
ASSEMBLY BILL NO. 250—ASSEMBLYMEN PERKINS, OCEGUERA, CONKLIN, HORNE, PARKS, ANDERSON, ANDONOV, ARBERRY, ATKINSON, CHOWNING, CHRISTENSEN, COLLINS, GIBBONS, GOICOECHEA, GOLDWATER, GRIFFIN, HARDY, HETRICK, KNECHT, KOIVISTO, LESLIE, MANENDO, MARVEL, MCCLAIN, MORTENSON, PIERCE AND WEBER

MARCH 6, 2003

Referred to Committee on Judiciary

SUMMARY—Makes various changes regarding certain acts relating to terrorism, weapons of mass destruction, biological agents, chemical agents, radioactive agents and other lethal agents, toxins and delivery systems and requires resort hotels to adopt emergency response plans. (BDR 15-49)

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

~

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

AN ACT relating to public safety; making various changes regarding certain acts relating to terrorism, weapons of mass destruction, biological agents, chemical agents, radioactive agents and other lethal agents, toxins and delivery systems; providing for an increased penalty for felonies committed with the intent to commit certain acts of terrorism; establishing as murder of the first degree murder committed with the intent to commit certain acts of terrorism; establishing for the purposes of the death penalty an aggravating circumstance relating to murders committed with the intent to commit certain acts of terrorism; providing that there is no statute of limitations for prosecution of certain acts relating to terrorism; requiring certain property used to commit certain acts of terrorism to be subject to forfeiture; making various other changes pertaining to certain acts relating to terrorism,



* A B 2 5 0 *

weapons of mass destruction, biological agents, chemical agents, radioactive agents and other lethal agents, toxins and delivery systems; providing penalties; requiring resort hotels to adopt emergency response plans; 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.** The Legislature hereby finds and declares that:
- 2 1. The tragic events of September 11, 2001, have refocused our
- 3 attention on the importance of domestic preparedness for a terrorist
- 4 attack.
- 5 2. These events not only impacted our homeland, but also the
- 6 way of life of all Nevadans.
- 7 3. More than ever, the law enforcement community must lead
- 8 the charge in fighting against these destructive and demoralizing
- 9 acts of violence with strong and effective criminal penalties.
- 10 4. While local law enforcement efforts and response plans to
- 11 terrorism are comprehensive, additional statewide provisions are
- 12 necessary to respond adequately to acts of terrorism and to punish
- 13 perpetrators of terrorist acts to the fullest extent possible.
- 14 5. The use of weapons of mass destruction, biological and
- 15 chemical agents, toxins, radioactive materials and sophisticated
- 16 delivery systems for carrying out acts of terrorism emphasizes the
- 17 need to ensure that we have criminal laws that clearly provide
- 18 punishments and deterrents designed to counteract these despicable
- 19 and inhumane activities.
- 20 6. It is therefore within the public interest that the Legislature
- 21 require emergency response plans for our resort hotels, reinforce
- 22 and enhance penalties for acts of terrorism, define key terms relating
- 23 to terrorist activity, criminalize the act of making terrorist threats,
- 24 prohibit the conveyance of false information, enhance the penalty
- 25 for obstruction of justice relating to terrorism, and elevate, to the
- 26 greatest extent possible, criminal punishments relating to all terrorist
- 27 activity.
- 28 **Sec. 2.** Chapter 193 of NRS is hereby amended by adding
- 29 thereto a new section to read as follows:
- 30 1. *Except as otherwise provided in this section and NRS*
- 31 *193.169, any person who commits a felony with the intent to*
- 32 *commit, cause, aid, further or conceal an act of terrorism shall be*
- 33 *punished by imprisonment in the state prison for a term equal to*
- 34 *and in addition to the term of imprisonment prescribed by statute*
- 35 *for the crime. The sentence prescribed by this section must run*
- 36 *consecutively with the sentence prescribed by statute for the crime.*



1 2. *Unless a greater penalty is provided by specific statute and*
2 *except as otherwise provided in NRS 193.169, in lieu of an*
3 *additional term of imprisonment as provided pursuant to*
4 *subsection 1, if a felony that resulted in death or substantial bodily*
5 *harm to the victim was committed with the intent to commit, cause,*
6 *aid, further or conceal an act of terrorism, and the person who*
7 *committed the felony intended to create a great risk of death or*
8 *substantial bodily harm to more than one person by means of a*
9 *weapon, device or course of action that would normally be*
10 *hazardous to the lives of more than one person, the felony may be*
11 *deemed a category A felony and the person who committed the*
12 *felony may be punished by imprisonment in the state prison:*

- 13 (a) *For life without the possibility of parole;*
14 (b) *For life with the possibility of parole, with eligibility for*
15 *parole beginning when a minimum of 20 years has been served; or*
16 (c) *For a definite term of 50 years, with eligibility for parole*
17 *beginning when a minimum of 20 years has been served.*

