

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

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JOINT SPONSOR: SENATOR RAGGIO

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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 enacts provisions concerning responses to emergencies. (BDR 15-49)

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.

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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;



\* A B 2 5 0 R 3 \*

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, 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; requiring certain health care professionals to obtain continuing education concerning the medical consequences of acts of terrorism; providing for an interim study concerning the coordination, planning and cost of responding to emergencies involving state buildings; 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 events of September 11, 2001, have focused the  
3 attention of our nation on the importance of preparedness in  
4 preventing, investigating and prosecuting acts of terrorism.  
5       2. To be effective, such preparedness requires a partnership  
6 among federal, state and local governments.  
7       3. While local law enforcement efforts and response plans to  
8 terrorism are comprehensive, additional statewide provisions are  
9 necessary to respond adequately to acts of terrorism and to punish  
10 perpetrators of terrorist acts to the fullest extent possible.  
11       4. The use of weapons of mass destruction, biological and  
12 chemical agents, toxins, radioactive materials and sophisticated  
13 delivery systems for carrying out acts of terrorism emphasizes the  
14 need to ensure that we have criminal laws that clearly provide  
15 punishments and deterrents designed to counteract these despicable  
16 and inhumane activities.  
17       5. It is therefore within the public interest that the Legislature  
18 require emergency response plans for our resort hotels, reinforce  
19 and enhance penalties for acts of terrorism, define key terms relating  
20 to terrorist activity, criminalize the act of making terrorist threats,  
21 prohibit the conveyance of false information, enhance the penalty  
22 for obstruction of justice relating to terrorism, and elevate, to the  
23 greatest extent possible, criminal punishments relating to all terrorist  
24 activity.  
25       6. It is the intent of the Legislature:  
26       (a) To strengthen the laws of the State of Nevada to better  
27 protect the health and safety of this state and its residents by



1 providing the greatest measure of protection from acts of terrorism;  
2 and

3 (b) That this act be interpreted to provide the greatest measure of  
4 protection for the constitutional rights of the residents of this state,  
5 including the right to petition federal, state and local governments  
6 and to exercise rights under the First Amendment to the Constitution  
7 of the United States and Section 9 of Article 1 of the Nevada  
8 Constitution.

9 **Sec. 2.** Chapter 193 of NRS is hereby amended by adding  
10 thereto a new section to read as follows:

11 *1. Except as otherwise provided in this section and NRS*  
12 *193.169, any person who commits a felony with the intent to*  
13 *commit, cause, aid, further or conceal an act of terrorism shall be*  
14 *punished by imprisonment in the state prison for a term equal to*  
15 *and in addition to the term of imprisonment prescribed by statute*  
16 *for the crime. The sentence prescribed by this section must run*  
17 *consecutively with the sentence prescribed by statute for the crime.*

18 *2. Unless a greater penalty is provided by specific statute and*  
19 *except as otherwise provided in NRS 193.169, in lieu of an*  
20 *additional term of imprisonment as provided pursuant to*  
21 *subsection 1, if a felony that resulted in death or substantial bodily*  
22 *harm to the victim was committed with the intent to commit, cause,*  
23 *aid, further or conceal an act of terrorism, the felony may be*  
24 *deemed a category A felony and the person who committed the*  
25 *felony may be punished by imprisonment in the state prison:*

- 26 (a) *For life without the possibility of parole;*
- 27 (b) *For life with the possibility of parole, with eligibility for*  
28 *parole beginning when a minimum of 20 years has been served; or*
- 29 (c) *For a definite term of 50 years, with eligibility for parole*  
30 *beginning when a minimum of 20 years has been served.*

31 *3. Subsection 1 does not create a separate offense but*  
32 *provides an additional penalty for the primary offense, the*  
33 *imposition of which is contingent upon the finding of the*  
34 *prescribed fact. Subsection 2 does not create a separate offense*  
35 *but provides an alternative penalty for the primary offense, the*  
36 *imposition of which is contingent upon the finding of the*  
37 *prescribed fact.*

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

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

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

43 193.169 1. A person who is sentenced to an additional term  
44 of imprisonment pursuant to the provisions of subsection 1 of NRS  
45 193.161, NRS 193.162, 193.163, 193.165, 193.167, 193.1675,



1 193.168 or 453.3345 *or subsection 1 of section 2 of this act* must  
2 not be sentenced to an additional term of imprisonment pursuant to  
3 any of the other listed sections even if the person's conduct satisfies  
4 the requirements for imposing an additional term of imprisonment  
5 pursuant to another one or more of those sections.

6 2. A person who is sentenced to an alternative term of  
7 imprisonment pursuant to subsection 2 of NRS 193.161 *or*  
8 *subsection 2 of section 2 of this act* must not be sentenced to an  
9 additional term of imprisonment pursuant to subsection 1 of NRS  
10 193.161, NRS 193.162, 193.163, 193.165, 193.167, 193.1675,  
11 193.168 or 453.3345 even if the person's conduct satisfies the  
12 requirements for imposing an additional term of imprisonment  
13 pursuant to another one or more of those sections.

14 3. This section does not:

15 (a) Affect other penalties or limitations upon probation or  
16 suspension of a sentence contained in the sections listed in  
17 subsection 1 or 2.

