of the City of Wells,
18 being chapter 104, Statutes of Nevada 1927, as amended by chapter 223,
19 Statutes of Nevada 1963, at page 367, is hereby amended to read as fol-
20 lows:

21 Section 36. Chain Gang. The board of councilmen shall have
22 power to provide by ordinance that every person committed shall be
23 required to work for the city at such labor as his strength will permit, not
24 exceeding eight hours each working day; and for such work the person so
25 employed shall be allowed four dollars for each day's work on account of
26 such fine. [and costs.] The board may provide for the formation of a
27 chain gang for persons convicted of offenses in violation of the ordi-
28 nances of the city, and for their proper employment for the benefit of
29 the city, and to safeguard and prevent their escape while being so
30 employed.

31 SEC. 465. Section 24 of the charter of the City of Yerington, being
32 chapter 72, Statutes of Nevada 1907, at page 164, is hereby amended to
33 read as follows:

34 Section 24. The Justices of the Peace in and for Mason Valley
35 Township shall be ex officio Police Judges of said city; provided, that such
36 Justices execute and file as ex officio Police Judges, such bonds as the
37 ordinance may prescribe; and provided further, that nothing herein con-
38 tained shall be so construed as to deny or abridge the power of the Coun-
39 cil to elect as Police Judge of said city any competent person other than
40 said Justices of the Peace. The Police Judge shall have the jurisdiction and
41 powers in said city that are now provided by law for Justices of the Peace,
42 wherein any person or persons are charged with the breach or violation of
43 the provisions of any ordinance of said city or of this charter, of a police
44 nature; provided, that the trial and proceedings in such cases shall be
45 summary and without a jury. The Police Judge shall have jurisdiction to
46 hear, try and determine all cases, whether civil or criminal, for the breach
47 or violation of any city ordinance or any provision of this charter of a
48 police nature, and shall hear, try, determine, acquit, convict, commit, fine
49 or hold to bail in accordance with the provisions of such ordinances. The

1 practice and proceedings in said court shall conform as nearly as prac-
2 ticable to the practice and proceedings of the Justice Courts in similar
3 cases. Fines imposed by the Police Judge may be recovered by execution
4 against the property of the defendant, or the payment thereof enforced by
5 imprisonment in the city jail of said city, at the rate of one day for every
6 **[dollar]** *four dollars* of such fine, or said Police Judge may, at his dis-
7 cretion, adjudge and enter upon his docket, a supplemental order that such
8 offender shall work upon the streets or public works of said city, at a
9 rate of **[two]** *four* dollars for each day of the sentence, which shall apply
10 on such sentence or fine, until the same shall be exhausted or otherwise
11 satisfied.

12 SEC. 466. Except as provided in sections 468 and 469 of this act,
13 the provisions of this act shall not apply to any criminal action in which
14 the complaint or information has been filed or the indictment found prior
15 to January 1, 1968, and shall apply to every criminal action prosecuted
16 on or after January 1, 1968.

17 SEC. 467. The provisions of sections 287 to 316, inclusive, of this
18 act, relating to appeals, shall apply to any criminal action in which the
19 notice of appeal has not been filed prior to January 1, 1968, except that
20 the time within which a notice of appeal may be filed in any particular
21 action shall not be reduced by such application.

22 SEC. 468. The provisions of sections 317 to 324, inclusive, of this
23 act, relating to post conviction remedies, shall become effective upon
24 passage and approval.