18 3. *Subsection 1 does not create a separate offense but*
19 *provides an additional penalty for the primary offense, the*
20 *imposition of which is contingent upon the finding of the*
21 *prescribed fact. Subsection 2 does not create a separate offense*
22 *but provides an alternative penalty for the primary offense, the*
23 *imposition of which is contingent upon the finding of the*
24 *prescribed fact.*

25 4. *The provisions of this section do not apply to an offense*
26 *committed in violation of section 15 of this act.*

27 5. *As used in this section, "act of terrorism" has the meaning*
28 *ascribed to it in section 7 of this act.*

29 **Sec. 3.** NRS 193.169 is hereby amended to read as follows:

30 193.169 1. A person who is sentenced to an additional term
31 of imprisonment pursuant to the provisions of subsection 1 of NRS
32 193.161, NRS 193.162, 193.163, 193.165, 193.167, 193.1675,
33 193.168 or 453.3345 *or subsection 1 of section 2 of this act* must
34 not be sentenced to an additional term of imprisonment pursuant to
35 any of the other listed sections even if the person's conduct satisfies
36 the requirements for imposing an additional term of imprisonment
37 pursuant to another one or more of those sections.

38 2. A person who is sentenced to an alternative term of
39 imprisonment pursuant to subsection 2 of NRS 193.161 *or*
40 *subsection 2 of section 2 of this act* must not be sentenced to an
41 additional term of imprisonment pursuant to subsection 1 of NRS
42 193.161, NRS 193.162, 193.163, 193.165, 193.167, 193.1675,
43 193.168 or 453.3345 even if the person's conduct satisfies the
44 requirements for imposing an additional term of imprisonment
45 pursuant to another one or more of those sections.



- 1 3. This section does not:
2 (a) Affect other penalties or limitations upon probation or
3 suspension of a sentence contained in the sections listed in
4 subsection 1 or 2.
5 (b) Prohibit alleging in the alternative in the indictment or
6 information that the person's conduct satisfies the requirements of
7 more than one of the sections listed in subsection 1 or 2 and
8 introducing evidence to prove the alternative allegations.
9 **Sec. 4.** NRS 200.030 is hereby amended to read as follows:
10 200.030 1. Murder of the first degree is murder which is:
11 (a) Perpetrated by means of poison, lying in wait or torture, or
12 by any other kind of willful, deliberate and premeditated killing;
13 (b) Committed in the perpetration or attempted perpetration of
14 sexual assault, kidnapping, arson, robbery, burglary, invasion of the
15 home, sexual abuse of a child, sexual molestation of a child under
16 the age of 14 years or child abuse;
17 (c) Committed to avoid or prevent the lawful arrest of any
18 person by a peace officer or to effect the escape of any person from
19 legal custody; ~~or~~
20 (d) Committed on the property of a public or private school, at
21 an activity sponsored by a public or private school or on a school
22 bus while the bus was engaged in its official duties by a person who
23 intended to create a great risk of death or substantial bodily harm to
24 more than one person by means of a weapon, device or course of
25 action that would normally be hazardous to the lives of more than
26 one person ~~or~~; *or*
27 (e) *Committed in the perpetration or attempted perpetration of*
28 *an act of terrorism.*
29 2. Murder of the second degree is all other kinds of murder.
30 3. The jury before whom any person indicted for murder is
31 tried shall, if they find him guilty thereof, designate by their verdict
32 whether he is guilty of murder of the first or second degree.
33 4. A person convicted of murder of the first degree is guilty of
34 a category A felony and shall be punished:
35 (a) By death, only if one or more aggravating circumstances are
36 found and any mitigating circumstance or circumstances which are
37 found do not outweigh the aggravating circumstance or
38 circumstances; or
39 (b) By imprisonment in the state prison:
40 (1) For life without the possibility of parole;
41 (2) For life with the possibility of parole, with eligibility for
42 parole beginning when a minimum of 20 years has been served; or



* A B Z 5 0 *

1 (3) For a definite term of 50 years, with eligibility for parole
2 beginning when a minimum of 20 years has been served.
3 A determination of whether aggravating circumstances exist is not
4 necessary to fix the penalty at imprisonment for life with or without
5 the possibility of parole.

6 5. A person convicted of murder of the second degree is guilty
7 of a category A felony and shall be punished by imprisonment in the
8 state prison:

9 (a) For life with the possibility of parole, with eligibility for
10 parole beginning when a minimum of 10 years has been served; or

11 (b) For a definite term of 25 years, with eligibility for parole
12 beginning when a minimum of 10 years has been served.

13 6. As used in this section:

14 (a) *“Act of terrorism” has the meaning ascribed to it in section*
15 *7 of this act;*

16 (b) “Child abuse” means physical injury of a nonaccidental
17 nature to a child under the age of 18 years;

18 ~~(c)~~ (c) “School bus” has the meaning ascribed to it in
19 NRS 483.160;

20 ~~(d)~~ (d) “Sexual abuse of a child” means any of the acts
21 described in NRS 432B.100; and

22 ~~(e)~~ (e) “Sexual molestation” means any willful and lewd or
23 lascivious act, other than acts constituting the crime of sexual
24 assault, upon or with the body, or any part or member thereof, of a
25 child under the age of 14 years, with the intent of arousing,
26 appealing to, or gratifying the lust, passions or sexual desires of the
27 perpetrator or of the child.

