
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, 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.

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



* S B 3 8 R 1 *

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 *hazardous to the lives of more than one person, the felony may be*
20 *deemed a category A felony and the person who committed the*
21 *felony may be punished by imprisonment in the state prison:*
22 (a) *For life without the possibility of parole;*
23 (b) *For life with the possibility of parole, with eligibility for*
24 *parole beginning when a minimum of 20 years has been served; or*
25 (c) *For a definite term of 50 years, with eligibility for parole*
26 *beginning when a minimum of 20 years has been served.*
27 3. *Subsection 1 does not create a separate offense but*
28 *provides an additional penalty for the primary offense, the*
29 *imposition of which is contingent upon the finding of the*
30 *prescribed fact. Subsection 2 does not create a separate offense*
31 *but provides an alternative penalty for the primary offense, the*
32 *imposition of which is contingent upon the finding of the*
33 *prescribed fact.*
34 4. *The provisions of this section do not apply to an offense*
35 *committed in violation of section 14 of this act.*
36 5. *As used in this section, "act of terrorism" has the meaning*
37 *ascribed to it in section 6 of this act.*
38 **Sec. 2.** NRS 193.169 is hereby amended to read as follows:
39 193.169 1. A person who is sentenced to an additional term
40 of imprisonment pursuant to the provisions of subsection 1 of NRS
41 193.161, NRS 193.162, 193.163, 193.165, 193.167, 193.1675,
42 193.168 or 453.3345 *or subsection 1 of section 1 of this act* must



1 not be sentenced to an additional term of imprisonment pursuant to
2 any of the other listed sections even if the person's conduct satisfies
3 the requirements for imposing an additional term of imprisonment
4 pursuant to another one or more of those sections.

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

13 3. This section does not:

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

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

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

22 200.030 1. Murder of the first degree is murder which is:

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

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

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

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

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

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

42 3. The jury before whom any person indicted for murder is
43 tried shall, if they find him guilty thereof, designate by their verdict
44 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 *6 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. 4.** 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 duties
35 require him to come into contact with those offenders, when
36 carrying out the duties prescribed by the Director of the Department.

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

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

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

43 10. The murder was committed upon a person less than 14
44 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 6 of this act.*

39 **Sec. 5.** Chapter 202 of NRS is hereby amended by adding
40 thereto the provisions set forth as sections 6 to 14, inclusive, of this
41 act.

42 **Sec. 6.** *"Act of terrorism" means any activity which involves
43 a violent act or an act so dangerous to human life as to constitute
44 a violation of the criminal laws of this state and which appears
45 intended to:*



- 1 1. *Intimidate or coerce a civilian population;*
- 2 2. *Influence the policy of this state or a political subdivision*
- 3 *of this state by intimidation or coercion; or*
- 4 3. *Affect the conduct of this state or a political subdivision of*
- 5 *this state by mass destruction, assassination or kidnapping.*

6 **Sec. 7.** *“Chemical agent” means any chemical substance,*

7 *material or product, or any component or compound thereof,*

8 *which is naturally occurring, cultivated, engineered, processed,*

9 *extracted or manufactured and which is capable of causing:*

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

15 **Sec. 8.** 1. *“For use as a weapon” means having the*

16 *capability to be used in a harmful or threatening manner.*

17 2. *The term does not include any act that is done lawfully for*

18 *a prophylactic, protective or peaceful purpose.*

19 **Sec. 9.** *“Material support” means any financial, logistical,*

20 *informational or other support or assistance intended to further*

21 *an act of terrorism.*

22 **Sec. 10.** *“Oral, written or electronic communication”*

23 *includes, without limitation, any of the following:*

- 24 1. *A letter, note or any other type of written correspondence.*
- 25 2. *An item of mail or a package delivered by any person or*
- 26 *postal or delivery service.*

27 3. *A telegraph or wire service, or any other similar means of*

28 *communication.*

29 4. *A telephone, cellular phone, satellite phone, pager or*

30 *facsimile machine, or any other similar means of communication.*

31 5. *A radio, television, cable, closed circuit, wire, wireless,*

32 *satellite or other audio or video broadcast or transmission, or any*

33 *other similar means of communication.*

34 6. *An audio or video recording or reproduction, or any other*

35 *similar means of communication.*

36 7. *An item of electronic mail, a modem, computer network or*

37 *the Internet, or any other similar means of communication.*

38 **Sec. 11.** *“Radioactive agent” means any radioactive*

39 *substance, material or product, or any component or compound*

40 *thereof, which is naturally occurring, cultivated, engineered,*

41 *processed, extracted or manufactured and which is capable of*

42 *causing:*

- 43 1. *Death or substantial bodily harm to more than one person;*
- 44 2. *Substantial deterioration of food, water, equipment,*
- 45 *supplies or material of any kind; or*



1 3. *Substantial damage to natural resources or the*
2 *environment.*

3 **Sec. 12.** *“Terrorist” means a person who commits, causes,*
4 *aids, furthers or conceals an act of terrorism or attempts to*
5 *commit, cause, aid, further or conceal an act of terrorism.*

