

ASSEMBLY BILL NO. 33-ASSEMBLYMAN HORNE

PREFILED JANUARY 30, 2003

Referred to Committee on Judiciary

SUMMARY—Provides additional penalty for manufacturing methamphetamines in certain circumstances. (BDR 40-817)

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

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EXPLANATION - Matter in *bolded italics* is new; matter between brackets [omitted material] is material to be omitted.

AN ACT relating to crimes; providing for an additional penalty to be imposed upon a person who is convicted of manufacturing methamphetamines in certain circumstances; 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.** Chapter 453 of NRS is hereby amended by adding
- 2 thereto a new section to read as follows:
- 3 *1. Unless a greater penalty is provided by law, and except as*
- 4 *otherwise provided in NRS 193.169, any person who violates NRS*
- 5 *453.322, 453.3385 or 453.3395 where the violation included the*
- 6 *manufacture of any material, compound, mixture or preparation*
- 7 *which contains any quantity of methamphetamine:*
- 8 *(a) Within 500 feet of a residence, business, church,*
- 9 *synagogue or other place of religious worship, public or private*
- 10 *school, campus of the University and Community College System*
- 11 *of Nevada, playground, public park, public swimming pool or*
- 12 *recreational center for youths;*
- 13 *(b) In the presence of a person who is less than 18 years of*
- 14 *age; or*
- 15 *(c) In a manner which creates a great risk of death or*
- 16 *substantial bodily harm to another person,*



1 *shall be punished by imprisonment in the state prison for a term*  
2 *equal to and in addition to the term of imprisonment prescribed by*  
3 *statute for the crime. The sentence prescribed by this section runs*  
4 *consecutively with the sentence prescribed by statute for the crime.*

5 2. *This section does not create a separate offense but provides*  
6 *an additional penalty for the primary offense, whose imposition is*  
7 *contingent upon the finding of the prescribed fact.*

8 3. *For the purposes of this section:*

9 (a) *“Playground” has the meaning ascribed to it in*  
10 *NRS 453.3345.*

11 (b) *“Recreational center for youths” has the meaning ascribed*  
12 *to it in NRS 453.3345.*

13 (c) *“Residence” means any house, room, apartment, tenement,*  
14 *manufactured home as defined in NRS 489.113, or mobile home*  
15 *as defined in NRS 489.120, that is designed or intended for*  
16 *occupancy.*

17 **Sec. 2.** NRS 193.169 is hereby amended to read as follows:

18 193.169 1. A person who is sentenced to an additional term  
19 of imprisonment pursuant to the provisions of subsection 1 of NRS  
20 193.161, NRS 193.162, 193.163, 193.165, 193.167, 193.1675,  
21 193.168 or 453.3345 *or section 1 of this act* must not be sentenced  
22 to an additional term of imprisonment pursuant to any of the other  
23 listed sections even if the person’s conduct satisfies the  
24 requirements for imposing an additional term of imprisonment  
25 pursuant to another one or more of those sections.

26 2. A person who is sentenced to an alternative term of  
27 imprisonment pursuant to subsection 2 of NRS 193.161 must not be  
28 sentenced to an additional term of imprisonment pursuant to  
29 subsection 1 of NRS 193.161, NRS 193.162, 193.163, 193.165,  
30 193.167, 193.1675, 193.168 or 453.3345 *or section 1 of this act*  
31 even if the person’s conduct satisfies the requirements for imposing  
32 an additional term of imprisonment pursuant to another one or more  
33 of those sections.

34 3. This section does not:

35 (a) Affect other penalties or limitations upon probation or  
36 suspension of a sentence contained in the sections listed in  
37 subsection 1 or 2.

38 (b) Prohibit alleging in the alternative in the indictment or  
39 information that the person’s conduct satisfies the requirements of  
40 more than one of the sections listed in subsection 1 or 2 and  
41 introducing evidence to prove the alternative allegations.