28 **Sec. 5.** NRS 200.033 is hereby amended to read as follows:

29 200.033 The only circumstances by which murder of the first
30 degree may be aggravated are:

31 1. The murder was committed by a person under sentence of
32 imprisonment.


33 2. The murder was committed by a person who, at any time
34 before a penalty hearing is conducted for the murder pursuant to
35 NRS 175.552, is or has been convicted of:

36 (a) Another murder and the provisions of subsection 12 do not
37 otherwise apply to that other murder; or

38 (b) A felony involving the use or threat of violence to the person
39 of another and the provisions of subsection 4 do not otherwise apply
40 to that felony.

41 For the purposes of this subsection, a person shall be deemed to
42 have been convicted at the time the jury verdict of guilt is rendered
43 or upon pronouncement of guilt by a judge or judges sitting without
44 a jury.



- 1 3. The murder was committed by a person who knowingly
2 created a great risk of death to more than one person by means of a
3 weapon, device or course of action which would normally be
4 hazardous to the lives of more than one person.
- 5 4. The murder was committed while the person was engaged,
6 alone or with others, in the commission of, or an attempt to commit
7 or flight after committing or attempting to commit, any robbery,
8 arson in the first degree, burglary, invasion of the home or
9 kidnapping in the first degree, and the person charged:
 - 10 (a) Killed or attempted to kill the person murdered; or
 - 11 (b) Knew or had reason to know that life would be taken or
12 lethal force used.
- 13 5. The murder was committed to avoid or prevent a lawful
14 arrest or to effect an escape from custody.
- 15 6. The murder was committed by a person, for himself or
16 another, to receive money or any other thing of monetary value.
- 17 7. The murder was committed upon a peace officer or fireman
18 who was killed while engaged in the performance of his official
19 duty or because of an act performed in his official capacity, and the
20 defendant knew or reasonably should have known that the victim
21 was a peace officer or fireman. For the purposes of this subsection,
22 "peace officer" means:
 - 23 (a) An employee of the Department of Corrections who does not
24 exercise general control over offenders imprisoned within the
25 institutions and facilities of the Department, but whose normal
26 duties require him to come into contact with those offenders 
27 when carrying out the duties prescribed by the Director of the
28 Department.
 - 29 (b) Any person upon whom some or all of the powers of a peace
30 officer are conferred pursuant to NRS 289.150 to 289.360, inclusive,
31 when carrying out those powers.
- 32 8. The murder involved torture or the mutilation of the victim.
- 33 9. The murder was committed upon one or more persons at
34 random and without apparent motive.
- 35 10. The murder was committed upon a person less than 14
36 years of age.
- 37 11. The murder was committed upon a person because of the
38 actual or perceived race, color, religion, national origin, physical or
39 mental disability or sexual orientation of that person.
- 40 12. The defendant has, in the immediate proceeding, been
41 convicted of more than one offense of murder in the first or second
42 degree. For the purposes of this subsection, a person shall be
43 deemed to have been convicted of a murder at the time the jury
44 verdict of guilt is rendered or upon pronouncement of guilt by a
45 judge or judges sitting without a jury.



1 13. The person, alone or with others, subjected or attempted to
2 subject the victim of the murder to nonconsensual sexual penetration
3 immediately before, during or immediately after the commission of
4 the murder. For the purposes of this subsection:

5 (a) "Nonconsensual" means against the victim's will or under
6 conditions in which the person knows or reasonably should know
7 that the victim is mentally or physically incapable of resisting,
8 consenting or understanding the nature of his conduct, including, but
9 not limited to, conditions in which the person knows or reasonably
10 should know that the victim is dead.

11 (b) "Sexual penetration" means cunnilingus, fellatio or any
12 intrusion, however slight, of any part of the victim's body or any
13 object manipulated or inserted by a person, alone or with others, into
14 the genital or anal openings of the body of the victim, whether or
15 not the victim is alive. The term includes, but is not limited to, anal
16 intercourse and sexual intercourse in what would be its ordinary
17 meaning.

18 14. The murder was committed on the property of a public or
19 private school, at an activity sponsored by a public or private school
20 or on a school bus while the bus was engaged in its official duties by
21 a person who intended to create a great risk of death or substantial
22 bodily harm to more than one person by means of a weapon, device
23 or course of action that would normally be hazardous to the lives of
24 more than one person. For the purposes of this subsection, "school
25 bus" has the meaning ascribed to it in NRS 483.160.

26 *15. The murder was committed with the intent to commit,
27 cause, aid, further or conceal an act of terrorism. For the
28 purposes of this subsection, "act of terrorism" has the meaning
29 ascribed to it in section 7 of this act.*

30 **Sec. 6.** Chapter 202 of NRS is hereby amended by adding
31 thereto the provisions set forth as sections 7 to 16, inclusive, of this
32 act.