6 **Sec. 13.** *“Weapon of mass destruction” means any weapon*
7 *or device that is designed or intended to create a great risk of*
8 *death or substantial bodily harm to more than one person.*

9 **Sec. 14.** 1. *A person shall not knowingly commit or cause*
10 *an act of terrorism or attempt to commit or cause an act of*
11 *terrorism.*

12 2. *A person shall not knowingly:*

13 (a) *Aid, further or conceal or attempt to aid, further or conceal*
14 *an act of terrorism;*

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

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

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

21 (2) *Aid a terrorist or conceal a terrorist from detection or*
22 *capture.*

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

12 **Sec. 15.** NRS 202.441 is hereby amended to read as follows:
13 202.441 As used in NRS 202.441 to 202.448, inclusive, *and*
14 *sections 6 to 14, inclusive, of this act,* unless the context otherwise
15 requires, the words and terms defined in NRS 202.442, 202.443 and
16 202.444 *and sections 6 to 13, inclusive, of this act* have the
17 meanings ascribed to them in those sections.

18 **Sec. 16.** NRS 202.442 is hereby amended to read as follows:
19 202.442 “Biological agent” ~~has the meaning ascribed to it in~~
20 ~~18 U.S.C. § 178.]~~ *means any micro-organism, virus, infectious*
21 *substance or other biological substance, material or product, or*
22 *any component or compound thereof, which is naturally*
23 *occurring, cultivated, engineered, processed, extracted or*
24 *manufactured and which is capable of causing:*

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

30 **Sec. 17.** NRS 202.443 is hereby amended to read as follows:
31 202.443 “Delivery system” ~~has the meaning ascribed to it in~~
32 ~~18 U.S.C. § 178.]~~ *means any apparatus, equipment, implement,*
33 *device or means of delivery which is specifically designed to send,*
34 *disperse, release, discharge or disseminate any weapon of mass*
35 *destruction, any biological agent, chemical agent or radioactive*
36 *agent or any toxin.*

37 **Sec. 18.** NRS 202.444 is hereby amended to read as follows:
38 202.444 “Toxin” ~~has the meaning ascribed to it in 18 U.S.C. §~~
39 ~~178.]~~ *means any toxic substance, material or product, or any*
40 *component or compound thereof, which is naturally occurring,*
41 *cultivated, engineered, processed, extracted or manufactured and*
42 *which is capable of causing:*

- 43 1. *Death or substantial bodily harm to more than one person;*
- 44 2. *Substantial deterioration of food, water, equipment,*
45 *supplies or material of any kind; or*



1 **3. Substantial damage to natural resources or the**
2 **environment.**

3 **Sec. 19.** NRS 202.446 is hereby amended to read as follows:

4 202.446 1. A person shall not knowingly:

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

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

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

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

18 2. A person shall not knowingly:

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

20 (b) Assist, *solicit or conspire with* another person to do any act
21 described in ~~paragraph (a)-~~
22 ~~2.] subsection 1.~~

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

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

27 (1) *By imprisonment in the state prison* ~~;~~
28 ~~(a) For] for~~ life with the possibility of parole, with eligibility for
29 parole beginning when a minimum of 10 years has been served ~~;~~ ~~or~~
30 ~~(b) For]~~, *and shall further be punished by a fine of not more*
31 *than \$20,000; or*

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

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

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

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

44 (2) *By imprisonment in the state prison for life, with the*
45 *possibility of parole, with eligibility for parole beginning when a*



1 *minimum of 20 years has been served, and shall further be*
2 *punished by a fine of not more than \$50,000; or*

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

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

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

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

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

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

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

26 **Sec. 20.** NRS 202.448 is hereby amended to read as follows:

27 202.448 1. A person shall not, through the use of any means
28 of oral, written or electronic communication, knowingly make any
29 threat or convey any false information concerning *an act of*
30 *terrorism or* the presence, *development, manufacture, production,*
31 *assemblage, transfer, transportation, acquisition, retention,*
32 *storage, testing, possession,* delivery, dispersion, release, *discharge*
33 or use of ~~[a]~~ *any weapon of mass destruction, any biological agent,*
34 *chemical agent or radioactive agent or any toxin with the intent 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 2. *A person shall not knowingly develop, manufacture,*
4 *produce, assemble, transfer, transport, acquire, retain, store, test,*
5 *possess, deliver, disperse, release, discharge or use any substance,*
6 *material or product that another person reasonably could believe*
7 *is any weapon of mass destruction, any biological agent, chemical*
8 *agent or radioactive agent, any toxin or any delivery system,*
9 *whether or not the substance, material or product is such a*
10 *weapon, agent, toxin or delivery system, with the intent to:*

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

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

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

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

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

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

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

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

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

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

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

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

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

44 4. *A person may be prosecuted, convicted and punished for a*
45 *violation of this section whether or not the person is prosecuted,*



1 *convicted or punished for a violation of any other statute based*
2 *upon the same act or transaction.*