18 (b) Prohibit alleging in the alternative in the indictment or  
19 information that the person's conduct satisfies the requirements of  
20 more than one of the sections listed in subsection 1 or 2 and  
21 introducing evidence to prove the alternative allegations.

22 **Sec. 4.** NRS 200.030 is hereby amended to read as follows:

23 200.030 1. Murder of the first degree is murder which is:

24 (a) Perpetrated by means of poison, lying in wait or torture, or  
25 by any other kind of willful, deliberate and premeditated killing;

26 (b) Committed in the perpetration or attempted perpetration of  
27 sexual assault, kidnapping, arson, robbery, burglary, invasion of the  
28 home, sexual abuse of a child, sexual molestation of a child under  
29 the age of 14 years or child abuse;

30 (c) Committed to avoid or prevent the lawful arrest of any  
31 person by a peace officer or to effect the escape of any person from  
32 legal custody; ~~or~~

33 (d) Committed on the property of a public or private school, at  
34 an activity sponsored by a public or private school or on a school  
35 bus while the bus was engaged in its official duties by a person who  
36 intended to create a great risk of death or substantial bodily harm to  
37 more than one person by means of a weapon, device or course of  
38 action that would normally be hazardous to the lives of more than  
39 one person ~~or~~; *or*

40 (e) *Committed in the perpetration or attempted perpetration of*  
41 *an act of terrorism.*

42 2. Murder of the second degree is all other kinds of murder.

43 3. The jury before whom any person indicted for murder is  
44 tried shall, if they find him guilty thereof, designate by their verdict  
45 whether he is guilty of murder of the first or second degree.



1 4. A person convicted of murder of the first degree is guilty of  
2 a category A felony and shall be punished:

3 (a) By death, only if one or more aggravating circumstances are  
4 found and any mitigating circumstance or circumstances which are  
5 found do not outweigh the aggravating circumstance or  
6 circumstances; or

7 (b) By imprisonment in the state prison:

8 (1) For life without the possibility of parole;

9 (2) For life with the possibility of parole, with eligibility for  
10 parole beginning when a minimum of 20 years has been served; or

11 (3) For a definite term of 50 years, with eligibility for parole  
12 beginning when a minimum of 20 years has been served.

13 A determination of whether aggravating circumstances exist is not  
14 necessary to fix the penalty at imprisonment for life with or without  
15 the possibility of parole.

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

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

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

23 6. As used in this section:

24 (a) *“Act of terrorism” has the meaning ascribed to it in section*  
25 *7 of this act;*

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

28 ~~[(b)]~~ (c) “School bus” has the meaning ascribed to it in  
29 NRS 483.160;

30 ~~[(c)]~~ (d) “Sexual abuse of a child” means any of the acts  
31 described in NRS 432B.100; and

32 ~~[(d)]~~ (e) “Sexual molestation” means any willful and lewd or  
33 lascivious act, other than acts constituting the crime of sexual  
34 assault, upon or with the body, or any part or member thereof, of a  
35 child under the age of 14 years, with the intent of arousing,  
36 appealing to, or gratifying the lust, passions or sexual desires of the  
37 perpetrator or of the child.

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

39 200.033 The only circumstances by which murder of the first  
40 degree may be aggravated are:

41 1. The murder was committed by a person under sentence of  
42 imprisonment.

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



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

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

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

10 3. The murder was committed by a person who knowingly  
11 created a great risk of death to more than one person by means of a  
12 weapon, device or course of action which would normally be  
13 hazardous to the lives of more than one person.

14 4. The murder was committed while the person was engaged,  
15 alone or with others, in the commission of , or an attempt to commit  
16 or flight after committing or attempting to commit, any robbery,  
17 arson in the first degree, burglary, invasion of the home or  
18 kidnapping in the first degree, and the person charged:


19 (a) Killed or attempted to kill the person murdered; or

20 (b) Knew or had reason to know that life would be taken or  
21 lethal force used.

22 5. The murder was committed to avoid or prevent a lawful  
23 arrest or to effect an escape from custody.

24 6. The murder was committed by a person, for himself or  
25 another, to receive money or any other thing of monetary value.

26 7. The murder was committed upon a peace officer or fireman  
27 who was killed while engaged in the performance of his official  
28 duty or because of an act performed in his official capacity, and the  
29 defendant knew or reasonably should have known that the victim  
30 was a peace officer or fireman. For the purposes of this subsection,  
31 "peace officer" means:

32 (a) An employee of the Department of Corrections who does not  
33 exercise general control over offenders imprisoned within the  
34 institutions and facilities of the Department , but whose normal  
35 duties require him to come into contact with those offenders   
36 when carrying out the duties prescribed by the Director of the  
37 Department.

38 (b) Any person upon whom some or all of the powers of a peace  
39 officer are conferred pursuant to NRS 289.150 to 289.360, inclusive,  
40 when carrying out those powers.

41 8. The murder involved torture or the mutilation of the victim.

42 9. The murder was committed upon one or more persons at  
43 random and without apparent motive.

44 10. The murder was committed upon a person less than 14  
45 years of age.



1 11. The murder was committed upon a person because of the  
2 actual or perceived race, color, religion, national origin, physical or  
3 mental disability or sexual orientation of that person.

