
ASSEMBLY BILL NO. 191—ASSEMBLYMEN COLLINS, GIBBONS, CLABORN, ANDONOV, ANGLE, ARBERRY, BEERS, BROWN, BUCKLEY, CHRISTENSEN, GEDDES, GIUNCHIGLIANI, GOICOECHEA, GRADY, GRIFFIN, HARDY, HETTRICK, KOIVISTO, MABEY, MANENDO, MCCLAIN, MCCLEARY, MORTENSON, OCEGUERA, PIERCE, SHERER AND WEBER

FEBRUARY 25, 2003

Referred to Committee on Judiciary

SUMMARY—Provides for enhanced penalty for burglary of research facility. (BDR 15-1081)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to crimes; providing for an enhanced penalty for committing burglary of a research facility; 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 205.060 is hereby amended to read as follows:
2 205.060 1. A person who, by day or night, enters any house,
3 room, apartment, tenement, *research facility*, shop, warehouse,
4 store, mill, barn, stable, outhouse or other building, tent, vessel,
5 vehicle, vehicle trailer, semitrailer or house trailer, airplane, glider,
6 boat or railroad car, with the intent to commit grand or petit larceny,
7 assault or battery on any person or any felony, is guilty of burglary.
8 2. Except as otherwise provided in this section, a person
9 convicted of burglary is guilty of a category B felony and shall be
10 punished by imprisonment in the state prison for a minimum term of
11 not less than 1 year and a maximum term of not more than 10 years,
12 and may be further punished by a fine of not more than \$10,000. A
13 person who is convicted of burglary and who has previously been
14 convicted of burglary or another crime involving the forcible entry



1 or invasion of a dwelling must not be released on probation or
2 granted a suspension of his sentence.

3 3. Whenever a burglary is committed on a vessel, vehicle,
4 vehicle trailer, semitrailer, house trailer, airplane, glider, boat or
5 railroad car, in motion or in rest, in this state, and it cannot with
6 reasonable certainty be ascertained in what county the crime was
7 committed, the offender may be arrested and tried in any county
8 through which the vessel, vehicle, vehicle trailer, semitrailer, house
9 trailer, airplane, glider, boat or railroad car traveled during the time
10 the burglary was committed.

11 4. A person convicted of burglary ~~[who]~~ :

12 (a) *Who* has in his possession or gains possession of any firearm
13 or deadly weapon at any time during the commission of the crime, at
14 any time before leaving the structure or upon leaving the structure
15 ~~[]~~; or

16 (b) *Who committed burglary of a research facility with the*
17 *intent to:*

18 (1) *Obtain unauthorized control over any property,*
19 *specimen, record, data, result of any test or proprietary*
20 *information in the facility;*

21 (2) *Vandalize, alter, destroy, deface or otherwise damage*
22 *any sample, specimen, record, data, result of any test or any*
23 *proprietary information in the facility;*

24 (3) *Release from confinement any animal or biological*
25 *organism, regardless of whether that animal or organism is*
26 *dangerous;*

27 (4) *Interfere with the operations or personnel of the*
28 *research facility; or*

29 (5) *Commit any other felony,*

30 is guilty of a category B felony and shall be punished by
31 imprisonment in the state prison for a minimum term of not less
32 than 2 years and a maximum term of not more than 15 years, and
33 may be further punished by a fine of not more than \$10,000. *A*
34 *person who is sentenced pursuant to this subsection must be*
35 *sentenced either pursuant to paragraph (a) or (b) for a single*
36 *conviction of burglary regardless of whether the conduct of the*
37 *person satisfies the requirements of both paragraphs.*

38 5. *As used in this section, "research facility" means any*
39 *facility in or through which medical, scientific or industrial*
40 *research is conducted which includes, without limitation, any*
41 *building, or separately secured yard, pad, pond, laboratory,*
42 *pasture, pen or corral which is not open to the public, the major*
43 *use of which is to conduct research, to house research subjects or*
44 *to store supplies, equipment, samples, specimens, records, data,*
45 *prototypes or other property used in or generated from research.*



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1 **Sec. 2.** NRS 207.012 is hereby amended to read as follows:
2 207.012 1. A person who:
3 (a) Has been convicted in this state of a felony listed in
4 subsection 2; and
5 (b) Before the commission of that felony, was twice convicted
6 of any crime which under the laws of the situs of the crime or of this
7 state would be a felony listed in subsection 2, whether the prior
8 convictions occurred in this state or elsewhere,
9 is a habitual felon and shall be punished for a category A felony by
10 imprisonment in the state prison:
11 (1) For life without the possibility of parole;
12 (2) For life with the possibility of parole, with eligibility for
13 parole beginning when a minimum of 10 years has been served; or
14 (3) For a definite term of 25 years, with eligibility for parole
15 beginning when a minimum of 10 years has been served.
16 2. The district attorney shall include a count under this section
17 in any information or shall file a notice of habitual felon if an
18 indictment is found, if each prior conviction and the alleged offense
19 committed by the accused constitutes a violation of subparagraph
20 (1) of paragraph (a) of subsection 1 of NRS 193.330, NRS 199.160,
21 199.500, 200.030, 200.320, 200.330, 200.340, 200.366, 200.380,
22 200.390, subsection 3 or 4 of NRS 200.400, NRS 200.410,
23 subsection 3 of NRS 200.450, subsection 4 of NRS 200.460, NRS
24 200.465, subsection 1, paragraph (a) of subsection 2 or
25 subparagraph (2) of paragraph (b) of subsection 2 of NRS 200.508,
26 NRS 200.710, 200.720, 201.230, 201.450, 202.170, 202.270,
27 subsection 2 of NRS 202.780, paragraph (b) of subsection 2 of NRS
28 202.820, subsection 2 of NRS 202.830, NRS 205.010, *paragraph*
29 *(a) of* subsection 4 of NRS 205.060, subsection 4 of NRS 205.067,
30 NRS 205.075, 207.400, paragraph (a) of subsection 1 of NRS
31 212.090, NRS 453.333, 484.219 or 484.3795.
32 3. The trial judge may not dismiss a count under this section
33 that is included in an indictment or information.

