

SENATE BILL NO. 120—COMMITTEE ON JUDICIARY

(ON BEHALF OF ATTORNEY GENERAL)

FEBRUARY 4, 1999

Referred to Committee on Judiciary

SUMMARY—Expands circumstances under which interception of wire or oral communications is authorized. (BDR 14-303)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~for omitted material~~ is material to be omitted.

AN ACT relating to the interception of wire or oral communications; expanding the circumstances under which the attorney general or a district attorney may apply for an order authorizing the interception of wire or oral communications; 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.** NRS 179.460 is hereby amended to read as follows:
2 179.460 1. The attorney general or the district attorney of any county
3 may apply to a supreme court justice or to a district judge in the county
4 where the interception is to take place for an order authorizing the
5 interception of wire or oral communications, and the judge may, in
6 accordance with NRS 179.470 to 179.515, inclusive, grant an order
7 authorizing the interception of wire or oral communications by
8 investigative or law enforcement officers having responsibility for the
9 investigation of the offense as to which the application is made, when the
10 interception may provide evidence of the commission of murder, ***attempted***
11 ***murder, battery with the use of a deadly weapon,*** kidnaping, robbery,
12 extortion, bribery, destruction of public property by explosives,
13 ***discharging a firearm at or into an occupied structure,*** a sexual offense
14 against a child or the commission of any offense which is made a felony by
15 the provisions of chapter 453 or 454 of NRS.

2. A good faith reliance by a public utility on a court order ~~shall~~
~~constitute~~ **constitutes** a complete defense to any civil or criminal action
brought against the public utility on account of any interception made
pursuant to the order.

3. As used in this section ~~the~~ "sexual" :

(a) ***"Discharging a firearm at or into an occupied structure" means
discharging a firearm at or into any house, room, apartment, tenement,
shop, warehouse, store, mill, barn, stable, outhouse or other building that
is occupied in violation of paragraph (b) of subsection 1 of NRS 202.285.***

(b) **"Sexual offense against a child"** includes any act upon a child
constituting:

~~(a)~~ (1) Incest pursuant to NRS 201.180;

~~(b)~~ (2) Lewdness with a child pursuant to NRS 201.230;

~~(c)~~ (3) Annoyance or molestation of a child pursuant to NRS 207.260;

~~(d)~~ (4) Sado-masochistic abuse pursuant to NRS 201.262;

~~(e)~~ (5) Sexual assault pursuant to NRS 200.366;

~~(f)~~ (6) Statutory sexual seduction pursuant to NRS 200.368; or

~~(g)~~ (7) Open or gross lewdness pursuant to NRS 201.210.