

ASSEMBLY BILL NO. 99—ASSEMBLYMEN BROWN, ANDONOV,  
ANGLE, BEERS, CHRISTENSEN, CONKLIN, GRADY, GRIFFIN,  
GUSTAVSON, HARDY, HETTRICK, KNECHT, MABEY,  
MARVEL, MORTENSON, OCEGUERA, PERKINS AND WEBER

FEBRUARY 13, 2003

Referred to Committee on Judiciary

SUMMARY—Makes various changes regarding murder committed  
with intent to commit certain acts of terrorism.  
(BDR 15-751)

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 terrorism; making various changes regarding  
murder committed with the intent to commit certain acts  
of terrorism; establishing as murder of the first degree  
murder committed with the intent to commit certain acts  
of terrorism; establishing for the purposes of the death  
penalty an aggravating circumstance relating to murders  
committed with the intent to commit certain acts of  
terrorism; 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 200 of NRS is hereby amended by adding
- 2     thereto the provisions set forth as sections 2 and 3 of this act.
- 3     **Sec. 2.** *As used in NRS 200.010 to 200.260, inclusive, this*
- 4     *section and section 3 of this act, unless the context otherwise*
- 5     *requires, the words and terms defined in NRS 200.010 and section*
- 6     *3 of this act have the meanings ascribed to them in those sections.*



**Sec. 3. "Act of terrorism" means:**

**1. Any act of undeclared war; or**

**2. Any act that involves the use or the threatened or attempted use of sabotage, fear or violence and is intended to:**

**(a) Intimidate or coerce a civilian population;**

**(b) Disrupt, affect or influence the conduct or policy of a governmental entity by intimidation or coercion; or**

**(c) Retaliate against a governmental entity or cause widespread panic or civil unrest through the substantial destruction, contamination, impairment or disruption of:**

**(1) Public infrastructure, communications, transportation, utilities or services; or**

**(2) Natural resources or the environment.**

**Sec. 4. NRS 200.030 is hereby amended to read as follows:**

**200.030 1. Murder of the first degree is murder which is:**

**(a) Perpetrated by means of poison, lying in wait or torture, or by any other kind of willful, deliberate and premeditated killing;**

**(b) Committed in the perpetration or attempted perpetration of sexual assault, kidnapping, arson, robbery, burglary, invasion of the home, sexual abuse of a child, sexual molestation of a child under the age of 14 years or child abuse;**

**(c) Committed to avoid or prevent the lawful arrest of any person by a peace officer or to effect the escape of any person from legal custody; ~~for~~**

**(d) Committed on the property of a public or private school, at an activity sponsored by a public or private school or on a school bus while the bus was engaged in its official duties by a person who intended to create a great risk of death or substantial bodily harm to more than one person by means of a weapon, device or course of action that would normally be hazardous to the lives of more than one person ~~for~~; or**

**(e) Committed in the perpetration or attempted perpetration of an act of terrorism.**

**2. Murder of the second degree is all other kinds of murder.**

**3. The jury before whom any person indicted for murder is tried shall, if they find him guilty thereof, designate by their verdict whether he is guilty of murder of the first or second degree.**

**4. A person convicted of murder of the first degree is guilty of a category A felony and shall be punished:**

**(a) By death, only if one or more aggravating circumstances are found and any mitigating circumstance or circumstances which are found do not outweigh the aggravating circumstance or circumstances; or**

**(b) By imprisonment in the state prison:**

**(1) For life without the possibility of parole;**



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1 (2) For life with the possibility of parole, with eligibility for  
2 parole beginning when a minimum of 20 years has been served; or

3 (3) For a definite term of 50 years, with eligibility for parole  
4 beginning when a minimum of 20 years has been served.

5 A determination of whether aggravating circumstances exist is not  
6 necessary to fix the penalty at imprisonment for life with or without  
7 the possibility of parole.

8 5. A person convicted of murder of the second degree is guilty  
9 of a category A felony and shall be punished by imprisonment in the  
10 state prison:

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

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

15 6. As used in this section:

16 (a) "Child abuse" means physical injury of a nonaccidental  
17 nature to a child under the age of 18 years;

18 (b) "School bus" has the meaning ascribed to it in NRS 483.160;

19 (c) "Sexual abuse of a child" means any of the acts described in  
20 NRS 432B.100; and

21 (d) "Sexual molestation" means any willful and lewd or  
22 lascivious act, other than acts constituting the crime of sexual  
23 assault, upon or with the body, or any part or member thereof, of a  
24 child under the age of 14 years, with the intent of arousing,  
25 appealing to, or gratifying the lust, passions or sexual desires of the  
26 perpetrator or of the child.

