

SENATE BILL NO. 18—COMMITTEE ON JUDICIARY

PREFILED JANUARY 18, 1999

Referred to Committee on Judiciary

SUMMARY—Prohibits certain acts related to biological weapons. (BDR 15-108)

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

- 1 **Section 1.** Chapter 202 of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2 to 7, inclusive, of this act.
3 **Sec. 2.** *As used in sections 2 to 7, inclusive, of this act, unless the*
4 *context otherwise requires, the words and terms defined in sections 3, 4*
5 *and 5 of this act have the meanings ascribed to them in those sections.*
6 **Sec. 3.** *“Biological agent” has the meaning ascribed to it in 18*
7 *U.S.C. § 178.*
8 **Sec. 4.** *“Delivery system” has the meaning ascribed to it in 18*
9 *U.S.C. § 178.*
10 **Sec. 5.** *“Toxin” has the meaning ascribed to it in 18 U.S.C. § 178.*
11 **Sec. 6. 1.** *A person shall not knowingly:*
12 *(a) Develop, produce, stockpile, transfer, acquire, retain or possess a*
13 *biological agent, toxin or delivery system for use as a weapon; or*
14 *(b) Assist another person to do any act described in paragraph (a).*

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

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

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

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

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

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

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

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

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

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

32 **3. As used in this section, “oral, written or electronic**
33 **communication” includes, without limitation, any of the following:**

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

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

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

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

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

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

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

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

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

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