33 **Sec. 7.** *"Act of terrorism" means any act that involves the
34 use or the threatened or attempted use of sabotage, fear or
35 violence and is intended to:*

- 36 *1. Intimidate or coerce a civilian population;*
37 *2. Disrupt, affect or influence the conduct or policy of a
38 governmental entity by intimidation or coercion; or*
39 *3. Retaliate against a governmental entity or cause widespread
40 panic or civil unrest through the substantial destruction,
41 contamination, impairment or disruption of:*

42 *(a) Public infrastructure, communications, transportation,
43 utilities or services; or*

44 *(b) Natural resources or the environment.*



- 1 **Sec. 8.** *“Chemical agent” means any chemical substance,*
2 *material or product, or any component or compound thereof,*
3 *which is naturally occurring, cultivated, engineered, processed,*
4 *extracted or manufactured and which is capable of causing:*
5 1. *Death or substantial bodily harm;*
6 2. *Substantial deterioration of food, water, equipment,*
7 *supplies or material of any kind; or*
8 3. *Substantial damage to natural resources or the*
9 *environment.*
- 10 **Sec. 9.** 1. *“For use as a weapon” means having the*
11 *capability to be used in a harmful or threatening manner.*
12 2. *The term does not include any act that is done lawfully for*
13 *a prophylactic, protective or peaceful purpose.*
- 14 **Sec. 10.** *“Material support” means:*
15 1. *Currency, securities, negotiable instruments or financial*
16 *services, assistance or support of any kind.*
17 2. *Housing, lodging or facilities of any kind used for training,*
18 *living or concealment.*
19 3. *Information, instruction or training of any kind.*
20 4. *Personnel, support staff or services or assistance of any*
21 *kind.*
22 5. *Any weapon of mass destruction, any biological agent,*
23 *chemical agent, radioactive agent or other lethal agent, any toxin,*
24 *any delivery system for use as a weapon or any firearm, explosive*
25 *or other weapon of any kind.*
26 6. *Any means of transportation.*
27 7. *Any means of oral, written or electronic communication.*
28 8. *A license, passport, certificate, permit or document of any*
29 *kind used for identification, authority or access, whether or not*
30 *obtained validly.*
31 9. *Any other related services, assistance or property of any*
32 *kind.*
- 33 **Sec. 11.** *“Oral, written or electronic communication”*
34 *includes, without limitation, any of the following:*
35 1. *A letter, note or any other type of written correspondence.*
36 2. *An item of mail or a package delivered by any person or*
37 *postal or delivery service.*
38 3. *A telegraph or wire service, or any other similar means of*
39 *communication.*
40 4. *A telephone, cellular phone, satellite phone, pager or*
41 *facsimile machine, or any other similar means of communication.*
42 5. *A radio, television, cable, closed circuit, wire, wireless,*
43 *satellite or other audio or video broadcast or transmission, or any*
44 *other similar means of communication.*



- 1 6. *An audio or video recording or reproduction, or any other*
- 2 *similar means of communication.*
- 3 7. *An item of electronic mail, a modem, computer network or*
- 4 *the Internet, or any other similar means of communication.*
- 5 **Sec. 12.** *“Radioactive agent” means any radioactive*
- 6 *substance, material or product, or any component or compound*
- 7 *thereof, which is naturally occurring, cultivated, engineered,*
- 8 *processed, extracted or manufactured and which is capable of*
- 9 *causing:*
 - 10 1. *Death or substantial bodily harm;*
 - 11 2. *Substantial deterioration of food, water, equipment,*
 - 12 *supplies or material of any kind; or*
 - 13 3. *Substantial damage to natural resources or the*
 - 14 *environment.*
- 15 **Sec. 13.** *“Terrorist” means a person who commits, causes,*
- 16 *aids, furthers or conceals an act of terrorism or attempts to*
- 17 *commit, cause, aid, further or conceal an act of terrorism.*
- 18 **Sec. 14.** *“Weapon of mass destruction” means any weapon*
- 19 *or device that is designed or intended to create a great risk of*
- 20 *death or substantial bodily harm to more than one person.*
- 21 **Sec. 15.** 1. *A person shall not knowingly:*
 - 22 (a) *Commit, cause, aid, further or conceal or attempt to*
 - 23 *commit, cause, aid, further or conceal an act of terrorism;*
 - 24 (b) *Assist, solicit or conspire with another person to commit,*
 - 25 *cause, aid, further or conceal an act of terrorism; or*
 - 26 (c) *Provide material support with the intent that such material*
 - 27 *support be used, in whole or in part, to:*
 - 28 (1) *Commit, cause, aid, further or conceal an act of*
 - 29 *terrorism; or*
 - 30 (2) *Aid a terrorist or conceal a terrorist from detection or*
 - 31 *capture.*
 - 32 2. *A person who violates any provision of this section is guilty*
 - 33 *of a category A felony and:*
 - 34 (a) *Shall be punished:*
 - 35 (1) *For life without the possibility of parole;*
 - 36 (2) *For life with the possibility of parole, with eligibility for*
 - 37 *parole beginning when a minimum of 20 years has been served; or*
 - 38 (3) *For a definite term of 50 years, with eligibility for*
 - 39 *parole beginning when a minimum of 20 years has been served;*
 - 40 *and*
 - 41 (b) *Shall further be punished by a fine of at least \$50,000 but*
 - 42 *not more than \$100,000.*
 - 43 3. *In addition to any other penalty, the court shall order a*
 - 44 *person who violates the provisions of this section to pay*
 - 45 *restitution:*



1 (a) To each victim for any injuries that are a result of the
2 violation; and

3 (b) To the State of Nevada or a local government for any costs
4 that arise from the violation.