27 **Sec. 5.** NRS 200.033 is hereby amended to read as follows:

28 200.033 The only circumstances by which murder of the first  
29 degree may be aggravated are:

30 1. The murder was committed by a person under sentence of  
31 imprisonment.

32 2. The murder was committed by a person who, at any time  
33 before a penalty hearing is conducted for the murder pursuant to  
34 NRS 175.552, is or has been convicted of:

35 (a) Another murder and the provisions of subsection 12 do not  
36 otherwise apply to that other murder; or

37 (b) A felony involving the use or threat of violence to the person  
38 of another and the provisions of subsection 4 do not otherwise apply  
39 to that felony.

40 For the purposes of this subsection, a person shall be deemed to  
41 have been convicted at the time the jury verdict of guilt is rendered  
42 or upon pronouncement of guilt by a judge or judges sitting without  
43 a jury.

44 3. The murder was committed by a person who knowingly  
45 created a great risk of death to more than one person by means of a



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1 weapon, device or course of action which would normally be  
2 hazardous to the lives of more than one person.

3 4. The murder was committed while the person was engaged,  
4 alone or with others, in the commission of or an attempt to commit  
5 or flight after committing or attempting to commit, any robbery,  
6 arson in the first degree, burglary, invasion of the home or  
7 kidnapping in the first degree, and the person charged:

8 (a) Killed or attempted to kill the person murdered; or

9 (b) Knew or had reason to know that life would be taken or  
10 lethal force used.

11 5. The murder was committed to avoid or prevent a lawful  
12 arrest or to effect an escape from custody.

13 6. The murder was committed by a person, for himself or  
14 another, to receive money or any other thing of monetary value.

15 7. The murder was committed upon a peace officer or fireman  
16 who was killed while engaged in the performance of his official  
17 duty or because of an act performed in his official capacity, and the  
18 defendant knew or reasonably should have known that the victim  
19 was a peace officer or fireman. For the purposes of this subsection,  
20 "peace officer" means:

21 (a) An employee of the Department of Corrections who does not  
22 exercise general control over offenders imprisoned within the  
23 institutions and facilities of the Department but whose normal duties  
24 require him to come into contact with those offenders, when  
25 carrying out the duties prescribed by the Director of the Department.

26 (b) Any person upon whom some or all of the powers of a peace  
27 officer are conferred pursuant to NRS 289.150 to 289.360, inclusive,  
28 when carrying out those powers.

29 8. The murder involved torture or the mutilation of the victim.

30 9. The murder was committed upon one or more persons at  
31 random and without apparent motive.

32 10. The murder was committed upon a person less than 14  
33 years of age.

34 11. The murder was committed upon a person because of the  
35 actual or perceived race, color, religion, national origin, physical or  
36 mental disability or sexual orientation of that person.

37 12. The defendant has, in the immediate proceeding, been  
38 convicted of more than one offense of murder in the first or second  
39 degree. For the purposes of this subsection, a person shall be  
40 deemed to have been convicted of a murder at the time the jury  
41 verdict of guilt is rendered or upon pronouncement of guilt by a  
42 judge or judges sitting without a jury.

43 13. The person, alone or with others, subjected or attempted to  
44 subject the victim of the murder to nonconsensual sexual penetration



1 immediately before, during or immediately after the commission of  
2 the murder. For the purposes of this subsection:

3 (a) "Nonconsensual" means against the victim's will or under  
4 conditions in which the person knows or reasonably should know  
5 that the victim is mentally or physically incapable of resisting,  
6 consenting or understanding the nature of his conduct, including, but  
7 not limited to, conditions in which the person knows or reasonably  
8 should know that the victim is dead.

9 (b) "Sexual penetration" means cunnilingus, fellatio or any  
10 intrusion, however slight, of any part of the victim's body or any  
11 object manipulated or inserted by a person, alone or with others, into  
12 the genital or anal openings of the body of the victim, whether or  
13 not the victim is alive. The term includes, but is not limited to, anal  
14 intercourse and sexual intercourse in what would be its ordinary  
15 meaning.

16 14. The murder was committed on the property of a public or  
17 private school, at an activity sponsored by a public or private school  
18 or on a school bus while the bus was engaged in its official duties by  
19 a person who intended to create a great risk of death or substantial  
20 bodily harm to more than one person by means of a weapon, device  
21 or course of action that would normally be hazardous to the lives of  
22 more than one person. For the purposes of this subsection, "school  
23 bus" has the meaning ascribed to it in NRS 483.160.

24 *15. The murder was committed with the intent to commit,*  
25 *cause, aid, further or conceal an act of terrorism.*

