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**S.B. 38**

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SENATE BILL NO. 38—SENATORS RAGGIO, AMODEI, CARE,  
CARLTON, CEGAVSKE, HARDY, MATHEWS, MCGINNESS,  
NEAL, NOLAN, O'CONNELL, RAWSON, RHOADS,  
SCHNEIDER, SHAFFER, TIFFANY, TITUS, TOWNSEND,  
WASHINGTON AND WIENER

PREFILED JANUARY 30, 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. (BDR 15-89)

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; revising provisions relating to juveniles who 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, weapons of mass destruction, biological agents, chemical agents,



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radioactive agents and other lethal agents, toxins and delivery systems; providing penalties; 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 193 of NRS is hereby amended by adding  
2 thereto a new section to read as follows:  
3     1. *Except as otherwise provided in this section and NRS*  
4 *193.169, any person who commits a felony with the intent to*  
5 *commit, cause, aid, further or conceal an act of terrorism shall be*  
6 *punished by imprisonment in the state prison for a term equal to*  
7 *and in addition to the term of imprisonment prescribed by statute*  
8 *for the crime. The sentence prescribed by this section must run*  
9 *consecutively with the sentence prescribed by statute for the crime.*  
10    2. *Unless a greater penalty is provided by specific statute and*  
11 *except as otherwise provided in NRS 193.169, in lieu of an*  
12 *additional term of imprisonment as provided pursuant to*  
13 *subsection 1, if a felony that resulted in death or substantial bodily*  
14 *harm to the victim was committed with the intent to commit, cause,*  
15 *aid, further or conceal an act of terrorism, and the person who*  
16 *committed the felony intended to create a great risk of death or*  
17 *substantial bodily harm to more than one person by means of a*  
18 *weapon, device or course of action that would normally be*  
19 *deemed a category A felony and the person who committed the*  
20 *felony may be punished by imprisonment in the state prison:*  
21     (a) *For life without the possibility of parole;*  
22     (b) *For life with the possibility of parole, with eligibility for*  
23 *parole beginning when a minimum of 20 years has been served; or*  
24     (c) *For a definite term of 50 years, with eligibility for parole*  
25 *beginning when a minimum of 20 years has been served.*  
26    3. *Subsection 1 does not create a separate offense but*  
27 *provides an additional penalty for the primary offense, the*  
28 *imposition of which is contingent upon the finding of the*  
29 *prescribed fact. Subsection 2 does not create a separate offense*  
30 *but provides an alternative penalty for the primary offense, the*  
31 *imposition of which is contingent upon the finding of the*  
32 *prescribed fact.*  
33    4. *The provisions of this section do not apply to an offense*  
34 *committed in violation of section 14 of this act.*  
35    5. *As used in this section, “act of terrorism” has the meaning*  
36 *ascribed to it in section 6 of this act.*  
37



1     **Sec. 2.** NRS 193.169 is hereby amended to read as follows:  
2     193.169 1. A person who is sentenced to an additional term  
3 of imprisonment pursuant to the provisions of subsection 1 of NRS  
4 193.161, NRS 193.162, 193.163, 193.165, 193.167, 193.1675,  
5 193.168 or 453.3345 *or subsection 1 of section 1 of this act* must  
6 not be sentenced to an additional term of imprisonment pursuant to  
7 any of the other listed sections even if the person's conduct satisfies  
8 the requirements for imposing an additional term of imprisonment  
9 pursuant to another one or more of those sections.

10    2. A person who is sentenced to an alternative term of  
11 imprisonment pursuant to subsection 2 of NRS 193.161 *or*  
12 *subsection 2 of section 1 of this act* must not be sentenced to an  
13 additional term of imprisonment pursuant to subsection 1 of NRS  
14 193.161, NRS 193.162, 193.163, 193.165, 193.167, 193.1675,  
15 193.168 or 453.3345 even if the person's conduct satisfies the  
16 requirements for imposing an additional term of imprisonment  
17 pursuant to another one or more of those sections.