5 4. A person may be prosecuted, convicted and punished for a
6 violation of this section whether or not the person is prosecuted,
7 convicted or punished for a violation of any other statute based
8 upon the same act or transaction.

9 **Sec. 16. 1.** Except as otherwise provided in subsection 4, a
10 person shall not knowingly hinder, delay or obstruct the
11 prosecution of a terrorist.

12 2. A person who violates any provision of this section is guilty
13 of a category B felony and shall be punished by imprisonment in
14 the state prison for a minimum term of not less than 1 year and a
15 maximum term of not more than 6 years, and may be further
16 punished by a fine of not more than \$10,000.

17 3. A person may be prosecuted, convicted and punished for a
18 violation of this section whether or not the person is prosecuted,
19 convicted or punished for a violation of any other statute based
20 upon the same act or transaction.

21 4. The provisions of this section do not apply to such acts of
22 an attorney as are necessary and reasonable in the defense of a
23 client who is being prosecuted as a terrorist.

24 **Sec. 17.** NRS 202.441 is hereby amended to read as follows:
25 202.441 As used in NRS 202.441 to 202.448, inclusive, *and*
26 *sections 7 to 16, inclusive, of this act*, unless the context otherwise
27 requires, the words and terms defined in NRS 202.442, 202.443 and
28 202.444 *and sections 7 to 14, inclusive, of this act* have the
29 meanings ascribed to them in those sections.

30 **Sec. 18.** NRS 202.442 is hereby amended to read as follows:
31 202.442 “Biological agent” ~~has the meaning ascribed to it in~~
32 ~~18 U.S.C. § 178.~~ *means any microorganism, virus, infectious*
33 *substance or other biological substance, material or product, or*
34 *any component or compound thereof, which is naturally*
35 *occurring, cultivated, engineered, processed, extracted or*
36 *manufactured and which is capable of causing:*

- 37 1. *Death or substantial bodily harm;*
- 38 2. *Substantial deterioration of food, water, equipment,*
39 *supplies or material of any kind; or*
- 40 3. *Substantial damage to natural resources or the*
41 *environment.*

42 **Sec. 19.** NRS 202.443 is hereby amended to read as follows:
43 202.443 “Delivery system” ~~has the meaning ascribed to it in~~
44 ~~18 U.S.C. § 178.~~ *means any apparatus, equipment, implement,*
45 *device or means of delivery which is specifically designed to send,*



1 *disperse, release, discharge or disseminate any weapon of mass*
2 *destruction, any biological agent, chemical agent, radioactive*
3 *agent or other lethal agent or any toxin.*

4 **Sec. 20.** NRS 202.444 is hereby amended to read as follows:

5 202.444 “Toxin” ~~has the meaning ascribed to it in 18 U.S.C. §~~
6 ~~178.]~~ *means any toxic substance, material or product, or any*
7 *component or compound thereof, which is naturally occurring,*
8 *cultivated, engineered, processed, extracted or manufactured and*
9 *which is capable of causing:*

- 10 1. *Death or substantial bodily harm;*
- 11 2. *Substantial deterioration of food, water, equipment,*
- 12 *supplies or material of any kind; or*
- 13 3. *Substantial damage to natural resources or the*
- 14 *environment.*

15 **Sec. 21.** NRS 202.446 is hereby amended to read as follows:

16 202.446 1. A person shall not knowingly:
17 (a) Develop, *manufacture*, produce, *assemble*, stockpile,
18 transfer, *transport*, acquire, retain, *store, test* or possess ~~any~~
19 *weapon of mass destruction, any biological agent, chemical agent,*
20 *radioactive agent or other lethal agent, any toxin or any delivery*
21 *system for use as a weapon; or*

22 (b) *Send, deliver, disperse, release, discharge, disseminate or*
23 *use any weapon of mass destruction, any biological agent,*
24 *chemical agent, radioactive agent or other lethal agent, any toxin*
25 *or any delivery system:*

26 (1) *With the intent to cause harm, whether or not such*
27 *harm actually occurs; or*

28 (2) *Under circumstances reasonably likely to cause harm,*
29 *whether or not such harm actually occurs.*

30 2. *A person shall not knowingly:*

31 (a) *Attempt to do any act described in subsection 1; or*
32 (b) Assist, *solicit or conspire with* another person to do any act
33 described in ~~paragraph (a)-~~

