

SENATE BILL NO. 153—SENATOR STEINBECK

PREFILED JANUARY 31, 2025

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to certain crimes involving controlled substances. (BDR 40-905)

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; revising provisions relating to certain crimes involving controlled substances; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Under existing law, if the death of a person is proximately caused by a  
2 controlled substance which was sold, given, traded or otherwise made available to  
3 him or her by another person in certain circumstances, the person who sold, gave or  
4 traded or otherwise made the substance available to him or her is guilty of murder.  
5 (NRS 453.333) **Section 1** of this bill provides that for the purposes of such existing  
6 law: (1) the act of unlawfully selling, giving, trading or otherwise making available  
7 a controlled substance to another person shall be deemed to be inherently  
8 dangerous as a matter of law; and (2) the death of a person to whom a controlled  
9 substance has been unlawfully sold, given, traded or otherwise made available shall  
10 be deemed to be a natural and probable consequence. **Section 1** also defines the  
11 term “proximately caused” for the purposes of this provision to mean a natural  
12 sequence that produced the death and without which the death would not have  
13 occurred.

14 Existing law sets forth certain circumstances in which murder: (1) is of the first  
15 degree; and (2) is of the second degree. (NRS 200.030) **Section 2** of this bill  
16 establishes that, if the death of a person is proximately caused by a controlled  
17 substance which was sold, given, traded or otherwise made available to him or her  
18 by another person in certain circumstances, the person who sold, gave or traded or  
19 otherwise made the substance available to him or her is guilty of: (1) murder of the  
20 first degree if the controlled substance is fentanyl, a derivative of fentanyl or any  
21 mixture which contains fentanyl or any derivative of fentanyl; or (2) murder of the  
22 second degree if the controlled substance is any other controlled substance.



THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1       **Section 1.** NRS 453.333 is hereby amended to read as follows:

2       453.333 **1.** If the death of a person is proximately caused by a  
3 controlled substance which was sold, given, traded or otherwise  
4 made available to him or her by another person in violation of this  
5 chapter, the person who sold, gave or traded or otherwise made the  
6 substance available to him or her is guilty of murder. If convicted of  
7 murder in the second degree, the person is guilty of a category A  
8 felony and shall be punished as provided in subsection 5 of NRS  
9 200.030. If convicted of murder in the first degree, the person is  
10 guilty of a category A felony and shall be punished as provided in  
11 subsection 4 of NRS 200.030, except that the punishment of death  
12 may be imposed only if the requirements of paragraph (a) of  
13 subsection 4 of that section have been met and if the defendant is or  
14 has previously been convicted of violating NRS 453.3385, 453.3387  
15 or 453.339 or a law of any other jurisdiction which prohibits the  
16 same conduct.

17       **2. For the purposes of this section:**

18       **(a) The act of selling, giving, trading or otherwise making**  
19 **available a controlled substance to another person in violation of**  
20 **this chapter shall be deemed to be inherently dangerous as a**  
21 **matter of law; and**

22       **(b) The death of a person to whom a controlled substance has**  
23 **been sold, given, traded or otherwise made available in violation of**  
24 **this chapter shall be deemed to be a natural and probable**  
25 **consequence of the violation of this chapter.**

26       **3. As used in this section, "proximately caused" means a**  
27 **natural sequence that produced the death and without which the**  
28 **death would not have occurred. The term does not require proof**  
29 **that the controlled substance is the sole cause of death, but the**  
30 **controlled substance must be the primary cause of death.**

31       **Sec. 2.** NRS 200.030 is hereby amended to read as follows:

32       200.030 **1.** Murder of the first degree is murder which is:

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

35       (b) Committed in the perpetration or attempted perpetration of  
36 sexual assault, kidnapping, arson, robbery, burglary, invasion of the  
37 home, sexual abuse of a child, sexual molestation of a child under  
38 the age of 14 years, child abuse or abuse of an older person or  
39 vulnerable person pursuant to NRS 200.5099;

40       (c) Committed to avoid or prevent the lawful arrest of any  
41 person by a peace officer or to effect the escape of any person from  
42 legal custody;



1 (d) Committed on the property of a public or private school, at  
2 an activity sponsored by a public or private school or on a school  
3 bus while the bus was engaged in its official duties by a person who  
4 intended to create a great risk of death or substantial bodily harm to  
5 more than one person by means of a weapon, device or course of  
6 action that would normally be hazardous to the lives of more than  
7 one person; ~~or~~

8 (e) Committed in the perpetration or attempted perpetration of  
9 an act of terrorism ~~or~~; *or*

10 *(f) Committed pursuant to NRS 453.333 if the controlled*  
11 *substance sold, given, traded or otherwise made available is*  
12 *fentanyl, a derivative of fentanyl or any mixture which contains*  
13 *fentanyl or any derivative of fentanyl.*

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

15 3. The jury before whom any person indicted for murder is  
16 tried shall, if they find the person guilty thereof, designate by their  
17 verdict whether the person is guilty of murder of the first or second  
18 degree.

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

21 (a) By death, only if one or more aggravating circumstances are  
22 found and any mitigating circumstance or circumstances which are  
23 found do not outweigh the aggravating circumstance or  
24 circumstances, unless a court has made a finding pursuant to NRS  
25 174.098 that the defendant is a person with an intellectual disability  
26 and has stricken the notice of intent to seek the death penalty; or

27 (b) By imprisonment in the state prison:

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

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

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

33 ↪ A determination of whether aggravating circumstances exist is  
34 not necessary to fix the penalty at imprisonment for life with or  
35 without the possibility of parole.

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

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

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

43 6. As used in this section:

44 (a) "Act of terrorism" has the meaning ascribed to it in  
45 NRS 202.4415;



1 (b) "Child abuse" means physical injury of a nonaccidental  
2 nature to a child under the age of 18 years;

3 (c) "School bus" has the meaning ascribed to it in NRS 483.160;

4 (d) "Sexual abuse of a child" means any of the acts described in  
5 NRS 432B.100; and

6 (e) "Sexual molestation" means any willful and lewd or  
7 lascivious act, other than acts constituting the crime of sexual  
8 assault, upon or with the body, or any part or member thereof, of a  
9 child under the age of 14 years, with the intent of arousing,  
10 appealing to, or gratifying the lust, passions or sexual desires of the  
11 perpetrator or of the child.

