

ASSEMBLY BILL NO. 302—COMMITTEE ON JUDICIARY

MARCH 13, 2003

Referred to Committee on Judiciary

SUMMARY—Repeals duplicative provision concerning penalty for sale of imitation controlled substances. (BDR 40-1284)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

~

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

AN ACT relating to controlled substances; repealing a duplicative provision concerning the penalty for the sale of imitation controlled substances; 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 453.3345 is hereby amended to read as
2 follows:
3 453.3345 1. Unless a greater penalty is provided in NRS
4 453.333 or 453.334, and except as otherwise provided in NRS
5 193.169, any person who violates NRS 453.321 ~~[, 453.322 or~~
6 ~~453.323:] or 453.322:~~
7 (a) On the grounds of a public or private school, a playground,
8 public park, public swimming pool, recreational center for youths or
9 a video arcade;
10 (b) On a campus of the University and Community College
11 System of Nevada;
12 (c) Within 1,000 feet of the perimeter of such a school ground or
13 campus, playground, park, pool, recreational center or arcade; or
14 (d) Within 1,000 feet of a school bus stop from 1 hour before
15 school begins until 1 hour after school ends during scheduled school
16 days,



1 must be punished by imprisonment in the state prison for a term
2 equal to and in addition to the term of imprisonment prescribed by
3 statute for the crime. The sentence prescribed by this section runs
4 consecutively with the sentence prescribed by statute for the crime.

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

8 3. For the purposes of this section:

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

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

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

17 (d) "Video arcade" means a facility legally accessible to persons
18 under 18 years of age, intended primarily for the use of pinball and
19 video machines for amusement and which contains a minimum of
20 10 such machines.

21 **Sec. 2.** NRS 453.323 is hereby repealed.

22 **Sec. 3.** This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTION

453.323 Substitution of substance in unlawful transaction prohibited; penalties; prohibition against probation or suspension of sentence for certain repeat offenders.

1. A person who offers, agrees or arranges unlawfully to sell, supply, transport, deliver, give or administer any controlled substance classified in schedule I or II and then sells, supplies, transports, delivers, gives or administers any other substance in place of the controlled substance is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2. The court shall not grant probation to or suspend the sentence of a person convicted of violating subsection 1 if he has previously been convicted of any felony offense under the Uniform Controlled Substances Act or of any offense under the laws of the United States or any state, territory or district which, if committed in this state, would amount to a felony under the Uniform Controlled Substances Act.



* A B 3 0 2 *

3. A person who offers, agrees or arranges unlawfully to sell, supply, transport, deliver, give or administer any controlled substance classified in schedule III, IV or V and then sells, supplies, transports, delivers, gives or administers any other substance in place of the controlled substance is guilty of a category D felony and shall be punished as provided in NRS 193.130.