18    3. This section does not:

19    (a) Affect other penalties or limitations upon probation or  
20 suspension of a sentence contained in the sections listed in  
21 subsection 1 or 2.

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

26     **Sec. 3.** NRS 200.030 is hereby amended to read as follows:

27     200.030 1. Murder of the first degree is murder which is:

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

30     (b) Committed in the perpetration or attempted perpetration of  
31 sexual assault, kidnapping, arson, robbery, burglary, invasion of the  
32 home, sexual abuse of a child, sexual molestation of a child under  
33 the age of 14 years or child abuse;

34     (c) Committed to avoid or prevent the lawful arrest of any  
35 person by a peace officer or to effect the escape of any person from  
36 legal custody; ~~for~~

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

44     (e) *Committed in the perpetration or attempted perpetration of*  
45 *an act of terrorism.*



1 2. Murder of the second degree is all other kinds of murder.  
2 3. The jury before whom any person indicted for murder is  
3 tried shall, if they find him guilty thereof, designate by their verdict  
4 whether he is guilty of murder of the first or second degree.

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

7 (a) By death, only if one or more aggravating circumstances are  
8 found and any mitigating circumstance or circumstances which are  
9 found do not outweigh the aggravating circumstance or  
10 circumstances; or

11 (b) By imprisonment in the state prison:

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

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

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

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

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

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

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

27 6. As used in this section:

28 (a) *“Act of terrorism” has the meaning ascribed to it in section*  
29 *6 of this act;*

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

32 ~~(c)~~ (c) “School bus” has the meaning ascribed to it in NRS  
33 483.160;

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

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

42 **Sec. 4.** NRS 200.033 is hereby amended to read as follows:

43 200.033 The only circumstances by which murder of the first  
44 degree may be aggravated are:



- 1     1. The murder was committed by a person under sentence of  
2 imprisonment.
- 3     2. The murder was committed by a person who, at any time  
4 before a penalty hearing is conducted for the murder pursuant to  
5 NRS 175.552, is or has been convicted of:
  - 6       (a) Another murder and the provisions of subsection 12 do not  
7 otherwise apply to that other murder; or
  - 8       (b) A felony involving the use or threat of violence to the person  
9 of another and the provisions of subsection 4 do not otherwise apply  
10 to that felony.
- 11 For the purposes of this subsection, a person shall be deemed to  
12 have been convicted at the time the jury verdict of guilt is rendered  
13 or upon pronouncement of guilt by a judge or judges sitting without  
14 a jury.
- 15     3. The murder was committed by a person who knowingly  
16 created a great risk of death to more than one person by means of a  
17 weapon, device or course of action which would normally be  
18 hazardous to the lives of more than one person.
- 19     4. The murder was committed while the person was engaged,  
20 alone or with others, in the commission of or an attempt to commit  
21 or flight after committing or attempting to commit, any robbery,  
22 arson in the first degree, burglary, invasion of the home or  
23 kidnapping in the first degree, and the person charged:
  - 24       (a) Killed or attempted to kill the person murdered; or
  - 25       (b) Knew or had reason to know that life would be taken or  
26 lethal force used.
- 27     5. The murder was committed to avoid or prevent a lawful  
28 arrest or to effect an escape from custody.
- 29     6. The murder was committed by a person, for himself or  
30 another, to receive money or any other thing of monetary value.
- 31     7. The murder was committed upon a peace officer or fireman  
32 who was killed while engaged in the performance of his official  
33 duty or because of an act performed in his official capacity, and the  
34 defendant knew or reasonably should have known that the victim  
35 was a peace officer or fireman. For the purposes of this subsection,  
36 "peace officer" means:
  - 37       (a) An employee of the Department of Corrections who does not  
38 exercise general control over offenders imprisoned within the  
39 institutions and facilities of the Department but whose normal duties  
40 require him to come into contact with those offenders, when  
41 carrying out the duties prescribed by the Director of the Department.
  - 42       (b) Any person upon whom some or all of the powers of a peace  
43 officer are conferred pursuant to NRS 289.150 to 289.360, inclusive,  
44 when carrying out those powers.
- 45     8. The murder involved torture or the mutilation of the victim.



