

Senate Bill No. 18–Committee on Judiciary

CHAPTER.....

AN ACT relating to biological weapons; prohibiting the development, production, stockpiling, transfer, acquisition, retention or possession of a biological agent, toxin or delivery system in certain circumstances; prohibiting a person from making threats or conveying false information concerning the presence, delivery, dispersion, release or use of a biological agent or toxin under certain circumstances; 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:

Section 1. Chapter 202 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. *As used in sections 2 to 7, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Biological agent” has the meaning ascribed to it in 18 U.S.C. § 178.*

Sec. 4. *“Delivery system” has the meaning ascribed to it in 18 U.S.C. § 178.*

Sec. 5. *“Toxin” has the meaning ascribed to it in 18 U.S.C. § 178.*

Sec. 6. 1. *A person shall not knowingly:*

(a) Develop, produce, stockpile, transfer, acquire, retain or possess a biological agent, toxin or delivery system for use as a weapon; or

(b) Assist another person to do any act described in paragraph (a).

2. *A person who violates any provision of subsection 1 is guilty of a category A felony and shall be punished by imprisonment in the state prison:*

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

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

3. *As used in this section, the term “for use as a weapon” does not include the development, production, transfer, acquisition, retention or possession of a biological agent, toxin or delivery system for prophylactic, protective or other peaceful purposes.*

Sec. 7. 1. *A person shall not, through the use of any means of oral, written or electronic communication, knowingly make any threat or convey any false information concerning the presence, delivery, dispersion, release or use of a biological agent or toxin with the intent to:*

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 8. The amendatory provisions of this act do not apply to offenses that are committed before the effective date of this act.

Sec. 9. This act becomes effective upon passage and approval.