

Amendment No. 672

Senate Amendment to Assembly Bill No. 465 First Reprint

(BDR 40-112)

Proposed by: Senator Horsford**Amendment Box:** Replaces Amendment No. 657.**Resolves Conflicts with:** N/A**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: No

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 1, by deleting line 6 and inserting:

“(a) Is being used in violation of the provisions of NRS 453.011 to 453.552, inclusive, if the person in any manner knowingly engages in or conspires with, aids or abets another person to engage in such activity;

(b) Is being sold, exchanged, bartered, supplied.”.

Amend section 1, page 1, line 11, by deleting “(b)” and inserting “(c)”.

Amend section 1, page 1, line 12, after “*of*” by inserting:

“the provisions of”.

Amend section 1, page 2, between lines 5 and 6, by inserting:

KEL/BAW

Date: 4/29/2005

A.B. No. 465—Prohibits person from allowing child to be present in any conveyance or upon any premises wherein certain crimes involving controlled substances other than marijuana are committed.



“(1) If the violation does not proximately cause substantial bodily harm or death to the child, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(2) If the violation proximately causes substantial bodily harm to the child other than death, 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 6 years and a maximum term of not more than 20 years, and shall be further punished by a fine of not more than \$20,000.

(3) If the violation proximately causes the death of the child, is guilty of murder, which is a category A felony, and shall be punished as provided in NRS 200.030.

(b) A person who violates the provisions of paragraph (b) of subsection 1:”.

Amend section 1, page 2, lines 10 and 16, by deleting “years” and inserting “years,”.

Amend section 1, page 2, line 21, by deleting “(b)” and inserting “(c)”.

Amend section 1, page 2, line 27, by deleting “years” and inserting “years,”.

Amend section 1, page 2, line 42, by deleting “The” and inserting:

“Except as otherwise provided in NRS 453.3363, the”.

Amend the bill as a whole by renumbering sections 3 and 4 as sections 4 and 5 and adding a new section designated sec. 3, following sec. 2, to read as follows:

“Sec. 3. NRS 453.3363 is hereby amended to read as follows:

453.3363 1. If a person who has not previously been convicted of any offense pursuant to NRS 453.011 to 453.552, inclusive, or pursuant to any statute of the United States or of any state relating to narcotic drugs, marijuana, or stimulant, depressant or hallucinogenic substances tenders a plea of guilty, nolo contendere or similar plea to a charge pursuant to subsection 2 or 3 of NRS 453.336, NRS 453.411 or 454.351 ~~[.]~~ *or subparagraph (1) of paragraph (a) of subsection 2 of*

section 1 of this act, or is found guilty of one of those charges, the court, without entering a judgment of conviction and with the consent of the accused, may suspend further proceedings and place him on probation upon terms and conditions that must include attendance and successful completion of an educational program or, in the case of a person dependent upon drugs, of a program of treatment and rehabilitation pursuant to NRS 453.580.

2. Upon violation of a term or condition, the court may enter a judgment of conviction and proceed as provided in the section pursuant to which the accused was charged. Notwithstanding the provisions of paragraph (e) of subsection 2 of NRS 193.130, upon violation of a term or condition, the court may order the person to the custody of the Department of Corrections.

3. Upon fulfillment of the terms and conditions, the court shall discharge the accused and dismiss the proceedings against him. A nonpublic record of the dismissal must be transmitted to and retained by the Division of Parole and Probation of the Department of Public Safety solely for the use of the courts in determining whether, in later proceedings, the person qualifies under this section.

4. Except as otherwise provided in subsection 5, discharge and dismissal under this section is without adjudication of guilt and is not a conviction for purposes of this section or for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and dismissal restores the person discharged, in the contemplation of the law, to the status occupied before the arrest, indictment or information. He may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, indictment, information or

trial in response to an inquiry made of him for any purpose. Discharge and dismissal under this section may occur only once with respect to any person.

5. A professional licensing board may consider a proceeding under this section in determining suitability for a license or liability to discipline for misconduct. Such a board is entitled for those purposes to a truthful answer from the applicant or licensee concerning any such proceeding with respect to him.”.