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

3 10. The murder was committed upon a person less than 14  
4 years of age.

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

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

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

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

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

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

39 *15. The murder was committed with the intent to commit,*  
40 *cause, aid, further or conceal an act of terrorism. For the*  
41 *purposes of this subsection, "act of terrorism" has the meaning*  
42 *ascribed to it in section 6 of this act.*



1     **Sec. 5.** Chapter 202 of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 6 to 15, inclusive, of this  
3 act.

4     **Sec. 6.** *“Act of terrorism” means:*

5         1. *Any act of undeclared war; or*  
6         2. *Any act that involves the use or the threatened or attempted*  
7 *use of sabotage, fear or violence and is intended to:*

8             (a) *Intimidate or coerce a civilian population;*  
9             (b) *Disrupt, affect or influence the conduct or policy of a*  
10 *governmental entity by intimidation or coercion; or*

11             (c) *Retaliate against a governmental entity or cause*  
12 *widespread panic or civil unrest through the substantial*  
13 *destruction, contamination, impairment or disruption of:*

14                 (1) *Public infrastructure, communications, transportation,*  
15 *utilities or services; or*

16                 (2) *Natural resources or the environment.*

17     **Sec. 7.** *“Chemical agent” means any chemical substance,*  
18 *material or product, or any component or compound thereof,*  
19 *which is naturally occurring, cultivated, engineered, processed,*  
20 *extracted or manufactured and which is capable of causing:*

21         1. *Death or substantial bodily harm;*

22         2. *Substantial deterioration of food, water, equipment,*  
23 *supplies or material of any kind; or*

24         3. *Substantial damage to natural resources or the*  
25 *environment.*

26     **Sec. 8.** 1. *“For use as a weapon” means having the*  
27 *capability to be used in a harmful or threatening manner.*

28         2. *The term does not include any act that is done lawfully for*  
29 *a prophylactic, protective or peaceful purpose.*

30     **Sec. 9.** *“Material support” means:*

31         1. *Currency, securities, negotiable instruments or financial*  
32 *services, assistance or support of any kind.*

33         2. *Housing, lodging or facilities of any kind used for training,*  
34 *living or concealment.*

35         3. *Information, instruction or training of any kind.*

36         4. *Personnel, support staff or services or assistance of any*  
37 *kind.*

38         5. *Any weapon of mass destruction, any biological agent,*  
39 *chemical agent, radioactive agent or other lethal agent, any toxin,*  
40 *any delivery system for use as a weapon or any firearm, explosive*  
41 *or other weapon of any kind.*

42         6. *Any means of transportation.*

43         7. *Any means of oral, written or electronic communication.*



1 8. A license, passport, certificate, permit or document of any  
2 kind used for identification, authority or access, whether or not  
3 obtained validly.

4 9. Any other related services, assistance or property of any  
5 kind.

6 **Sec. 10.** "Oral, written or electronic communication"  
7 includes, without limitation, any of the following:

8 1. A letter, note or any other type of written correspondence.

9 2. An item of mail or a package delivered by any person or  
10 postal or delivery service.

11 3. A telegraph or wire service, or any other similar means of  
12 communication.

13 4. A telephone, cellular phone, satellite phone, pager or  
14 facsimile machine, or any other similar means of communication.

15 5. 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 6. An audio or video recording or reproduction, or any other  
19 similar means of communication.

20 7. An item of electronic mail, a modem, computer network or  
21 the Internet, or any other similar means of communication.

22 **Sec. 11.** "Radioactive agent" means any radioactive  
23 substance, material or product, or any component or compound  
24 thereof, which is naturally occurring, cultivated, engineered,  
25 processed, extracted or manufactured and which is capable of  
26 causing:

27 1. Death or substantial bodily harm;

28 2. Substantial deterioration of food, water, equipment,  
29 supplies or material of any kind; or

30 3. Substantial damage to natural resources or the  
31 environment.

