

(REPRINTED WITH ADOPTED AMENDMENTS)
FIRST REPRINT S.B. 242

SENATE BILL NO. 242—COMMITTEE ON JUDICIARY

(ON BEHALF OF DISTRICT ATTORNEYS ASSOCIATION)

FEBRUARY 26, 2001

Referred to Committee on Judiciary

SUMMARY—Prohibits growing, cultivating or propagating of marijuana. (BDR 40-469)

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 controlled substances; prohibiting the growth, cultivation or propagation of marijuana; 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 453 of NRS is hereby amended by adding thereto a
2 new section to read as follows:
3 ***1. Except as authorized by the provisions of NRS 453.011 to 453.552,***
4 ***inclusive, it is unlawful to:***
5 ***(a) Grow, cultivate or propagate 1 pound or more of marijuana; or***
6 ***(b) Offer or attempt to grow, cultivate or propagate 1 pound or more***
7 ***of marijuana.***
8 ***2. A person who violates the provisions of subsection 1 shall be***
9 ***punished, if the quantity involved:***
10 ***(a) Is 1 pound or more, but less than 50 pounds, for a category E***
11 ***felony as provided in NRS 193.130.***
12 ***(b) Is 50 pounds or more, but less than 100 pounds, for a category D***
13 ***felony as provided in NRS 193.130.***
14 ***(c) Is 100 pounds or more, but less than 2,000 pounds, for a category***
15 ***C felony as provided in NRS 193.130 and by a fine of not more than***
16 ***\$25,000.***
17 ***(d) Is 2,000 pounds or more, but less than 10,000 pounds, for a***
18 ***category B felony by imprisonment in the state prison for a minimum***
19 ***term of not less than 2 years and a maximum term of not more than 10***
20 ***years and by a fine of not more than \$50,000.***



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1 (e) Is 10,000 pounds or more, for a category A felony by imprisonment
2 in the state prison:

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

5 (2) For a definite term of 15 years, with eligibility for parole
6 beginning when a minimum of 5 years has been served,
7 and by a fine of not more than \$200,000.

8 3. For the purposes of this section:

9 (a) "Marijuana" means all parts of any plant of the genus *Cannabis*,
10 whether or not growing.

11 (b) The weight of marijuana is its weight when seized or as soon as
12 practicable thereafter.

13 **Sec. 2.** NRS 453.3345 is hereby amended to read as follows:

14 453.3345 1. Unless a greater penalty is provided in NRS 453.333 or
15 453.334, and except as otherwise provided in NRS 193.169, any person
16 who violates NRS 453.321, 453.322 or 453.323 ~~+~~ or section 1 of this act:

17 (a) On the grounds of a public or private school, a playground, public
18 park, public swimming pool, recreational center for youths or a video
19 arcade;

20 (b) On a campus of the University and Community College System of
21 Nevada;

22 (c) Within 1,000 feet of the perimeter of such a school ground or
23 campus, playground, park, pool, recreational center or arcade; or

24 (d) Within 1,000 feet of a school bus stop from 1 hour before school
25 begins until 1 hour after school ends during scheduled school
26 days,

27 must be punished by imprisonment in the state prison for a term equal to
28 and in addition to the term of imprisonment prescribed by statute for the
29 crime. The sentence prescribed by this section runs consecutively with the
30 sentence prescribed by statute for the crime.

31 2. This section does not create a separate offense but provides an
32 additional penalty for the primary offense, whose imposition is contingent
33 upon the finding of the prescribed fact.

34 3. For the purposes of this section:

35 (a) "Playground" means any outdoor facility, intended for recreation,
36 open to the public and in any portion thereof containing one or more
37 apparatus intended for the recreation of children, such as a sliding board,
38 teeterboard, sandbox or swingset.

39 (b) "Recreational center for youths" means a recreational facility or
40 gymnasium which regularly provides athletic, civic or cultural activities for
41 persons under 18 years of age.

42 (c) "School bus" has the meaning ascribed to it in NRS 483.160.

43 (d) "Video arcade" means a facility legally accessible to persons under
44 18 years of age, intended primarily for the use of pinball and video
45 machines for amusement and which contains a minimum of 10 such
46 machines.

47 **Sec. 3.** NRS 453.553 is hereby amended to read as follows:

48 453.553 1. In addition to any criminal penalty imposed for a
49 violation of the provisions of NRS 453.011 to 453.552, inclusive, *and*



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1 *section 1 of this act*, any person who unlawfully sells, manufactures,
2 delivers or brings into this state, possesses for sale or participates in any
3 way in a sale of a controlled substance listed in schedule I, II or III is
4 subject to a civil penalty for each violation. This penalty must be recovered
5 in a civil action, brought in the name of the State of Nevada by the attorney
6 general or by any district attorney in a court of competent jurisdiction.
7 2. As used in this section and NRS 453.5531, 453.5532 and 453.5533:
8 (a) "Each violation" includes a continuous or repetitive violation arising
9 out of the same act.
10 (b) "Sell" includes exchange, barter, solicitation or receipt of an order,
11 transfer to another for sale or resale and any other transfer for any
12 consideration or a promise obtained directly or indirectly.
13 (c) "Substitute" means a substance which:
14 (1) Was manufactured by a person who at the time was not currently
15 registered with the Secretary of Health and Human Services; and
16 (2) Is an imitation of or intended for use as a substitute for a
17 substance listed in schedule I, II or III.
18 **Sec. 4.** NRS 207.360 is hereby amended to read as follows:
19 207.360 "Crime related to racketeering" means the commission of,
20 attempt to commit or conspiracy to commit any of the following crimes:
21 1. Murder;
22 2. Manslaughter;
23 3. Mayhem;
24 4. Battery which is punished as a felony;
25 5. Kidnapping;
26 6. Sexual assault;
27 7. Arson;
28 8. Robbery;
29 9. Taking property from another under circumstances not amounting to
30 robbery;
31 10. Extortion;
32 11. Statutory sexual seduction;
33 12. Extortionate collection of debt in violation of NRS 205.322;
34 13. Forgery;
35 14. Any violation of NRS 199.280 which is punished as a felony;
36 15. Burglary;
37 16. Grand larceny;
38 17. Bribery or asking for or receiving a bribe in violation of chapter
39 197 or 199 of NRS which is punished as a felony;
40 18. Battery with intent to commit a crime in violation of NRS 200.400;
41 19. Assault with a deadly weapon;
42 20. Any violation of NRS 453.232, 453.316 to 453.3395, inclusive, or
43 453.375 to 453.401, inclusive ~~H~~, *or section 1 of this act*;
44 21. Receiving or transferring a stolen vehicle;
45 22. Any violation of NRS 202.260, 202.275 or 202.350 which is
46 punished as a felony;
47 23. Any violation of subsection 2 or 3 of NRS 463.360 or chapter 465
48 of NRS;



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- 1 24. Receiving, possessing or withholding stolen goods valued at \$250
- 2 or more;
- 3 25. Embezzlement of money or property valued at \$250 or more;
- 4 26. Obtaining possession of money or property valued at \$250 or
- 5 more, or obtaining a signature by means of false pretenses;
- 6 27. Perjury or subornation of perjury;
- 7 28. Offering false evidence;
- 8 29. Any violation of NRS 201.300 or 201.360;
- 9 30. Any violation of NRS 90.570, 91.230, 686A.290 or 686A.291; or
- 10 31. Any violation of NRS 205.506, 205.920 or 205.930.
- 11 **Sec. 5.** The amendatory provisions of this act do apply to offenses
- 12 committed before October 1, 2001.

