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**COMPARISON OF TERRORISM LEGISLATION  
CRIMINAL JUSTICE BILLS**

Bill Number	Definition of Terrorism	Adoption of Emergency Response Plans by Resort Hotels	Additional Term of Imprisonment for Committing Act to Further Terrorism	First Degree Murder & Aggravating Circumstances	Additional Definitions for NRS Chapter 202
AB 250 (R2)	Section 7	Sections 26 & 27	Section 2 (Same, except as noted below)	Sections 4 & 5	Sections 8 - 14 18, 19, and 20 (Same, except as noted below)
SB 38 (R1)	Section 6		Section 1 (Same, except as noted below)	Sections 3 & 4	Sections 7 - 13 16, 17, and 18 (Same, except as noted below)
<b>Difference between AB 250 (R2) &amp; SB 38 (R1)</b>	<p><b>Section 7 of AB 250:</b> "Act of terrorism" means any act that involves the use or attempted use of sabotage, coercion or violence which is intended to:</p> <p>(a) Cause great bodily harm or death to the general population; or</p> <p>(b) Cause substantial destruction, contamination or impairment of: (1) Any building or infrastructure, communications, transportation, utilities or services; or (2) Any natural resource or the environment.</p> <p>2. As used in this section, "coercion" does not include an act of civil disobedience.</p> <p><b>Section 6 of SB 38:</b> "Act of terrorism" means any activity which involves a violent act or an act so dangerous to human life as to constitute a violation of the criminal laws of this state and which appears intended to:</p> <p>1. Intimidate or coerce a civilian population;</p> <p>2. Influence the policy of this state or a political subdivision of this state by intimidation or coercion; or</p> <p>3. Affect the conduct of this state or a political subdivision of this state by mass destruction, assassination or kidnapping.</p>	<p><b>Differences</b> SB 38 has no similar provision.</p> <p>SB 38 adds that, in order for the felony to be deemed a Category A, "the person who committed the felony intended to create a great risk of death or substantial bodily harm to more than one person by means of a weapon, device or course of action that would normally be hazardous to the lives of more than one person"</p> <p>(This phrase was deleted from AB 250.)</p>	None	<p><b>Differences</b></p> <p>1. <u>Chemical Agent, Radioactive Agent, Biological Agent, and Toxin:</u> AB 250 includes "contamination" of food, water, etc... (Sections 8, 12, 18, &amp; 20) SB 38 provides the death or substantial bodily harm must be "to more than one person." (Sections 7, 11, 16, &amp; 18)</p> <p>2. <u>Material Support:</u> AB 250 contains more detailed definition. (Compare: Section 10, AB 250/Section 9, SB 38.)</p> <p>3. <u>Oral, written or electronic communication:</u> AB 250 does not include modem or Internet. SB 38 does not include computer or computer system. (Compare: Section 11, AB 250/Section 10, SB 38.)</p> <p>4. <u>Terrorist:</u> AB 250 specifies person must act "intentionally" (Compare: Section 13, AB 250/Section 12, SB 38.)</p> <p>5. <u>Delivery System:</u> AB 250 includes "other legal agent". (Compare: Section 19, AB 250/Section 17, SB 38.)</p>	