32 **Sec. 12.** "Terrorist" means a person who commits, causes,  
33 aids, furthers or conceals an act of terrorism or attempts to  
34 commit, cause, aid, further or conceal an act of terrorism.

35 **Sec. 13.** "Weapon of mass destruction" means any weapon  
36 or device that is designed or intended to create a great risk of  
37 death or substantial bodily harm to more than one person.

38 **Sec. 14.** 1. A person shall not knowingly:

39 (a) Commit, cause, aid, further or conceal or attempt to  
40 commit, cause, aid, further or conceal an act of terrorism;

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

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





1           (1) Commit, cause, aid, further or conceal an act of  
2 terrorism; or  
3           (2) Aid a terrorist or conceal a terrorist from detection or  
4 capture.  
5           2. A person who violates any provision of this section is guilty  
6 of a category A felony and:  
7           (a) Shall be punished:  
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  
12 parole beginning when a minimum of 20 years has been served;  
13 and  
14           (b) Shall further be punished by a fine of at least \$50,000 but  
15 not more than \$100,000.  
16           3. In addition to any other penalty, the court shall order a  
17 person who violates the provisions of this section to pay  
18 restitution:  
19           (a) To each victim for any injuries that are a result of the  
20 violation; and  
21           (b) To the State of Nevada or a local government for any costs  
22 that arise from the violation.  
23           4. A person may be prosecuted, convicted and punished for a  
24 violation of this section whether or not the person is prosecuted,  
25 convicted or punished for a violation of any other statute based  
26 upon the same act or transaction.  
27           **Sec. 15.** 1. A person shall not knowingly hinder, delay or  
28 obstruct the prosecution of a terrorist.  
29           2. A person who violates any provision of this section is guilty  
30 of a category B felony and shall be punished by imprisonment in  
31 the state prison for a minimum term of not less than 1 year and a  
32 maximum term of not more than 6 years, and may be further  
33 punished by a fine of not more than \$10,000.  
34           3. A person may be prosecuted, convicted and punished for a  
35 violation of this section whether or not the person is prosecuted,  
36 convicted or punished for a violation of any other statute based  
37 upon the same act or transaction.  
38           **Sec. 16.** NRS 202.441 is hereby amended to read as follows:  
39           202.441 As used in NRS 202.441 to 202.448, inclusive, *and*  
40 *sections 6 to 15, inclusive, of this act*, unless the context otherwise  
41 requires, the words and terms defined in NRS 202.442, 202.443 and  
42 202.444 *and sections 6 to 13, inclusive, of this act* have the  
43 meanings ascribed to them in those sections.



1     **Sec. 17.** NRS 202.442 is hereby amended to read as follows:  
2     202.442 “Biological agent” ~~has the meaning ascribed to it in~~  
3 ~~18 U.S.C. § 178.]~~ *means any micro-organism, virus, infectious*  
4 *substance or other biological substance, material or product, or*  
5 *any component or compound thereof, which is naturally*  
6 *occurring, cultivated, engineered, processed, extracted or*  
7 *manufactured and which is capable of causing:*

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

13     **Sec. 18.** NRS 202.443 is hereby amended to read as follows:  
14     202.443 “Delivery system” ~~has the meaning ascribed to it in~~  
15 ~~18 U.S.C. § 178.]~~ *means any apparatus, equipment, implement,*  
16 *device or means of delivery which is specifically designed to send,*  
17 *disperse, release, discharge or disseminate any weapon of mass*  
18 *destruction, any biological agent, chemical agent, radioactive*  
19 *agent or other lethal agent or any toxin.*

20     **Sec. 19.** NRS 202.444 is hereby amended to read as follows:  
21     202.444 “Toxin” ~~has the meaning ascribed to it in 18 U.S.C. §~~  
22 ~~178.]~~ *means any toxic substance, material or product, or any*  
23 *component or compound thereof, which is naturally occurring,*  
24 *cultivated, engineered, processed, extracted or manufactured and*  
25 *which is capable of causing:*