4 12. The defendant has, in the immediate proceeding, been  
5 convicted of more than one offense of murder in the first or second  
6 degree. For the purposes of this subsection, a person shall be  
7 deemed to have been convicted of a murder at the time the jury  
8 verdict of guilt is rendered or upon pronouncement of guilt by a  
9 judge or judges sitting without a jury.

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

14 (a) "Nonconsensual" means against the victim's will or under  
15 conditions in which the person knows or reasonably should know  
16 that the victim is mentally or physically incapable of resisting,  
17 consenting or understanding the nature of his conduct, including, but  
18 not limited to, conditions in which the person knows or reasonably  
19 should know that the victim is dead.

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

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

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

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

42 **Sec. 7. 1. "Act of terrorism" means any act that involves  
43 the use or attempted use of sabotage, coercion or violence which is  
44 intended to:**



- 1 (a) Cause great bodily harm or death to the general
- 2 population; or
- 3 (b) Cause substantial destruction or contamination of:
- 4 (1) Any building or infrastructure, communications,
- 5 transportation, utilities or services; or
- 6 (2) Any natural resource or the environment.
- 7 2. As used in this section, "coercion" does not include an act
- 8 of civil disobedience.
- 9 **Sec. 8.** "Chemical agent" means any chemical substance,
- 10 material or product, or any component or compound thereof,
- 11 which is naturally occurring, cultivated, engineered, processed,
- 12 extracted or manufactured and which is capable of causing:
- 13 1. Death or substantial bodily harm;
- 14 2. Substantial deterioration or contamination of food, water,
- 15 equipment, supplies or material of any kind; or
- 16 3. Substantial damage to natural resources or the
- 17 environment.
- 18 **Sec. 9.** 1. "For use as a weapon" means having the
- 19 capability to be used in a harmful or threatening manner.
- 20 2. The term does not include any act that is done lawfully for
- 21 a prophylactic, protective or peaceful purpose.
- 22 **Sec. 10.** "Material support" means any financial, logistical,
- 23 informational or other support or assistance intended to further
- 24 an act of terrorism.
- 25 **Sec. 11.** "Oral, written or electronic communication"
- 26 includes, without limitation, any of the following:
- 27 1. A letter, note or any other type of written correspondence.
- 28 2. An item of mail or a package delivered by any person or
- 29 postal or delivery service.
- 30 3. A telegraph or wire service, or any other similar means of
- 31 communication.
- 32 4. A telephone, cellular phone, satellite phone, pager or
- 33 facsimile machine, or any other similar means of communication.
- 34 5. A radio, television, cable, closed circuit, wire, wireless,
- 35 satellite or other audio or video broadcast or transmission, or any
- 36 other similar means of communication.
- 37 6. An audio or video recording or reproduction, or any other
- 38 similar means of communication.
- 39 7. An item of electronic mail, a computer, computer network
- 40 or computer system, or any other similar means of
- 41 communication.
- 42 **Sec. 12.** "Radioactive agent" means any radioactive
- 43 substance, material or product, or any component or compound
- 44 thereof, which is naturally occurring, cultivated, engineered,





1 *processed, extracted or manufactured and which is capable of*  
2 *causing:*

- 3 1. *Death or substantial bodily harm;*
- 4 2. *Substantial deterioration or contamination of food, water,*  
5 *equipment, supplies or material of any kind; or*
- 6 3. *Substantial damage to natural resources or the*  
7 *environment.*

8 **Sec. 13.** *“Terrorist” means a person who intentionally*  
9 *commits, causes, aids, furthers or conceals an act of terrorism or*  
10 *attempts to commit, cause, aid, further or conceal an act of*  
11 *terrorism.*

12 **Sec. 14.** *“Weapon of mass destruction” means any weapon*  
13 *or device that is designed or intended to create a great risk of*  
14 *death or substantial bodily harm to a large number of persons.*

15 **Sec. 15.** 1. *A person shall not knowingly or intentionally*  
16 *commit or cause an act of terrorism or attempt to commit or cause*  
17 *an act of terrorism.*

18 2. *A person shall not knowingly or intentionally:*  
19 *(a) Aid, further or conceal or attempt to aid, further or conceal*  
20 *an act of terrorism;*

21 *(b) Assist, solicit or conspire with another person to commit,*  
22 *cause, aid, further or conceal an act of terrorism; or*

23 *(c) Provide material support with the intent that such material*  
24 *support be used, in whole or in part, to:*

25 *(1) Commit, cause, aid, further or conceal an act of*  
26 *terrorism; or*

27 *(2) Aid a terrorist or conceal a terrorist from detection or*  
28 *capture.*

29 3. *A person who violates subsection 1 is guilty of a category A*  
30 *felony and:*

31 *(a) Shall be punished by imprisonment:*

32 *(1) For life without the possibility of parole;*

33 *(2) For life with the possibility of parole, with eligibility for*  
34 *parole beginning when a minimum of 20 years has been served; or*

35 *(3) For a definite term of 50 years, with eligibility for*  
36 *parole beginning when a minimum of 20 years has been served;*  
37 *and*

38 *(b) Shall further be punished by a fine of at least \$50,000 but*  
39 *not more than \$100,000.*

40 4. *A person who violates subsection 2 is guilty of a category A*  
41 *felony and:*

42 *(a) Shall be punished by imprisonment:*

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



1 (2) For a definite term of 25 years, with eligibility for  
2 parole beginning when a minimum of 10 years has been served;  
3 and

4 (b) Shall be further punished by a fine of at least \$25,000 but  
5 not more than \$50,000.