34 ~~2.]~~ *subsection 1.*

35 3. A person who violates any provision of ~~subsection 1]~~ *this*
36 *section* is guilty of a category A felony and shall be punished ~~by]~~ :

37 (a) *If the crime does not result in substantial bodily harm or*
38 *death:*

39 (1) *By* imprisonment in the state prison ~~;~~
40 ~~(a) For]~~ *for* life with the possibility of parole, with eligibility for
41 parole beginning when a minimum of 10 years has been served ~~;~~ ~~or~~

42 ~~(b) For]~~ , *and shall further be punished by a fine of not more*
43 *than \$20,000; or*



1 (2) *By imprisonment in the state prison for* a definite term
2 of 25 years, with eligibility for parole beginning when a minimum
3 of 10 years has been served ~~[-~~

4 ~~—3. As used in this section, the term “for use as a weapon” does~~
5 ~~not include the development, production, transfer, acquisition,~~
6 ~~retention or possession of a biological agent, toxin or delivery~~
7 ~~system for prophylactic, protective or other peaceful purposes.] ,~~
8 *and shall further be punished by a fine of not more than \$20,000.*

9 (b) *If the crime results in substantial bodily harm or death:*

10 (1) *By imprisonment in the state prison for life without the*
11 *possibility of parole, and shall further be punished by a fine of not*
12 *more than \$50,000;*

13 (2) *By imprisonment in the state prison for life, with the*
14 *possibility of parole, with eligibility for parole beginning when a*
15 *minimum of 20 years has been served, and shall further be*
16 *punished by a fine of not more than \$50,000; or*

17 (3) *By imprisonment in the state prison for a definite term*
18 *of 40 years, with eligibility for parole beginning when a minimum*
19 *of 20 years has been served, and shall further be punished by a*
20 *fine of not more than \$50,000.*

21 4. *In addition to any other penalty, the court shall order a*
22 *person who violates the provisions of this section to pay*
23 *restitution:*

24 (a) *To each victim for any injuries that are a result of the*
25 *violation; and*

26 (b) *To the State of Nevada or a local government for any costs*
27 *that arise from the violation.*

28 5. *A person may be prosecuted, convicted and punished for a*
29 *violation of this section whether or not the person is prosecuted,*
30 *convicted or punished for a violation of any other statute based*
31 *upon the same act or transaction.*

32 6. *The provisions of this section do not apply to any act that is*
33 *committed in a lawful manner and in the course of a lawful*
34 *business, event or activity.*

35 **Sec. 22.** NRS 202.448 is hereby amended to read as follows:

36 202.448 1. A person shall not, through the use of any means
37 of oral, written or electronic communication, knowingly make any
38 threat or convey any false information concerning *an act of*
39 *terrorism or* the presence, *development, manufacture, production,*
40 *assemblage, transfer, transportation, acquisition, retention,*
41 *storage, testing, possession,* delivery, dispersion, release, *discharge*
42 or use of ~~[-a]~~ *any weapon of mass destruction, any biological agent,*
43 *chemical agent, radioactive agent or other lethal agent or any*
44 *toxin with the intent to:*



1 (a) Injure, intimidate, frighten, alarm or distress any person,
2 whether or not any person is actually injured, intimidated,
3 frightened, alarmed or distressed thereby;

4 (b) Cause panic or civil unrest, whether or not such panic or
5 civil unrest actually occurs;

6 (c) Extort or profit thereby, whether or not the extortion is
7 actually successful or any profit actually occurs; or

8 (d) Interfere with the operations of or cause economic or other
9 damage to any person or any officer, agency, board, bureau,
10 commission, department, division or other unit of federal, state or
11 local government, whether or not such interference or damage
12 actually occurs.

13 2. *A person shall not knowingly develop, manufacture,*
14 *produce, assemble, transfer, transport, acquire, retain, store, test,*
15 *possess, deliver, disperse, release, discharge or use any substance,*
16 *material or product that another person reasonably could believe*
17 *is any weapon of mass destruction, any biological agent, chemical*
18 *agent, radioactive agent or other lethal agent, any toxin or any*
19 *delivery system, whether or not the substance, material or product*
20 *is such a weapon, agent, toxin or delivery system, with the intent*
21 *to:*

22 (a) *Injure, intimidate, frighten, alarm or distress any person,*
23 *whether or not any person is actually injured, intimidated,*
24 *frightened, alarmed or distressed thereby;*

25 (b) *Cause panic or civil unrest, whether or not such panic or*
26 *civil unrest actually occurs;*

27 (c) *Extort or profit thereby, whether or not the extortion is*
28 *actually successful or any profit actually occurs; or*

29 (d) *Interfere with the operations of or cause economic or other*
30 *damage to any person or any officer, agency, board, bureau,*
31 *commission, department, division or other unit of federal, state or*
32 *local government, whether or not such interference or damage*
33 *actually occurs.*

34 3. A person who violates any provision of ~~[subsection 1]~~ *this*
35 *section* is guilty of a category B felony and shall be punished by
36 imprisonment in the state prison for a minimum term of not less
37 than 1 year and a maximum term of not more than 6 years, and may
38 be further punished by a fine of not more than \$5,000.