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

31     **Sec. 20.** NRS 202.446 is hereby amended to read as follows:  
32     202.446 1. A person shall not knowingly:

33         (a) Develop, *manufacture*, produce, *assemble*, stockpile,  
34 transfer, *transport*, acquire, retain, *store, test* or possess ~~fa~~ *any*  
35 *weapon of mass destruction, any biological agent, chemical agent,*  
36 *radioactive agent or other lethal agent, any toxin or any delivery*  
37 *system for use as a weapon; or*

38         (b) *Send, deliver, disperse, release, discharge, disseminate or*  
39 *use any weapon of mass destruction, any biological agent,*  
40 *chemical agent, radioactive agent or other lethal agent, any toxin*  
41 *or any delivery system:*

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

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



1       2. *A person shall not knowingly:*  
2       (a) *Attempt to do any act described in subsection 1; or*  
3       (b) *Assist, solicit or conspire with* another person to do any act  
4 described in ~~[paragraph (a):~~  
5 ~~—2.] subsection 1.~~  
6       3. A person who violates any provision of ~~[subsection 1]~~ *this*  
7 *section* is guilty of a category A felony and shall be punished ~~[by]~~ :  
8       (a) *If the crime does not result in substantial bodily harm or*  
9 *death:*  
10       (1) *By imprisonment in the state prison* ~~[-~~  
11 ~~—(a) For]~~ *for* life with the possibility of parole, with eligibility for  
12 parole beginning when a minimum of 10 years has been served ~~[-or~~  
13 ~~—(b) For]~~ , *and shall further be punished by a fine of not more*  
14 *than \$20,000; or*  
15       (2) *By imprisonment in the state prison for* a definite term  
16 of 25 years, with eligibility for parole beginning when a minimum  
17 of 10 years has been served ~~[-~~  
18 ~~—3. As used in this section, the term “for use as a weapon” does~~  
19 ~~not include the development, production, transfer, acquisition,~~  
20 ~~retention or possession of a biological agent, toxin or delivery~~  
21 ~~system for prophylactic, protective or other peaceful purposes.] ,~~  
22 *and shall further be punished by a fine of not more than \$20,000.*  
23       (b) *If the crime results in substantial bodily harm or death:*  
24       (1) *By imprisonment in the state prison for life without the*  
25 *possibility of parole, and shall further be punished by a fine of not*  
26 *more than \$50,000;*  
27       (2) *By imprisonment in the state prison for life, with the*  
28 *possibility of parole, with eligibility for parole beginning when a*  
29 *minimum of 20 years has been served, and shall further be*  
30 *punished by a fine of not more than \$50,000; or*  
31       (3) *By imprisonment in the state prison for a definite term*  
32 *of 40 years, with eligibility for parole beginning when a minimum*  
33 *of 20 years has been served, and shall further be punished by a*  
34 *fine of not more than \$50,000.*  
35       4. *In addition to any other penalty, the court shall order a*  
36 *person who violates the provisions of this section to pay*  
37 *restitution:*  
38       (a) *To each victim for any injuries that are a result of the*  
39 *violation; and*  
40       (b) *To the State of Nevada or a local government for any costs*  
41 *that arise from the violation.*  
42       5. *A person may be prosecuted, convicted and punished for a*  
43 *violation of this section whether or not the person is prosecuted,*  
44 *convicted or punished for a violation of any other statute based*  
45 *upon the same act or transaction.*



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

4 **Sec. 21.** NRS 202.448 is hereby amended to read as follows:  
5 202.448 1. A person shall not, through the use of any means  
6 of oral, written or electronic communication, knowingly make any  
7 threat or convey any false information concerning **an act of**  
8 **terrorism or** the presence, **development, manufacture, production,**  
9 **assemblage, transfer, transportation, acquisition, retention,**  
10 **storage, testing, possession,** delivery, dispersion, release, **discharge**  
11 or use of **[a] any weapon of mass destruction, any biological agent,**  
12 **chemical agent, radioactive agent or other lethal agent or any**  
13 **toxin with the intent to:**

