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ACLU of Nevada

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DATE: April 30. 2003

TO: Chairman Mark Amodei
Nevada Senate Judiciary Committee and Committee
Members

FROM: Richard Siegel, Ph. D., President, ACLU of Nevada

RE: AB 250 (Second Reprint)

The ACLU has worked arduously to foster language on the definition of terrorism in AB250 that is less problematic than that of SB 38. We seek to minimize or preclude the application of this bill to civil disobedience, civic group activism (Like Jarbridge), or labor and other constitutionally protected demonstrations. We believe that this has been largely accomplished in the Assembly version of AB250, and the improvements made in the Assembly have been applauded by the major state newspapers and the leaders of the Nevada Assembly, including Speaker Perkins.

Our emphasis has been on the protection of the rights of free association and free expression, and to prevent arbitrary use of such a bill to apply the concept of terrorism to facts that do not meet the common sense meaning of this term as understood by the people of

Nevada. They understand the crime to be, essentially, a premeditated attack on the infrastructure of and people (many people) in this state.

We ask you to support the language of this Assembly, though we believe the reference to causing impairment of any building should be amended as overbroad, as it incorporates logically any act of arson. We are trying to reach acts that deliberately seek to kill people and destroy buildings or infrastructure, primarily for political ends.

Beyond this point, the American Civil Liberties Union does not abandon our opposition to the death penalty for these crimes, as for all other crimes. And we want the Nevada Senate to further distinguish perpetration of an act of terrorism from acts that may be found to have peripherally or very indirectly assisted or concealed such acts. These differing kinds of acts should be differentiated in the law more clearly in relation to the level of felony and the punishment prescribed [Sec. 21 (2a)].

Further, sec. 22 still includes unacceptably vague and overbroad language concerning conveying false information and which have the effect of "distressing" or "frightening" persons. [Sec. 22 (1a)]. We propose that these words should be removed. They have been ridiculed in Nevada's leading newspapers and are examples of language that is unacceptably loosely written.

Thank you for your consideration of our written and spoken comments.