39 ~~[3. As used in this section, "oral, written or electronic~~
40 ~~communication" includes, without limitation, any of the following:~~

41 ~~—(a) A letter, a note or any other type of written correspondence.~~

42 ~~—(b) An item of mail or a package delivered by any person or~~
43 ~~postal or delivery service.~~

44 ~~—(c) A telegraph or wire service, or any other similar means of~~
45 ~~communication.~~



- 1 ~~—(d) A telephone, cellular phone, satellite phone, pager or~~
- 2 ~~facsimile machine, or any other similar means of communication.~~
- 3 ~~—(e) A radio, television, cable, closed circuit, wire, wireless,~~
- 4 ~~satellite or other audio or video broadcast or transmission, or any~~
- 5 ~~other similar means of communication.~~
- 6 ~~—(f) An audio or video recording or reproduction, or any other~~
- 7 ~~similar means of communication.~~
- 8 ~~—(g) An item of electronic mail, a modem or computer network,~~
- 9 ~~or the Internet, or any other similar means of communication.]~~

10 *4. A person may be prosecuted, convicted and punished for a*

11 *violation of this section whether or not the person is prosecuted,*

12 *convicted or punished for a violation of any other statute based*

13 *upon the same act or transaction.*

14 *5. The provisions of this section do not apply to any act that is*

15 *committed in a lawful manner and in the course of a lawful*

16 *business, event or activity.*

17 **Sec. 23.** NRS 207.360 is hereby amended to read as follows:

18 207.360 “Crime related to racketeering” means the commission

19 of, attempt to commit or conspiracy to commit any of the following

20 crimes:

- 21 1. Murder;
- 22 2. Manslaughter;
- 23 3. Mayhem;
- 24 4. Battery which is punished as a felony;
- 25 5. Kidnapping;
- 26 6. Sexual assault;
- 27 7. Arson;
- 28 8. Robbery;
- 29 9. Taking property from another under circumstances not
- 30 amounting to robbery;
- 31 10. Extortion;
- 32 11. Statutory sexual seduction;
- 33 12. Extortionate collection of debt in violation of
- 34 NRS 205.322;
- 35 13. Forgery;
- 36 14. Any violation of NRS 199.280 which is punished as a
- 37 felony;
- 38 15. Burglary;
- 39 16. Grand larceny;
- 40 17. Bribery or asking for or receiving a bribe in violation of
- 41 chapter 197 or 199 of NRS which is punished as a felony;
- 42 18. Battery with intent to commit a crime in violation of
- 43 NRS 200.400;
- 44 19. Assault with a deadly weapon;



- 1 20. Any violation of NRS 453.232, 453.316 to 453.3395,
2 inclusive, or 453.375 to 453.401, inclusive;
3 21. Receiving or transferring a stolen vehicle;
4 22. Any violation of NRS 202.260, 202.275 or 202.350 which
5 is punished as a felony;
6 23. Any violation of subsection 2 or 3 of NRS 463.360 or
7 chapter 465 of NRS;
8 24. Receiving, possessing or withholding stolen goods valued
9 at \$250 or more;
10 25. Embezzlement of money or property valued at \$250 or
11 more;
12 26. Obtaining possession of money or property valued at \$250
13 or more, or obtaining a signature by means of false pretenses;
14 27. Perjury or subornation of perjury;
15 28. Offering false evidence;
16 29. Any violation of NRS 201.300 or 201.360;
17 30. Any violation of NRS 90.570, 91.230 or 686A.290, or
18 insurance fraud pursuant to NRS 686A.291; ~~for~~
19 31. Any violation of NRS 205.506, 205.920 or 205.930 ~~for~~; *or*
20 **32. Any violation of NRS 202.446 or section 15 of this act.**
21 **Sec. 24.** NRS 171.080 is hereby amended to read as follows:
22 171.080 There is no limitation of the time within which a
23 prosecution for ~~murder~~ :
24 **1. Murder** must be commenced. It may be commenced at any
25 time after the death of the person killed.
26 **2. A violation of section 15 of this act must be commenced. It**
27 **may be commenced at any time after the violation is committed.**
28 **Sec. 25.** NRS 179.121 is hereby amended to read as follows:
29 179.121 1. All personal property, including, without
30 limitation, any tool, substance, weapon, machine, computer, money
31 or security, which is used as an instrumentality in any of the
32 following crimes, is subject to forfeiture:
33 (a) The commission of or attempted commission of the crime of
34 murder, robbery, kidnapping, burglary, invasion of the home, grand
35 larceny, theft if it is punishable as a felony, or pandering;
36 (b) **The commission of or attempted commission of any felony**
37 **with the intent to commit, cause, aid, further or conceal an act of**
38 **terrorism;**
39 (c) **A violation of NRS 202.446 or section 15 of this act;**
40 (d) The commission of any crime by a criminal gang, as defined
41 in NRS 213.1263; or
42 ~~(e)~~ (e) A violation of NRS 200.465, 202.265, 202.287, 205.473
43 to 205.513, inclusive, and 205.610 to 205.810, inclusive, or 465.070
44 to 465.085, inclusive.