14 (a) Injure, intimidate, frighten, alarm or distress any person,  
15 whether or not any person is actually injured, intimidated,  
16 frightened, alarmed or distressed thereby;

17 (b) Cause panic or civil unrest, whether or not such panic or  
18 civil unrest actually occurs;

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

21 (d) Interfere with the operations of or cause economic or other  
22 damage to any person or any officer, agency, board, bureau,  
23 commission, department, division or other unit of federal, state or  
24 local government, whether or not such interference or damage  
25 actually occurs.

26 2. **A person shall not knowingly develop, manufacture,**  
27 **produce, assemble, transfer, transport, acquire, retain, store, test,**  
28 **possess, deliver, disperse, release, discharge or use any substance,**  
29 **material or product that another person reasonably could believe**  
30 **is any weapon of mass destruction, any biological agent, chemical**  
31 **agent, radioactive agent or other lethal agent, any toxin or any**  
32 **delivery system, whether or not the substance, material or product**  
33 **is such a weapon, agent, toxin or delivery system, with the intent**  
34 **to:**

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

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

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

42 (d) **Interfere with the operations of or cause economic or other**  
43 **damage to any person or any officer, agency, board, bureau,**  
44 **commission, department, division or other unit of federal, state or**



1 *local government, whether or not such interference or damage*  
2 *actually occurs.*

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

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

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

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

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

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

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

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

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

24 4. *A person may be prosecuted, convicted and punished for a*  
25 *violation of this section whether or not the person is prosecuted,*  
26 *convicted or punished for a violation of any other statute based*  
27 *upon the same act or transaction.*

28 5. *The provisions of this section do not apply to any act that is*  
29 *committed in a lawful manner and in the course of a lawful*  
30 *business, event or activity.*

31 **Sec. 22.** NRS 207.360 is hereby amended to read as follows:  
32 207.360 "Crime related to racketeering" means the commission  
33 of, attempt to commit or conspiracy to commit any of the following  
34 crimes:

- 35 1. Murder;
- 36 2. Manslaughter;
- 37 3. Mayhem;
- 38 4. Battery which is punished as a felony;
- 39 5. Kidnapping;
- 40 6. Sexual assault;
- 41 7. Arson;
- 42 8. Robbery;
- 43 9. Taking property from another under circumstances not
- 44 amounting to robbery;
- 45 10. Extortion;



- 1 11. Statutory sexual seduction;
- 2 12. Extortionate collection of debt in violation of
- 3 NRS 205.322;
- 4 13. Forgery;
- 5 14. Any violation of NRS 199.280 which is punished as a
- 6 felony;
- 7 15. Burglary;
- 8 16. Grand larceny;
- 9 17. Bribery or asking for or receiving a bribe in violation of
- 10 chapter 197 or 199 of NRS which is punished as a felony;
- 11 18. Battery with intent to commit a crime in violation of
- 12 NRS 200.400;
- 13 19. Assault with a deadly weapon;
- 14 20. Any violation of NRS 453.232, 453.316 to 453.3395,
- 15 inclusive, or 453.375 to 453.401, inclusive;
- 16 21. Receiving or transferring a stolen vehicle;
- 17 22. Any violation of NRS 202.260, 202.275 or 202.350 which
- 18 is punished as a felony;
- 19 23. Any violation of subsection 2 or 3 of NRS 463.360 or
- 20 chapter 465 of NRS;
- 21 24. Receiving, possessing or withholding stolen goods valued
- 22 at \$250 or more;
- 23 25. Embezzlement of money or property valued at \$250 or
- 24 more;
- 25 26. Obtaining possession of money or property valued at \$250
- 26 or more, or obtaining a signature by means of false pretenses;
- 27 27. Perjury or subornation of perjury;
- 28 28. Offering false evidence;
- 29 29. Any violation of NRS 201.300 or 201.360;
- 30 30. Any violation of NRS 90.570, 91.230 or 686A.290, or
- 31 insurance fraud pursuant to NRS 686A.291; ~~for~~
- 32 31. Any violation of NRS 205.506, 205.920 or 205.930 ~~or~~; *or*
- 33 **32. Any violation of NRS 202.446 or section 14 of this act.**
- 34 **Sec. 23.** NRS 62.040 is hereby amended to read as follows:
- 35 62.040 1. Except if the child involved is subject to the
- 36 exclusive jurisdiction of an Indian tribe, and except as otherwise
- 37 provided in this chapter, the court has exclusive original jurisdiction
- 38 in proceedings:
- 39 (a) Concerning any child living or found within the county who
- 40 is in need of supervision because he:
- 41 (1) Is a child who is subject to compulsory school attendance
- 42 and is a habitual truant from school;
- 43 (2) Habitually disobeys the reasonable and lawful demands
- 44 of his parents, guardian or other custodian, and is unmanageable; or



