

ASSEMBLY BILL NO. 123—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE NEVADA SHERIFFS’
AND CHIEFS’ ASSOCIATION)

FEBRUARY 23, 2005

Referred to Committee on Judiciary

SUMMARY—Prohibits use, possession and sale or disposal of electronic stun devices under certain circumstances. (BDR 15-600)

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 crimes; prohibiting the use of an electronic stun device under certain circumstances; prohibiting certain persons from possessing an electronic stun device; prohibiting the sale or disposal of an electronic stun device to certain persons; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law creates various crimes to protect the public health and safety of the residents of this State. (Chapter 202 of NRS)

This bill creates a new crime for unlawfully using or possessing an electronic stun device. An electronic stun device is a device that is designed to disable a person or animal temporarily or permanently in a certain manner. This bill prohibits a person from using an electronic stun device except in self-defense. This bill further prohibits certain persons from having an electronic stun device in their possession. These prohibitions do not apply to a peace officer who uses or possesses the device within the scope of his public duties.

This bill provides that a person who uses the electronic stun device on another person for any purpose other than self-defense is guilty of a category B felony. A person who has been convicted of a felony or who is a fugitive from justice and who possesses an electronic stun device is guilty of a category B felony. A person who has been adjudicated as mentally ill, who has been committed to any mental health facility or who is illegally or unlawfully in the United States and who possesses an electronic stun device is guilty of a category D felony.



This bill prohibits a child from possessing an electronic stun device. A child who violates this provision commits a delinquent act and is subject to the jurisdiction of the juvenile court.

This bill also prohibits a person from selling, giving or otherwise providing an electronic stun device to any person he knows is prohibited from possessing an electronic stun device. This prohibition does not apply to a peace officer acting within the scope of his public duties. A person who violates this provision is guilty of a category D felony.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 202 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, a person shall not use an electronic stun device on another person for any purpose other than self-defense.

2. Except as otherwise provided in this section, a person shall not have in his possession or under his custody or control any electronic stun device if he:

(a) Has been convicted of a felony in this State or any other state, or in any political subdivision thereof, or of a felony in violation of the laws of the United States of America, unless he has received a pardon and the pardon does not restrict his right to bear arms;

(b) Is a fugitive from justice;

(c) Has been adjudicated as mentally ill or has been committed to any mental health facility; or

(d) Is illegally or unlawfully in the United States.

3. A child under 18 years of age shall not have in his possession or under his custody or control any electronic stun device.

4. Except as otherwise provided in this section, a person within this State shall not sell, give or otherwise provide an electronic stun device to another person if he has actual knowledge that the other person:

(a) Is a child under 18 years of age;

(b) Has been convicted of a felony in this State or any other state, or in any political subdivision thereof, or of a felony in violation of the laws of the United States of America, unless he has received a pardon and the pardon does not restrict his right to bear arms;

(c) Is a fugitive from justice;

(d) Has been adjudicated as mentally ill or has been committed to any mental health facility; or

(e) Is illegally or unlawfully in the United States.



5. *A person who violates the provisions of:*

(a) *Subsection 1 or paragraph (a) or (b) of subsection 2 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000.*

(b) *Paragraph (c) or (d) of subsection 2 is guilty of a category D felony and shall be punished as provided in NRS 193.130.*

6. *A child who violates subsection 3 commits a delinquent act and the court may order the detention of the child in the same manner as if the child had committed an act that would have been a felony if committed by an adult.*

7. *A person who violates the provisions of subsection 4 is guilty of a category D felony and shall be punished as provided in NRS 193.130.*

8. *The provisions of subsections 1, 2 and 4 do not apply to a peace officer who possesses or uses or sells, gives or otherwise provides to another person an electronic stun device within the scope of his duties.*

9. *As used in this section, "electronic stun device" means a device that:*

(a) *Emits an electrical charge or current that is transmitted by projectile, physical contact or other means; and*

(b) *Is designed to disable a person or animal temporarily or permanently.*

Sec. 2. NRS 209.511 is hereby amended to read as follows:

209.511 1. When an offender is released from prison by expiration of his term of sentence, by pardon or by parole, the Director:

(a) May furnish him with a sum of money not to exceed \$100, the amount to be based upon the offender's economic need as determined by the Director;

(b) Shall give him notice of the provisions of chapter 179C of NRS and NRS 202.360 ~~H~~ *and section 1 of this act;*

(c) Shall require him to sign an acknowledgment of the notice required in paragraph (b);

(d) Shall give him notice of the provisions of NRS 179.245 and the provisions of NRS 213.090, 213.155 or 213.157, as applicable;

(e) May provide him with clothing suitable for reentering society;

(f) May provide him with the cost of transportation to his place of residence anywhere within the continental United States, or to the place of his conviction; and



1 (g) Shall require him to submit to at least one test for exposure
2 to the human immunodeficiency virus.

3 2. The costs authorized in paragraphs (a), (e), (f) and (g) of
4 subsection 1 must be paid out of the appropriate account within the
5 State General Fund for the use of the Department as other claims
6 against the State are paid to the extent that the costs have not
7 been paid in accordance with subsection 5 of NRS 209.221 and
8 NRS 209.246.

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