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

6 **Sec. 21.** NRS 207.360 is hereby amended to read as follows:

7 207.360 "Crime related to racketeering" means the commission
8 of, attempt to commit or conspiracy to commit any of the following
9 crimes:

- 10 1. Murder;
- 11 2. Manslaughter;
- 12 3. Mayhem;
- 13 4. Battery which is punished as a felony;
- 14 5. Kidnapping;
- 15 6. Sexual assault;
- 16 7. Arson;
- 17 8. Robbery;
- 18 9. Taking property from another under circumstances not
19 amounting to robbery;
- 20 10. Extortion;
- 21 11. Statutory sexual seduction;
- 22 12. Extortionate collection of debt in violation of
23 NRS 205.322;
- 24 13. Forgery;
- 25 14. Any violation of NRS 199.280 which is punished as a
26 felony;
- 27 15. Burglary;
- 28 16. Grand larceny;
- 29 17. Bribery or asking for or receiving a bribe in violation of
30 chapter 197 or 199 of NRS which is punished as a felony;
- 31 18. Battery with intent to commit a crime in violation of
32 NRS 200.400;
- 33 19. Assault with a deadly weapon;
- 34 20. Any violation of NRS 453.232, 453.316 to 453.3395,
35 inclusive, or 453.375 to 453.401, inclusive;
- 36 21. Receiving or transferring a stolen vehicle;
- 37 22. Any violation of NRS 202.260, 202.275 or 202.350 which
38 is punished as a felony;
- 39 23. Any violation of subsection 2 or 3 of NRS 463.360 or
40 chapter 465 of NRS;
- 41 24. Receiving, possessing or withholding stolen goods valued
42 at \$250 or more;
- 43 25. Embezzlement of money or property valued at \$250 or
44 more;



1 26. Obtaining possession of money or property valued at \$250
2 or more, or obtaining a signature by means of false pretenses;
3 27. Perjury or subornation of perjury;
4 28. Offering false evidence;
5 29. Any violation of NRS 201.300 or 201.360;
6 30. Any violation of NRS 90.570, 91.230 or 686A.290, or
7 insurance fraud pursuant to NRS 686A.291; ~~for~~
8 31. Any violation of NRS 205.506, 205.920 or 205.930 ~~for~~; *or*
9 **32. Any violation of NRS 202.446 or section 14 of this act.**
10 **Sec. 22.** NRS 171.080 is hereby amended to read as follows:
11 171.080 There is no limitation of the time within which a
12 prosecution for ~~murder~~ :
13 **1. Murder** must be commenced. It may be commenced at any
14 time after the death of the person killed.
15 **2. A violation of section 14 of this act must be commenced. It**
16 **may be commenced at any time after the violation is committed.**
17 **Sec. 23.** NRS 179.121 is hereby amended to read as follows:
18 179.121 1. All personal property, including, without
19 limitation, any tool, substance, weapon, machine, computer, money
20 or security, which is used as an instrumentality in any of the
21 following crimes, is subject to forfeiture:
22 (a) The commission of or attempted commission of the crime of
23 murder, robbery, kidnapping, burglary, invasion of the home, grand
24 larceny, theft if it is punishable as a felony, or pandering;
25 (b) *The commission of or attempted commission of any felony*
26 *with the intent to commit, cause, aid, further or conceal an act of*
27 *terrorism;*
28 (c) *A violation of NRS 202.446 or section 14 of this act;*
29 (d) The commission of any crime by a criminal gang, as defined
30 in NRS 213.1263; or
31 ~~(e)~~ (e) A violation of NRS 200.465, 202.265, 202.287, 205.473
32 to 205.513, inclusive, and 205.610 to 205.810, inclusive, or 465.070
33 to 465.085, inclusive.
34 2. Except as otherwise provided for conveyances forfeitable
35 pursuant to NRS 453.301 or 501.3857, all conveyances, including
36 aircraft, vehicles or vessels, which are used or intended for use
37 during the commission of a felony or a violation of NRS 202.287,
38 202.300 or 465.070 to 465.085, inclusive, are subject to forfeiture
39 except that:
40 (a) A conveyance used by any person as a common carrier in the
41 transaction of business as a common carrier is not subject to
42 forfeiture under this section unless it appears that the owner or other
43 person in charge of the conveyance is a consenting party or privy to
44 the felony or violation;



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

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

8 (d) A forfeiture of a conveyance encumbered by a bona fide
9 security interest is subject to the interest of the secured party if he
10 neither had knowledge of nor consented to the felony. If a
11 conveyance is forfeited the appropriate law enforcement agency
12 may pay the existing balance and retain the conveyance for official
13 use.

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

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

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

18 (c) There is a cartridge in the magazine and the magazine is in
19 the firearm or there is a cartridge in the chamber, if the firearm is a
20 semiautomatic firearm.

21 **4. As used in this section, "act of terrorism" has the meaning**
22 **ascribed to it in section 6 of this act.**

23 **Sec. 24.** This act becomes effective upon passage and
24 approval.

