

Amendment No. 667

Senate Amendment to Assembly Bill No. 123 First Reprint

(BDR 15-600)

Proposed by: Committee on Judiciary**Amendment Box:****Resolves Conflicts with:** N/A**Amends:** Summary: Yes Title: Yes 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 18 through 28 and inserting:

“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;

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Date: 5/2/2005

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



(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.”.

Amend section 1, page 2, line 29, by deleting “4.” and inserting “5.”.

Amend section 1, page 2, line 37, by deleting “5.” and inserting “6.”.

Amend section 1, page 3, between lines 2 and 3, by inserting:

“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.”.

Amend section 1, page 3, by deleting line 3 and inserting:

“8. The provisions of subsections 1, 2 and 4 do not apply to a”.

Amend section 1, page 3, line 4, after “uses” by inserting:

“or sells, gives or otherwise provides to another person”.

Amend section 1, page 3, line 6, by deleting “7.” and inserting “9.”.

Amend the title of the bill, fourth line, by deleting:

“providing a penalty;” and inserting:

“prohibiting the sale or disposal of an electronic stun device to certain persons; providing penalties;”.

Amend the summary of the bill to read as follows:

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

**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 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.