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TO: Members of the Assembly Judiciary Committee

8 May 2003

Subject: *Weapons of Mass Destruction in SB 38*

I am very much in favor of the intent of this bill but have great concern over one aspect. I need your help in correcting what a number of us feel is an overreaction to the threat of terrorism in our state.

I have had the privilege of being selected for membership in the **Washoe County Sheriff's Homeland Security Council**, along with a number of casino security people, doctors and federal and local retired law-enforcement and emergency services folks. This group had weekly classes this year on such subjects as *Weapons of Mass Destruction* and other aspects of terrorist attacks.

I noted, while at the Legislature on other matters, that the definition in Sect. 13 of this bill refers to any device that can hurt "more than one person". This "one person" is repeated in several places in the bill and is totally at odds with the federal regulations -- Ref: FEMA planning guide dated July 2002 -- Under Tab J, Definitions: from 18 USC Section 921 and also see Section 2332a.

*A Weapon of Mass Destruction is any weapon designed or intended to cause death or serious bodily injury through the release, dissemination, or impact of: toxic or poisonous chemicals or their precursors; any weapon involving a disease organism; or any weapon that is designed to release radiation or radioactivity at a level dangerous to human life.*

Several of us discussed this problem in our class and all agreed that the definition in the bill makes the state look really paranoid. While we agreed that there is cause for concern, particularly in Las Vegas, we think that the Nevada definition should look a lot more like the federal one and not be capable of misinterpretation by nervous public officials. *The last thing our tourist economy needs is to have WMD's found all over the state -- like baseball bats and knives, for example.*

The Bill Drafting Dept. has made it clear to me at an earlier time that they prefer a good definition used early in a bill and then references to it used after that point for clarity. However, this bill repeats pieces of the federal definition in at least 6 places because it didn't use the all-encompassing federal one at the beginning. I hope that you will review this situation before this bill become law and bring a breath of fresh air to this problem area. I would be pleased to provide further information if needed.

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SUBMITTED BY: Paul Grace