
ASSEMBLY BILL NO. 443—COMMITTEE ON JUDICIARY

MARCH 19, 2003

Referred to Committee on Judiciary

SUMMARY—Provides additional penalty for selling or providing certain controlled substances in certain circumstances. (BDR 40-1281)

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 controlled substances; providing for an additional penalty for selling or providing certain controlled substances where the use of the controlled substance results in death or substantial bodily harm and the defendant failed to render or seek the necessary medical assistance; 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. Except as otherwise provided in NRS 193.169, a defendant***
4 ***who is found guilty of violating NRS 453.321 or 453.333 where:***
5 ***(a) The use of the controlled substance by a person resulted in***
6 ***death or substantial bodily harm to the person;***
7 ***(b) The defendant was in the presence of the injured person***
8 ***when he manifested an adverse physical reaction to the controlled***
9 ***substance; and***
10 ***(c) The defendant failed to render or seek necessary medical***
11 ***assistance for the injured person in a timely manner,***
12 ***shall be punished by imprisonment in the state prison for a term***
13 ***equal to and in addition to the term of imprisonment prescribed by***



1 *statute for the crime. The sentence prescribed by this section runs*
2 *consecutively with the sentence prescribed by statute for the crime.*

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

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

7 193.169 1. A person who is sentenced to an additional term
8 of imprisonment pursuant to the provisions of subsection 1 of NRS
9 193.161, NRS 193.162, 193.163, 193.165, 193.167, 193.1675,
10 193.168 or 453.3345 *or section 1 of this act* must not be sentenced
11 to an additional term of imprisonment pursuant to any of the other
12 listed sections even if the person's conduct satisfies the
13 requirements for imposing an additional term of imprisonment
14 pursuant to another one or more of those sections.

15 2. A person who is sentenced to an alternative term of
16 imprisonment pursuant to subsection 2 of NRS 193.161 must not be
17 sentenced to an additional term of imprisonment pursuant to
18 subsection 1 of NRS 193.161, NRS 193.162, 193.163, 193.165,
19 193.167, 193.1675, 193.168 or 453.3345 *or section 1 of this act*
20 even if the person's conduct satisfies the requirements for imposing
21 an additional term of imprisonment pursuant to another one or more
22 of those sections.

23 3. This section does not:

24 (a) Affect other penalties or limitations upon probation or
25 suspension of a sentence contained in the sections listed in
26 subsection 1 or 2.

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