6 5. In addition to any other penalty, the court shall order a  
7 person who violates the provisions of this section to pay  
8 restitution:

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

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

13 **Sec. 16.** (Deleted by amendment.)

14 **Sec. 17.** NRS 202.441 is hereby amended to read as follows:

15 202.441 As used in NRS 202.441 to 202.448, inclusive, and  
16 sections 7 to 16, inclusive, of this act, unless the context otherwise  
17 requires, the words and terms defined in NRS 202.442, 202.443 and  
18 202.444 and sections 7 to 14, inclusive, of this act have the  
19 meanings ascribed to them in those sections.

20 **Sec. 18.** NRS 202.442 is hereby amended to read as follows:

21 202.442 "Biological agent" ~~has the meaning ascribed to it in~~  
22 ~~18 U.S.C. § 178.]~~ means any microorganism, virus, infectious  
23 substance or other biological substance, material or product, or  
24 any component or compound thereof, which is naturally  
25 occurring, cultivated, engineered, processed, extracted or  
26 manufactured and which is capable of causing:

- 27 1. Death or substantial bodily harm;
- 28 2. Substantial deterioration or contamination of food, water,  
29 equipment, supplies or material of any kind; or
- 30 3. Substantial damage to natural resources or the  
31 environment.

32 **Sec. 19.** NRS 202.443 is hereby amended to read as follows:

33 202.443 "Delivery system" ~~has the meaning ascribed to it in~~  
34 ~~18 U.S.C. § 178.]~~ means any apparatus, equipment, implement,  
35 device or means of delivery which is specifically designed to send,  
36 disperse, release, discharge or disseminate any weapon of mass  
37 destruction, any biological agent, chemical agent, radioactive  
38 agent or other lethal agent or any toxin.

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

40 202.444 "Toxin" ~~has the meaning ascribed to it in 18 U.S.C. §~~  
41 ~~178.]~~ means any toxic substance, material or product, or any  
42 component or compound thereof, which is naturally occurring,  
43 cultivated, engineered, processed, extracted or manufactured and  
44 which is capable of causing:

- 45 1. Death or substantial bodily harm;



- 1     **2. Substantial deterioration or contamination of food, water,**
- 2     *equipment, supplies or material of any kind; or*
- 3     **3. Substantial damage to natural resources or the**
- 4     *environment.*

5     **Sec. 21.** NRS 202.446 is hereby amended to read as follows:  
 6     202.446 1. A person shall not knowingly:

7     (a) Develop, *manufacture*, produce, *assemble*, stockpile,  
 8     transfer, *transport*, acquire, retain, *store, test* or possess ~~any~~ *any*  
 9     *weapon of mass destruction, any biological agent, chemical agent,*  
 10    *radioactive agent or other lethal agent, any* toxin or *any* delivery  
 11    system for use as a weapon; or

12    (b) *Send, deliver, disperse, release, discharge, disseminate or*  
 13    *use any weapon of mass destruction, any biological agent,*  
 14    *chemical agent, radioactive agent or other lethal agent, any toxin*  
 15    *or any delivery system:*

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

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

20    **2. A person shall not knowingly:**

21    (a) *Attempt to do any act described in subsection 1; or*

22    (b) Assist, *solicit or conspire with* another person to do any act  
 23    described in ~~paragraph (a).~~

24    ~~2.] subsection 1.~~

25    **3.** A person who violates any provision of subsection 1 is  
 26    guilty of a category A felony and shall be punished ~~by~~ *by* :

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

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

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

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

37    ~~3. As used in this section, the term "for use as a weapon" does~~  
 38    ~~not include the development, production, transfer, acquisition,~~  
 39    ~~retention or possession of a biological agent, toxin or delivery~~  
 40    ~~system for prophylactic, protective or other peaceful purposes.] ,~~  
 41    ~~and shall further be punished by a fine of not more than \$20,000.~~

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

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



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

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

9 4. *A person who violates any provision of subsection 2 is*  
10 *guilty of a category B felony and shall be punished by*  
11 *imprisonment in the state prison for a minimum term of not less*  
12 *than 2 years and a maximum term of not more than 15 years, and*  
13 *shall further be punished by a fine of not more than \$10,000.*

14 5. *In addition to any other penalty, the court shall order a*  
15 *person who violates the provisions of this section to pay*  
16 *restitution:*

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

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

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

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

25 202.448 1. A person shall not, through the use of any means  
26 of oral, written or electronic communication, knowingly make any  
27 threat or convey any false information concerning *an act of*  
28 *terrorism or* the presence, *development, manufacture, production,*  
29 *assemblage, transfer, transportation, acquisition, retention,*  
30 *storage, testing, possession,* delivery, dispersion, release, *discharge*  
31 or use of ~~fa~~ *any weapon of mass destruction, any biological agent,*  
32 *chemical agent, radioactive agent or other lethal agent or any*  
33 *toxin with the intent to:*

34 (a) Injure, intimidate ~~[, frighten, alarm or distress]~~ *or alarm* any  
35 person, whether or not any person is actually injured, intimidated ~~[,~~  
36 ~~frightened, alarmed or distressed]~~ *or alarmed* thereby;

37 (b) Cause panic or civil unrest, whether or not such panic or  
38 civil unrest actually occurs;

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

41 (d) Interfere with the operations of or cause economic or other  
42 damage to any person or any officer, agency, board, bureau,  
43 commission, department, division or other unit of federal, state or  
44 local government, whether or not such interference or damage  
45 actually occurs.