1 (3) Deserts, abandons or runs away from his home or usual  
2 place of abode, and is in need of care or rehabilitation. The child  
3 must not be considered a delinquent.

4 (b) Concerning any child living or found within the county who  
5 has committed a delinquent act. A child commits a delinquent act if  
6 he violates a county or municipal ordinance or any rule or regulation  
7 having the force of law, or he commits an act designated a crime  
8 under the law of the State of Nevada.

9 (c) Concerning any child in need of commitment to an  
10 institution for the mentally retarded.

11 2. For the purposes of subsection 1, each of the following acts  
12 shall be deemed not to be a delinquent act, and the court does not  
13 have jurisdiction of a person who is charged with committing such  
14 an act:

15 (a) Murder or attempted murder and any other related offense  
16 arising out of the same facts as the murder or attempted murder,  
17 regardless of the nature of the related offense.

18 (b) Sexual assault or attempted sexual assault involving the use  
19 or threatened use of force or violence against the victim and any  
20 other related offense arising out of the same facts as the sexual  
21 assault or attempted sexual assault, regardless of the nature of the  
22 related offense, if:

23 (1) The person was 16 years of age or older when the sexual  
24 assault or attempted sexual assault was committed; and

25 (2) Before the sexual assault or attempted sexual assault was  
26 committed, the person previously had been adjudicated delinquent  
27 for an act that would have been a felony if committed by an adult.

28 (c) An offense or attempted offense involving the use or  
29 threatened use of a firearm and any other related offense arising out  
30 of the same facts as the offense or attempted offense involving the  
31 use or threatened use of a firearm, regardless of the nature of the  
32 related offense, if:

33 (1) The person was 16 years of age or older when the offense  
34 or attempted offense involving the use or threatened use of a firearm  
35 was committed; and

36 (2) Before the offense or attempted offense involving the use  
37 or threatened use of a firearm was committed, the person previously  
38 had been adjudicated delinquent for an act that would have been a  
39 felony if committed by an adult.

40 (d) A felony resulting in death or substantial bodily harm to the  
41 victim and any other related offense arising out of the same facts as  
42 the felony, regardless of the nature of the related offense, if:

43 (1) The felony was committed on the property of a public or  
44 private school when pupils or employees of the school were present  
45 or may have been present, at an activity sponsored by a public or



1 private school or on a school bus while the bus was engaged in its  
2 official duties; and

3 (2) The person intended to create a great risk of death or  
4 substantial bodily harm to more than one person by means of a  
5 weapon, device or course of action that would normally be  
6 hazardous to the lives of more than one person.

7 (e) *An offense or attempted offense that is committed with the*  
8 *intent to commit, cause, aid, further or conceal an act of*  
9 *terrorism, as defined in section 6 of this act, and any other related*  
10 *offense arising out of the same facts as that offense or attempted*  
11 *offense.*

12 (f) Any other offense if, before the offense was committed, the  
13 person previously had been convicted of a criminal offense.