1 of 5

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SUBMITTED BY: ALLISON COMBS

**COMPARISON OF TERRORISM LEGISLATION  
CRIMINAL JUSTICE BILLS**

Bill Number	Aiding, Concealing, Furthering, Assisting, or Providing Material Support for Acts of Terrorism (New Section)	Development, Production, Stockpiling, Transfer, Acquisition, Retention or Possession of Biological Agent, Toxin or Delivery System for Use as Weapon (NRS 202.446)	Making Threats or Conveying False Information Concerning Act of Terrorism or Presence, Etc. of Agents or Toxin (NRS 202.448)
AB 250 (R2)	Section 15 (Same, except as noted below)	Section 21 (Same, except as noted below)	Section 22 (Same, except as noted below)
SB 38 (R1)	Section 14 (Same, except as noted below)	Section 19 (Same, except as noted below)	Section 20 (Same, except as noted below)
Difference between AB 250 (R2) & SB 38 (R1)	<p><b>Differences</b></p> <p>1. AB 250 specifies a person must act "intentionally".</p> <p>2. <b>Penalties:</b>            AB 250 - All prohibited activity is a Category A felony punished by:  <ul style="list-style-type: none"> <li>• Life without parole;</li> <li>• Life with the possibility of parole after 20 years; or</li> <li>• A definite term of 50 years with the possibility of parole after 20 years.</li> <li>• In addition, a fine of \$50,000 to \$100,000 is mandated.</li> </ul>           SB 38 has two different penalties:            a. For committing or causing an act of terrorism (or attempting to do so), the penalty is the same as under AB 250.            b. All other prohibited activity is a Category A felony punished by:  <ul style="list-style-type: none"> <li>• Life with the possibility of parole after 10 years; or</li> <li>• A definite term of 25 years with the possibility of parole after 10 years.</li> <li>• A fine of \$25,000 to \$50,000 is also required.</li> </ul> </p> <p>3. <b>Prosecution:</b> SB 38 specifies, "A person may be prosecuted, convicted and punished for a violation of this section whether or not the person is prosecuted, convicted or punished for a violation of any other statute based upon the same act or transaction."            (This provision was deleted from AB 250.)</p>	<p><b>Differences</b></p> <p>1. AB 250 includes language of "other lethal agent" under prohibited activity (Page 11, line 12)</p> <p>2. <b>Penalties</b>            AB 250 - All prohibited activity is a Category A felony punished by:            a. If no substantial bodily harm or death:  <ul style="list-style-type: none"> <li>• Life with the possibility of parole after 10 years; or</li> <li>• A definite term of 25 years with the possibility of parole after 10 years.</li> </ul>           b. In addition, a fine of \$20,000 is mandated.            b. Substantial bodily harm or death results:  <ul style="list-style-type: none"> <li>• Life without the possibility of parole;</li> <li>• Life with the possibility of parole after 20 years; or</li> <li>• A definite term of 40 years with the possibility of parole after 20 years.</li> </ul>           In addition, a fine of \$50,000 is mandated.            SB 38 has two different penalties:            a. For all prohibited acts, except as noted in (b) below, the penalty is the same as under AB 250.            b. For attempting one of the prohibited acts or assisting, soliciting or conspiring with another person the crime is a Category B felony punished by a minimum term of 2 years and a maximum term of 15 years. A fine of \$10,000 is also mandated.            3. <b>Prosecution:</b> SB 38 specifies, "A person may be prosecuted, convicted and punished for a violation of this section whether or not the person is prosecuted, convicted or punished for a violation of any other statute based upon the same act or transaction."            (This provision was deleted from AB 250.)</p>	<p><b>Differences</b></p> <p>1. AB 250 includes language of "other lethal agent" under prohibited activity (Page 12 line 25)</p> <p>2. SB 38 also prohibits knowingly carrying out a hoax involving weapons of mass destruction, biological agents, chemical agents, radioactive agents or other lethal agents, a toxin or any delivery system.            (This provision was deleted from AB 250.)</p> <p>3. <b>Prosecution:</b> SB 38 specifies, "A person may be prosecuted, convicted and punished for a violation of this section whether or not the person is prosecuted, convicted or punished for a violation of any other statute based upon the same act or transaction."            (This provision was deleted from AB 250.)</p>

E 2 of 5

**COMPARISON OF TERRORISM LEGISLATION  
CRIMINAL JUSTICE BILLS**

Bill Number	"Crime related to racketeering" defined.	Statute of Limitations for Prosecuting Murder or an Act of Terrorism	Forfeiture of personal property and conveyances used in commission of crime.	Effective Date
AB 250 (R2)	Section 23	Section 24	Section 25	Section 28 (Same, except as noted below)
SB 38 (R1)	Section 21	Section 22	Section 23	Section 24 (Same, except as noted below)
Difference between AB 250 (R2) & SB 38 (R1)	None	None	None	<u>Difference</u> AB 250 provides the section regarding emergency response plans for resort hotels is effective on October 1, 2003. SB 38 has no similar provisions.