1 2. A person who violates any provision of subsection 1 is  
2 guilty of a category B felony and shall be punished by imprisonment  
3 in the state prison for a minimum term of not less than 1 year and a  
4 maximum term of not more than 6 years, and may be further  
5 punished by a fine of not more than \$5,000.

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

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

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

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

13 ~~—(d) A telephone, cellular phone, satellite phone, pager or  
14 facsimile machine, or any other similar means of communication.~~

15 ~~—(e) A radio, television, cable, closed circuit, wire, wireless,  
16 satellite or other audio or video broadcast or transmission, or any  
17 other similar means of communication.~~

18 ~~—(f) An audio or video recording or reproduction, or any other  
19 similar means of communication.~~

20 ~~—(g) An item of electronic mail, a modem or computer network,  
21 or the Internet, or any other similar means of communication.]~~

22 **3. *The provisions of this section do not apply to any act that is  
23 committed in a lawful manner and in the course of a lawful  
24 business, event or activity.***

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

26 207.360 "Crime related to racketeering" means the commission  
27 of, attempt to commit or conspiracy to commit any of the following  
28 crimes:

- 29 1. Murder;
- 30 2. Manslaughter;
- 31 3. Mayhem;
- 32 4. Battery which is punished as a felony;
- 33 5. Kidnapping;
- 34 6. Sexual assault;
- 35 7. Arson;
- 36 8. Robbery;
- 37 9. Taking property from another under circumstances not  
38 amounting to robbery;
- 39 10. Extortion;
- 40 11. Statutory sexual seduction;
- 41 12. Extortionate collection of debt in violation of  
42 NRS 205.322;
- 43 13. Forgery;
- 44 14. Any violation of NRS 199.280 which is punished as a  
45 felony;



- 1 15. Burglary;
- 2 16. Grand larceny;
- 3 17. Bribery or asking for or receiving a bribe in violation of
- 4 chapter 197 or 199 of NRS which is punished as a felony;
- 5 18. Battery with intent to commit a crime in violation of
- 6 NRS 200.400;
- 7 19. Assault with a deadly weapon;
- 8 20. Any violation of NRS 453.232, 453.316 to 453.3395,
- 9 inclusive, or 453.375 to 453.401, inclusive;
- 10 21. Receiving or transferring a stolen vehicle;
- 11 22. Any violation of NRS 202.260, 202.275 or 202.350 which
- 12 is punished as a felony;
- 13 23. Any violation of subsection 2 or 3 of NRS 463.360 or
- 14 chapter 465 of NRS;
- 15 24. Receiving, possessing or withholding stolen goods valued
- 16 at \$250 or more;
- 17 25. Embezzlement of money or property valued at \$250 or
- 18 more;
- 19 26. Obtaining possession of money or property valued at \$250
- 20 or more, or obtaining a signature by means of false pretenses;
- 21 27. Perjury or subornation of perjury;
- 22 28. Offering false evidence;
- 23 29. Any violation of NRS 201.300 or 201.360;
- 24 30. Any violation of NRS 90.570, 91.230 or 686A.290, or
- 25 insurance fraud pursuant to NRS 686A.291; ~~for~~
- 26 31. Any violation of NRS 205.506, 205.920 or 205.930 ~~for~~; or
- 27 **32. Any violation of NRS 202.446 or section 15 of this act.**
- 28 **Sec. 24.** NRS 171.080 is hereby amended to read as follows:
- 29 171.080 There is no limitation of the time within which a
- 30 prosecution for ~~murder~~ :
- 31 **1. Murder** must be commenced. It may be commenced at any
- 32 time after the death of the person killed.
- 33 **2. A violation of section 15 of this act must be commenced. It**
- 34 **may be commenced at any time after the violation is committed.**
- 35 **Sec. 25.** NRS 179.121 is hereby amended to read as follows:
- 36 179.121 1. All personal property, including, without
- 37 limitation, any tool, substance, weapon, machine, computer, money
- 38 or security, which is used as an instrumentality in any of the
- 39 following crimes, is subject to forfeiture:
- 40 (a) The commission of or attempted commission of the crime of
- 41 murder, robbery, kidnapping, burglary, invasion of the home, grand
- 42 larceny, theft if it is punishable as a felony, or pandering;
- 43 (b) **The commission of or attempted commission of any felony**
- 44 **with the intent to commit, cause, aid, further or conceal an act of**
- 45 **terrorism;**



1 (c) *A violation of NRS 202.446 or section 15 of this act;*  
2 (d) The commission of any crime by a criminal gang, as defined  
3 in NRS 213.1263; or

4 ~~[(e)]~~ (e) A violation of NRS 200.465, 202.265, 202.287, 205.473  
5 to 205.513, inclusive, and 205.610 to 205.810, inclusive, or 465.070  
6 to 465.085, inclusive.