14 3. If a child is charged with a minor traffic offense, the court  
15 may transfer the case and record to a justice's or municipal court if  
16 the judge determines that it is in the best interest of the child. If a  
17 case is so transferred:

18 (a) The restrictions set forth in subsection 7 of NRS 62.170 are  
19 applicable in those proceedings; and

20 (b) The child must be accompanied at all proceedings by a  
21 parent or legal guardian.

22 With the consent of the judge of the juvenile division, the case may  
23 be transferred back to the juvenile court.

24 4. As used in this section, "school bus" has the meaning  
25 ascribed to it in NRS 483.160.

26 **Sec. 24.** NRS 171.080 is hereby amended to read as follows:

27 171.080 There is no limitation of the time within which a  
28 prosecution for ~~murder~~ :

29 1. *Murder* must be commenced. It may be commenced at any  
30 time after the death of the person killed.

31 2. *A violation of section 14 of this act must be commenced. It*  
32 *may be commenced at any time after the violation is committed.*

33 **Sec. 25.** NRS 179.121 is hereby amended to read as follows:

34 179.121 1. All personal property, including, without  
35 limitation, any tool, substance, weapon, machine, computer, money  
36 or security, which is used as an instrumentality in any of the  
37 following crimes, is subject to forfeiture:

38 (a) The commission of or attempted commission of the crime of  
39 murder, robbery, kidnapping, burglary, invasion of the home, grand  
40 larceny, theft if it is punishable as a felony, or pandering;

41 (b) *The commission of or attempted commission of any felony*  
42 *with the intent to commit, cause, aid, further or conceal an act of*  
43 *terrorism;*

44 (c) *A violation of NRS 202.446 or section 14 of this act;*





1       (d) The commission of any crime by a criminal gang, as defined  
2 in NRS 213.1263; or  
3       ~~(e)~~ (e) A violation of NRS 200.465, 202.265, 202.287, 205.473  
4 to 205.513, inclusive, and 205.610 to 205.810, inclusive, or 465.070  
5 to 465.085, inclusive.  
6       2. Except as otherwise provided for conveyances forfeitable  
7 pursuant to NRS 453.301 or 501.3857, all conveyances, including  
8 aircraft, vehicles or vessels, which are used or intended for use  
9 during the commission of a felony or a violation of NRS 202.287,  
10 202.300 or 465.070 to 465.085, inclusive, are subject to forfeiture  
11 except that:  
12       (a) A conveyance used by any person as a common carrier in the  
13 transaction of business as a common carrier is not subject to  
14 forfeiture under this section unless it appears that the owner or other  
15 person in charge of the conveyance is a consenting party or privy to  
16 the felony or violation;  
17       (b) A conveyance is not subject to forfeiture under this section  
18 by reason of any act or omission established by the owner thereof to  
19 have been committed or omitted without his knowledge, consent or  
20 willful blindness;  
21       (c) A conveyance is not subject to forfeiture for a violation of  
22 NRS 202.300 if the firearm used in the violation of that section was  
23 not loaded at the time of the violation; and  
24       (d) A forfeiture of a conveyance encumbered by a bona fide  
25 security interest is subject to the interest of the secured party if he  
26 neither had knowledge of nor consented to the felony. If a  
27 conveyance is forfeited the appropriate law enforcement agency  
28 may pay the existing balance and retain the conveyance for official  
29 use.  
30       3. For the purposes of this section, a firearm is loaded if:  
31       (a) There is a cartridge in the chamber of the firearm;  
32       (b) There is a cartridge in the cylinder of the firearm, if the  
33 firearm is a revolver; or  
34       (c) There is a cartridge in the magazine and the magazine is in  
35 the firearm or there is a cartridge in the chamber, if the firearm is a  
36 semiautomatic firearm.  
37       4. *As used in this section, "act of terrorism" has the meaning*  
38 *ascribed to it in section 6 of this act.*  
39       **Sec. 26.** This act becomes effective upon passage and  
40 approval.