E 305

**COMPARISON OF TERRORISM LEGISLATION  
CIVIL JUSTICE & PUBLIC RECORDS**

Bill Number	Definition of Terrorism	Committee Created	Public Records
AB 441 (RI)	Section 5	Section 12 - 20 (Nevada Commission on Homeland Security)	Sections 21 - 24
SB 175 (RI)	Section 2	Section 2 & 3 <u>Differences</u>	Section 4
Difference between AB 441 (RI) <sup>1</sup> & SB 175 (RI)	<p><b>Section 5 of AB 441:</b> "Act of terrorism" means any act that involves the use or attempted use of sabotage, coercion or violence which is intended to:</p> <p>(a) Cause great bodily harm or death to the general population; or</p> <p>(b) Cause substantial destruction, contamination or impairment of: (1) Any building or infrastructure, communications, transportation, utilities or services; or (2) Any natural resource or the environment.</p> <p>2. As used in this section, "coercion" does not include an act of civil disobedience.</p> <p><b>Section 2 of SB 175:</b> As used in this section, "act of terrorism" means any act that involves the use or the threatened or attempted use of sabotage, fear or violence and is intended to:</p> <p>(a) Intimidate or coerce a civilian population;</p> <p>(b) Disrupt, affect or influence the conduct or policy of a governmental entity by intimidation or coercion; or</p> <p>(c) Retaliate against a governmental entity or cause widespread panic or civil unrest through the substantial destruction, contamination, impairment or disruption of: (1) Public infrastructure, communications, transportation, utilities or services; or (2) Natural resources or the environment.</p>	<p>SB 175 committee is advisory, appointed by the Governor, and must include one member who is not affiliated with law enforcement.</p> <p>AB 441 specifies membership of at least 14, four of whom are legislators. Areas of expertise that must be represented are specified. Governor serves as chairman and a nonvoting member. No employees of the executive branch may be voting members.</p> <p>AB 441 (Section 17) specifies multiple responsibilities for the Commission, including the establishment of a "state plan setting forth criteria and standards for the compatibility and interoperability of those systems when used by response agencies within this state."</p>	<p><u>Differences</u></p> <ul style="list-style-type: none"> <li>SB 175 specifies that records the Director of the Department of Technology determines would create a substantial likelihood of threatening public safety if released are confidential and not subject to public inspection. The Director must maintain a list of these records and review the list once each biennium.</li> <li>AB 441 specifies certain types of documents prepared in relation to preventing or responding to an act of terrorism are confidential if the Governor determines, by executive order, that the disclosure would create a substantial likelihood of compromising public health, safety or welfare.</li> <li>AB 441 also creates a category of "restricted documents" which may only be accessed if a person provides certain identifying information. Restrictions are placed on copying the documents, and the custodian of the record must maintain a log to record the information provided by people who access the record. The log is not a public record and may only be inspected by law enforcement agencies and certain representatives of the media.</li> </ul>

F 4 of 5

COMPARISON OF TERRORISM LEGISLATION  
CRIMINAL JUSTICE BILLS

<sup>1</sup> Assembly Bill 441 also contains other provisions that are not addressed in Senate Bill 175, including:

- Setting forth legislative findings regarding the need to enact legislation protecting the State and its citizens from acts of terrorism;
- Requiring state and local governments to comply with the State plan for compatibility and interoperability of information and communication systems used by response agencies within Nevada. The state and local governments are prohibited from purchasing such systems or their components unless they comply with the State plan, which must be established by the Nevada Commission on Homeland Security;
- Requiring each political subdivision to establish a local emergency management organization, and to adopt and maintain a plan to respond to acts of terrorism or related emergencies;
- Establishing a plan for the continuation of state and local governmental operations in case of a catastrophic emergency;
- Requiring utilities to conduct vulnerability assessments and prepare emergency response plans to be submitted to the State's Division of Emergency Management;
- Increasing the criminal penalties for the fraudulent use of, or application for, drivers' licenses and identification cards;
- Giving the Department of Motor Vehicles the authority to refuse to issue a driver's license or identification card to persons presenting drivers' licenses or other identification documents issued by jurisdictions with less stringent standards than those of Nevada; and
- Requiring certain governmental entities to place automated external defibrillators (AEDs) in certain buildings and facilities with high pedestrian traffic or that house agencies that serve large numbers of persons. Assembly Bill 441 appropriates \$170,000 in Fiscal Year (FY) 2003-2004 and \$15,000 in FY 2004-2005 from the State General Fund to the Health Division of Nevada's Department of Human Resources to assist government entities in purchasing and maintaining the required AEDs.