7 2. Except as otherwise provided for conveyances forfeitable  
8 pursuant to NRS 453.301 or 501.3857, all conveyances, including  
9 aircraft, vehicles or vessels, which are used or intended for use  
10 during the commission of a felony or a violation of NRS 202.287,  
11 202.300 or 465.070 to 465.085, inclusive, are subject to forfeiture  
12 except that:

13 (a) A conveyance used by any person as a common carrier in the  
14 transaction of business as a common carrier is not subject to  
15 forfeiture under this section unless it appears that the owner or other  
16 person in charge of the conveyance is a consenting party or privy to  
17 the felony or violation;

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

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

25 (d) A forfeiture of a conveyance encumbered by a bona fide  
26 security interest is subject to the interest of the secured party if he  
27 neither had knowledge of nor consented to the felony. If a  
28 conveyance is forfeited, the appropriate law enforcement agency  
29 may pay the existing balance and retain the conveyance for official  
30 use.

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

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

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

35 (c) There is a cartridge in the magazine and the magazine is in  
36 the firearm or there is a cartridge in the chamber, if the firearm is a  
37 semiautomatic firearm.

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

40 **Sec. 26.** NRS 450B.180 is hereby amended to read as follows:

41 450B.180 1. Any person desiring certification as an  
42 emergency medical technician must apply to the health authority  
43 using forms prescribed by the health authority.

44 2. The health authority, pursuant to regulations and procedures  
45 adopted by the board, shall make a determination of the applicant's





1 qualifications to be certified as an emergency medical technician,  
2 and shall issue a certificate as an emergency medical technician to  
3 each qualified applicant.

4 3. A certificate as an emergency medical technician is valid for  
5 a period not exceeding 2 years and may be renewed if the holder of  
6 the certificate complies with the provisions of this chapter and meets  
7 the qualifications set forth in the regulations and standards  
8 established by the board pursuant to this chapter. *The regulations  
9 and standards established by the Board must provide for the  
10 completion of a course of instruction relating to the medical  
11 consequences of an act of terrorism that involves the use of a  
12 weapon of mass destruction. The course must provide at least 4  
13 hours of instruction that includes instruction in the following  
14 subjects:*

15 (a) *An overview of acts of terrorism and weapons of mass  
16 destruction;*

17 (b) *Personal protective equipment required for acts of  
18 terrorism;*

19 (c) *Common symptoms and methods of treatment associated  
20 with exposure to, or injuries caused by, chemical, biological,  
21 radioactive and nuclear agents;*

22 (d) *Syndromic surveillance and reporting procedures for acts  
23 of terrorism that involve biological agents; and*

24 (e) *An overview of the information available on, and the use  
25 of, the Health Alert Network.*

26 4. The health authority may suspend or revoke the certificate of  
27 an emergency medical technician if it finds that the holder of the  
28 certificate no longer meets the prescribed qualifications. Unless the  
29 certificate is suspended by the district court pursuant to NRS  
30 425.540, the holder of the certificate may appeal the suspension or  
31 revocation of his certificate pursuant to regulations adopted by the  
32 board.

33 5. The board shall determine the procedures and techniques  
34 which may be performed by an emergency medical technician.

35 6. A certificate issued pursuant to this section is valid  
36 throughout the State, whether issued by the Health Division or a  
37 county or district board of health.

38 7. The Health Division shall maintain a central registry of all  
39 certificates issued pursuant to this section, whether issued by the  
40 Health Division or a county or district board of health.

41 8. The board shall adopt such regulations as are necessary to  
42 carry out the provisions of this section.

43 **9. As used in this section:**

44 (a) *“Act of terrorism” has the meaning ascribed to it in section  
45 7 of this act.*



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1 (b) "Biological agent" has the meaning ascribed to it in  
2 NRS 202.442.

3 (c) "Chemical agent" has the meaning ascribed to it in section  
4 8 of this act.

5 (d) "Radioactive agent" has the meaning ascribed to it in  
6 section 12 of this act.

7 (e) "Weapon of mass destruction" has the meaning ascribed to  
8 it in section 14 of this act.

9 **Sec. 27.** Chapter 463 of NRS is hereby amended by adding  
10 thereto a new section to read as follows:

11 1. Each resort hotel shall adopt and maintain an emergency  
12 response plan. Each new or revised plan must be filed within 3  
13 days after adoption or revision with each local fire department and  
14 local law enforcement agency whose jurisdiction includes the area  
15 in which the resort hotel is located and with the Division of  
16 Emergency Management of the Department of Public Safety.

17 2. The emergency response plan required by subsection 1  
18 must include:

19 (a) A drawing or map of the layout of all areas within  
20 the building or buildings and grounds that constitute a part of the  
21 resort hotel and its support systems and a brief description of the  
22 purpose or use for each area;

23 (b) A drawing or description of the internal and external  
24 access routes;

25 (c) The location and inventory of emergency response  
26 equipment and resources;

27 (d) The location of any unusually hazardous substances;

28 (e) The name and telephone number of the emergency  
29 response coordinator for the resort hotel;

30 (f) The location of one or more site emergency response  
31 command posts;

32 (g) A description of any special equipment needed to respond  
33 to an emergency at the resort hotel;

34 (h) An evacuation plan;

35 (i) A description of any public health or safety hazards present  
36 on the site; and

37 (j) Any other information requested by a local fire department  
38 or local law enforcement agency whose jurisdiction includes the  
39 area in which the resort hotel is located or by the Division of  
40 Emergency Management.