1 2. Except as otherwise provided for conveyances forfeitable
2 pursuant to NRS 453.301 or 501.3857, all conveyances, including
3 aircraft, vehicles or vessels, which are used or intended for use
4 during the commission of a felony or a violation of NRS 202.287,
5 202.300 or 465.070 to 465.085, inclusive, are subject to forfeiture
6 except that:

7 (a) A conveyance used by any person as a common carrier in the
8 transaction of business as a common carrier is not subject to
9 forfeiture under this section unless it appears that the owner or other
10 person in charge of the conveyance is a consenting party or privy to
11 the felony or violation;

12 (b) A conveyance is not subject to forfeiture under this section
13 by reason of any act or omission established by the owner thereof to
14 have been committed or omitted without his knowledge, consent or
15 willful blindness;

16 (c) A conveyance is not subject to forfeiture for a violation of
17 NRS 202.300 if the firearm used in the violation of that section was
18 not loaded at the time of the violation; and

19 (d) A forfeiture of a conveyance encumbered by a bona fide
20 security interest is subject to the interest of the secured party if he
21 neither had knowledge of nor consented to the felony. If a
22 conveyance is forfeited, the appropriate law enforcement agency
23 may pay the existing balance and retain the conveyance for official
24 use.

25 3. For the purposes of this section, a firearm is loaded if:

26 (a) There is a cartridge in the chamber of the firearm;

27 (b) There is a cartridge in the cylinder of the firearm, if the
28 firearm is a revolver; or

29 (c) There is a cartridge in the magazine and the magazine is in
30 the firearm or there is a cartridge in the chamber, if the firearm is a
31 semiautomatic firearm.

32 **4. As used in this section, "act of terrorism" has the meaning**
33 **ascribed to it in section 7 of this act.**

34 **Sec. 26.** Chapter 463 of NRS is hereby amended by adding
35 thereto a new section to read as follows:

36 **1. Each resort hotel shall adopt and maintain an emergency**
37 **response plan. Each new or revised plan must be filed within 3**
38 **days after adoption or revision with each local fire department and**
39 **local law enforcement agency whose jurisdiction includes the area**
40 **in which the resort hotel is located and with the Division of**
41 **Emergency Management of the Department of Public Safety.**

42 **2. The emergency response plan required by subsection 1**
43 **must include:**

44 **(a) A drawing or map of the layout of all areas within**
45 **the building or buildings and grounds that constitute a part of the**



- 1 *resort hotel and its support systems and a brief description of the*
- 2 *purpose or use for each area;*
- 3 *(b) A drawing or description of the internal and external*
- 4 *access routes;*
- 5 *(c) The location and inventory of emergency response*
- 6 *equipment and resources;*
- 7 *(d) The location of any unusually hazardous substances;*
- 8 *(e) The name and telephone number of the emergency*
- 9 *response coordinator for the resort hotel;*
- 10 *(f) The location of one or more site emergency response*
- 11 *command posts;*
- 12 *(g) A description of any special equipment needed to respond*
- 13 *to an emergency at the resort hotel;*
- 14 *(h) An evacuation plan;*
- 15 *(i) A description of any public health or safety hazards present*
- 16 *on the site; and*
- 17 *(j) Any other information requested by a local fire department*
- 18 *or local law enforcement agency whose jurisdiction includes the*
- 19 *area in which the resort hotel is located or by the Division of*
- 20 *Emergency Management.*

21 **3.** *A plan filed pursuant to the requirements of this section,*
 22 *including any revisions adopted thereto, is confidential and must*
 23 *be securely maintained by the department, agency and Division*
 24 *with whom it is filed. An officer, employee or other person to*
 25 *whom the plan is entrusted by the department, agency or Division*
 26 *shall not disclose the contents of such a plan except:*

- 27 *(a) Upon the lawful order of a court of competent jurisdiction;*
- 28 *or*
- 29 *(b) As is reasonably necessary in the case of an emergency*
- 30 *involving public health or safety.*

31 **4.** *As used in this section, the term "local law enforcement*
 32 *agency" means:*

- 33 *(a) The sheriff's office of a county;*
- 34 *(b) A metropolitan police department; or*
- 35 *(c) A police department of an incorporated city.*

36 **Sec. 27.** 1. Each resort hotel shall adopt and file the
 37 emergency response plan required by section 26 of this act on or
 38 before October 1, 2003, in the manner required by that section.

39 2. As used in this section, the term "resort hotel" has the
 40 meaning ascribed to it in NRS 463.01865.

41 **Sec. 28.** 1. This section and sections 1 to 25, inclusive, and
 42 27 of this act become effective upon passage and approval.

43 2. Section 26 of this act becomes effective on October 1, 2003.

