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PROPOSED AMENDMENT TO
ASSEMBLY BILL NO. 441
SECOND REPRINT

PREPARED FOR SENATOR COFFIN

JUNE 1, 2003

PREPARED BY THE LEGAL DIVISION

4: 22

Ex L.L.G

NOTE: THIS DOCUMENT SHOWS PROPOSED AMENDMENTS IN CONCEPTUAL FORM. THE LANGUAGE AND ITS PLACEMENT IN THE OFFICIAL AMENDMENT MAY DIFFER.

The proposed amendment would amend section 21 with respect to the disclosure of the documents, records or other items of information listed in paragraph (f) of subsection 2 (i.e., "documents, records or other items of information that reveal frequencies for radio transmissions used by response agencies"). As amended, a person could only be prosecuted for violating the statute if the person discloses the information knowingly, intentionally and unlawfully and with the specific intent to compromise, jeopardize or otherwise threaten the public health, safety or welfare.

Amend section 21 of the bill to read as follows:

Sec. 21. 1. A document, record or other item of information described in subsection 2 that is prepared and maintained for the purpose of preventing or responding to an act of terrorism is confidential, not subject to subpoena or discovery and not subject to inspection by the general public if the Governor determines, by executive order, that the disclosure or release of the document, record or other item of information would thereby create a substantial likelihood of compromising, jeopardizing or otherwise threatening the public health, safety or welfare.

2. The types of documents, records or other items of information subject to executive order pursuant to subsection 1 are as follows:

(a) Assessments, plans or records that evaluate or reveal the susceptibility of fire stations, police stations and other law enforcement stations to acts of terrorism or other related emergencies.

(b) Drawings, maps, plans or records that reveal the critical infrastructure of primary buildings, facilities and other structures used for storing, transporting or transmitting water or electricity, natural gas or other forms of energy.

(c) Documents, records or other items of information which may reveal the details of a specific emergency response plan or other tactical operations by a response agency and any training relating to such emergency response plans or tactical operations.

(d) Handbooks, manuals or other forms of information detailing procedures to be followed by response agencies in the event of an act of terrorism or other related emergency.

(e) Documents, records or other items of information that reveal information pertaining to specialized equipment used for covert, emergency or tactical operations of a response agency, other than records relating to expenditures for such equipment.

(f) Documents, records or other items of information that reveal frequencies for radio transmissions used by response agencies.

3. If a person knowingly and unlawfully discloses a document, record or other item of information listed in paragraphs (a) to (e), inclusive, of subsection 2 that is subject to an executive order issued pursuant to subsection 1 or assists, solicits or conspires with another person to disclose such a document, record or other item of information, the person is guilty of:

(a) A gross misdemeanor; or

(b) A category C felony and shall be punished as provided in NRS 193.130 if the person acted with the intent to:

(1) Commit, cause, aid, further or conceal, or attempt to commit, cause, aid, further or conceal, any unlawful act involving terrorism or sabotage; or

(2) Assist, solicit or conspire with another person to commit, cause, aid, further or conceal any unlawful act involving terrorism or sabotage.

4. If a person, with the intent to compromise, jeopardize or otherwise threaten the public health, safety or welfare, knowingly, intentionally and unlawfully discloses a document, record or other item of information listed in paragraph (f) of subsection 2 that is subject to an executive order issued pursuant to subsection 1 or assists, solicits or conspires with another person to disclose such a document, record or other item of information, the person is guilty of:

(a) A gross misdemeanor; or

(b) A category C felony and shall be punished as provided in NRS 193.130 if the person acted with the intent to:

(1) Commit, cause, aid, further or conceal, or attempt to commit, cause, aid, further or conceal, any unlawful act involving terrorism or sabotage; or

(2) Assist, solicit or conspire with another person to commit, cause, aid, further or conceal any unlawful act involving terrorism or sabotage.