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## Crimes; Automated Teller Cards; Grand Larceny

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## Crimes

the payment of wages in excess of \$100, the violation is punishable as a gross misdemeanor.<sup>12</sup> Furthermore, felony prosecution is authorized if (1) the instrument passed is in the amount of \$100 or more,<sup>13</sup> (2) if a series of instruments passed in the state during a period of ninety days totals \$100 or more,<sup>14</sup> or (3) the person charged has three previous convictions for this or a similar offense.<sup>15</sup> Violators of Chapter 358 will be subject to these same penalties.<sup>16</sup>

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12. *Id.* §205.130(3).

13. *Id.* §205.130(1).

14. *Id.*

15. *Id.* §205.130(2).

16. *Id.* §205.130(1),(2),(3); see *Hoyt v. Hoffman*, 82 Nev. 270, 416 P.2d 232 (1966). The Nevada Supreme Court has stated that this section is not intended to apply to preexisting debt situations where the defendant did not receive any legal benefit as a result of delivering the check and where the legal position of the payee was not detrimentally affected. The legislature did not intend to make it a crime to issue a worthless check absent damage or injury to the payee thereof. *Id.* at 272-73, 416 P.2d at 233; see also *State v. Jarman*, 84 Nev. 187, 438 P.2d 250 (1968).

## Crimes; automated teller cards; grand larceny

NEV. REV. STAT. §205.— (new).

AB 429 (Committee on Judiciary); 1983 STAT. Ch 246

Chapter 246 affects existing law regarding the crime of larceny.<sup>1</sup> Under Chapter 246, persons will be guilty of grand larceny if they intentionally use a card or other device to automatically withdraw or transfer money from a financial institution, thereby obtaining money to which they are not entitled.<sup>2</sup> Violators of this law are punishable by a prison sentence of one to ten years, in addition to a possible fine not to exceed \$10,000.<sup>3</sup>

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1. See NEV. REV. STAT. §§205.220-.2705 (crimes of larceny).

2. 1983 Nev. Stat. c. 246, §1, at 562. Nevada has additionally recognized the taking of personal goods or property valued at or over \$100 as grand larceny. See *Houser v. District Court*, 75 Nev. 465, 469, 345 P.2d 766, 768, (1959).

3. 1983 Nev. Stat. c. 246, §1, at 562.