41 3. A plan filed pursuant to the requirements of this section,  
42 including any revisions adopted thereto, is confidential and must  
43 be securely maintained by the department, agency and Division  
44 with whom it is filed. An officer, employee or other person to



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1 *whom the plan is entrusted by the department, agency or Division*  
2 *shall not disclose the contents of such a plan except:*

3 (a) *Upon the lawful order of a court of competent jurisdiction;*  
4 *or*

5 (b) *As is reasonably necessary in the case of an emergency*  
6 *involving public health or safety.*

7 4. *As used in this section, the term “local law enforcement*  
8 *agency” means:*

9 (a) *The sheriff's office of a county;*

10 (b) *A metropolitan police department; or*

11 (c) *A police department of an incorporated city.*

12 **Sec. 28.** NRS 630.253 is hereby amended to read as follows:

13 630.253 1. The Board shall, as a prerequisite for the:

14 ~~1-~~ (a) *Renewal of a license as a physician assistant; or*

15 ~~2-~~ (b) *Biennial registration of the holder of a license to*  
16 *practice medicine,*

17 *require each holder to comply with the requirements for continuing*  
18 *education adopted by the Board.*

19 2. These requirements ~~may~~:

20 (a) *May* provide for the completion of one or more courses of  
21 instruction relating to risk management in the performance of  
22 medical services.

23 (b) *Must provide for the completion of a course of instruction*  
24 *relating to the medical consequences of an act of terrorism that*  
25 *involves the use of a weapon of mass destruction. The course must*  
26 *provide at least 4 hours of instruction that includes instruction in*  
27 *the following subjects:*

28 (1) *An overview of acts of terrorism and weapons of mass*  
29 *destruction;*

30 (2) *Personal protective equipment required for acts of*  
31 *terrorism;*

32 (3) *Common symptoms and methods of treatment*  
33 *associated with exposure to, or injuries caused by, chemical,*  
34 *biological, radioactive and nuclear agents;*

35 (4) *Syndromic surveillance and reporting procedures for*  
36 *acts of terrorism that involve biological agents; and*

37 (5) *An overview of the information available on, and the*  
38 *use of, the Health Alert Network.*

39 3. *As used in this section:*

40 (a) *“Act of terrorism” has the meaning ascribed to it in section*  
41 *7 of this act.*

42 (b) *“Biological agent” has the meaning ascribed to it in*  
43 *NRS 202.442.*

44 (c) *“Chemical agent” has the meaning ascribed to it in section*  
45 *8 of this act.*



1 (d) "Radioactive agent" has the meaning ascribed to it in  
2 section 12 of this act.

3 (e) "Weapon of mass destruction" has the meaning ascribed to  
4 it in section 14 of this act.

5 **Sec. 29.** NRS 631.342 is hereby amended to read as follows:

6 631.342 1. The Board shall adopt regulations concerning  
7 continuing education in dentistry and dental hygiene. The  
8 regulations must include:

9 ~~1-1~~ (a) The number of hours of credit required annually;

10 ~~2-1~~ (b) The criteria used to accredit each course; ~~and~~

11 ~~3-1~~ (c) The requirements for submission of proof of attendance  
12 at courses ~~1-1~~; and

13 (d) A provision requiring the completion of a course of  
14 instruction relating to the medical consequences of an act of  
15 terrorism that involves the use of a weapon of mass destruction.  
16 The course must provide at least 4 hours of instruction that  
17 includes instruction in the following subjects:

18 (1) An overview of acts of terrorism and weapons of mass  
19 destruction;

20 (2) Personal protective equipment required for acts of  
21 terrorism;

22 (3) Common symptoms and methods of treatment  
23 associated with exposure to, or injuries caused by, chemical,  
24 biological, radioactive and nuclear agents;

25 (4) Syndromic surveillance and reporting procedures for  
26 acts of terrorism that involve biological agents; and

27 (5) An overview of the information available on, and the  
28 use of, the Health Alert Network.

29 2. As used in this section:

30 (a) "Act of terrorism" has the meaning ascribed to it in section  
31 7 of this act.

32 (b) "Biological agent" has the meaning ascribed to it in  
33 NRS 202.442.

34 (c) "Chemical agent" has the meaning ascribed to it in section  
35 8 of this act.

36 (d) "Radioactive agent" has the meaning ascribed to it in  
37 section 12 of this act.

38 (e) "Weapon of mass destruction" has the meaning ascribed to  
39 it in section 14 of this act.

40 **Sec. 30.** NRS 632.343 is hereby amended to read as follows:

41 632.343 1. The Board shall not renew any license issued  
42 under this chapter until the licensee has submitted proof satisfactory  
43 to the Board of completion, during the 2-year period before renewal  
44 of the license, of 30 hours in a program of continuing education  
45 approved by the Board. The licensee is exempt from this provision



1 for the first biennial period after graduation from an accredited  
2 school of professional nursing or practical nursing.

