

## Amendment No. 152

Assembly Amendment to Assembly Bill No. 123

(BDR 15-600)

**Proposed by:** Committee on Judiciary**Amendment Box:****Resolves Conflicts with:** N/A**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____
Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____

Amend section 1, page 2, by deleting lines 15 through 27 and inserting:

*“(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. Except as otherwise provided in this subsection, a child under 18 years of age shall not have in his possession or under his custody or control any electronic stun device. A child who is 14 years of age or older may have in his possession or under his custody or control any electronic stun device if the child:*

*(a) Has the permission of his parent or guardian to have in his possession or under his custody or control the electronic stun device; and*

BAW/BJE

Date: 4/8/2005

A.B. No. 123—Prohibits use and possession of electronic stun devices under certain circumstances.

*(b) Is not otherwise prohibited by law from having in his possession or under his custody or control the electronic stun device.*

*4. 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.”.*

**If this amendment is adopted, the Legislative  
Counsel's Digest will be changed to read as follows:**

**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 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 further prohibits a child from possessing an electronic stun device, unless the child is 14 years of age or older, the child has the permission of his parent or guardian to possess the device and the child is not otherwise prohibited by law from possessing the device. A child who violates this provision commits a delinquent act and is subject to the jurisdiction of the juvenile court.