3 2. The Board shall review all courses offered to nurses for the  
4 completion of the requirement set in subsection 1. The Board may  
5 approve nursing and other courses which are directly related to the  
6 practice of nursing as well as others which bear a reasonable  
7 relationship to current developments in the field of nursing or any  
8 special area of practice in which a licensee engages. These may  
9 include academic studies, workshops, extension studies, home study  
10 and other courses.

11 *3. The program of continuing education required by*  
12 *subsection 1 must include a course of instruction relating to the*  
13 *medical consequences of an act of terrorism that involves the use*  
14 *of a weapon of mass destruction. The course must provide at least*  
15 *4 hours of instruction that includes instruction in the following*  
16 *subjects:*

17 *(a) An overview of acts of terrorism and weapons of mass*  
18 *destruction;*

19 *(b) Personal protective equipment required for acts of*  
20 *terrorism;*

21 *(c) Common symptoms and methods of treatment associated*  
22 *with exposure to, or injuries caused by, chemical, biological,*  
23 *radioactive and nuclear agents;*

24 *(d) Syndromic surveillance and reporting procedures for acts*  
25 *of terrorism that involve biological agents; and*

26 *(e) An overview of the information available on, and the use*  
27 *of, the Health Alert Network.*

28 *4. As used in this section:*

29 *(a) "Act of terrorism" has the meaning ascribed to it in section*  
30 *7 of this act.*

31 *(b) "Biological agent" has the meaning ascribed to it in*  
32 *NRS 202.442.*

33 *(c) "Chemical agent" has the meaning ascribed to it in section*  
34 *8 of this act.*

35 *(d) "Radioactive agent" has the meaning ascribed to it in*  
36 *section 12 of this act.*

37 *(e) "Weapon of mass destruction" has the meaning ascribed to*  
38 *it in section 14 of this act.*

39 **Sec. 31.** 1. The Legislative Commission shall appoint a  
40 subcommittee consisting of three Senators and three Assemblymen  
41 to conduct an interim study concerning the coordination, planning  
42 and cost of responding to emergencies involving state buildings,  
43 including, without limitation, responding to emergencies caused by  
44 fire, flood, earthquake, storm or other natural causes, by  
45 technological or man-made catastrophes or by acts of terrorism or



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1 acts involving the use of weapons of mass destruction or biological,  
2 chemical or radioactive agents.

3 2. An advisory committee consisting of the following members  
4 shall assist the subcommittee:

5 (a) One member to represent the Buildings and Grounds  
6 Division of the Department of Administration, appointed by the  
7 Director of the Department of Administration.

8 (b) One member to represent the Division of Emergency  
9 Management of the Department of Public Safety, appointed by the  
10 Director of the Department of Public Safety.

11 (c) One member to represent the Capitol Police Division of the  
12 Department of Public Safety, appointed by the Director of the  
13 Department of Public Safety.

14 (d) One member to represent the Legislative Police, appointed  
15 by the Legislative Commission.

16 (e) One member to represent the Department of Corrections,  
17 appointed by the Director of the Department of Corrections.

18 (f) One member to represent the Budget Division of the  
19 Department of Administration, appointed by the Director of the  
20 Department of Administration.

21 (g) One member to represent the Health Division of the  
22 Department of Human Resources, appointed by the Director of the  
23 Department of Human Resources.

24 (h) One member to represent the interests of hospitals in this  
25 state, appointed by the Legislative Commission.

26 (i) One member to represent the interests of fire departments in  
27 this state, appointed by the Legislative Commission.

28 (j) One member to represent the interests of local law  
29 enforcement agencies in this state, appointed by the Legislative  
30 Commission.

31 (k) One member to represent the interests of cities in this state,  
32 appointed by the Nevada League of Cities and Municipalities.

33 (l) One member to represent the interests of counties in this  
34 state, appointed by the Nevada Association of Counties.

35 3. Members of the advisory committee serve without  
36 compensation, but are entitled to receive the per diem allowance and  
37 travel expenses provided for state officers and employees generally  
38 while engaged in the business of the advisory committee. The per  
39 diem allowance and travel expenses must be paid from the  
40 Legislative Fund.

41 4. The subcommittee may form such subcommittees of its  
42 members as are necessary to study specific issues within the  
43 jurisdiction of the subcommittee.

44 5. The subcommittee may submit recommended legislation that  
45 is approved by a majority of the members of the Assembly



1 appointed to the subcommittee and a majority of the members of the  
2 Senate appointed to the subcommittee to the Legislative  
3 Commission.

4 6. The Legislative Commission shall submit a report of the  
5 results of the study and any recommendations for legislation to the  
6 73rd Session of the Nevada Legislature.

7 **Sec. 32.** 1. Each resort hotel shall adopt and file the  
8 emergency response plan required by section 27 of this act on or  
9 before October 1, 2003, in the manner required by that section.

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

12 **Sec. 33.** 1. This section and sections 1 to 25, inclusive, 31  
13 and 32 of this act become effective upon passage and approval.

14 2. Sections 26, 28, 29 and 30 of this act become effective on  
15 July 1, 2003, for the purpose of adopting regulations and performing  
16 any other preparatory administrative tasks that are necessary to carry  
17 out those sections and on October 1, 2003, for all other purposes.

18 3. Section 27 of this act becomes effective on October 1, 2003.

