

ASSEMBLY BILL NO. 137—ASSEMBLYMAN OCEGUERA

FEBRUARY 21, 2007

Referred to Committee on Judiciary

SUMMARY—Revises provisions concerning acts of terrorism.
(BDR 15-934)

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; increasing the penalty for certain crimes concerning acts of terrorism; making it a crime to deliver a hoax substance that appears to be a weapon of mass destruction or appears to be certain dangerous substances; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law makes it a category B felony to engage in certain acts of terrorism.
2 (NRS 202.448) **Section 5** of this bill increases the penalty for engaging in such acts
3 of terrorism from imprisonment for a minimum term of 1 year and a maximum
4 term of 6 years to a minimum term of 2 years and a maximum term of 20 years.
5 **Section 3** of this bill creates a new crime for delivering a “hoax substance” which is
6 any item that to a reasonable person appears to be a weapon of mass destruction,
7 biological agent, chemical agent, radioactive agent or other lethal agent, any toxin
8 or any delivery system for use as a weapon.
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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** Chapter 202 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 and 3 of this act.
3 **Sec. 2.** *“Hoax substance” means any item that appears to a*
4 *reasonable person to be a weapon of mass destruction, biological*
5 *agent, chemical agent, radioactive agent or other lethal agent, any*
6 *toxin or any delivery system for use as a weapon.*



1 **Sec. 3. 1.** *A person shall not, through the use of any means*
2 *of delivery, including, without limitation, mail, package delivery*
3 *services, mail couriers or drop payment boxes, disperse or cause to*
4 *be dispersed any hoax substance with the intent to:*

5 *(a) Injure, intimidate, alarm or cause mental anguish to any*
6 *person, whether or not any person is actually injured, intimidated,*
7 *alarmed or caused mental anguish thereby;*

8 *(b) Cause any reasonable person to believe that the person was*
9 *contaminated by or exposed to a biological agent, chemical agent,*
10 *radioactive agent or other lethal agent, any toxin or any nuclear*
11 *or explosive substance;*

12 *(c) Cause panic or civil unrest, whether or not such panic or*
13 *civil unrest actually occurs;*

14 *(d) Extort or profit thereby, whether or not the extortion is*
15 *actually successful or any profit actually occurs; or*

16 *(e) Interfere with the operations of or cause economic or other*
17 *damage to any person or business, whether or not such*
18 *interference or damage actually occurs.*

19 2. *Except as otherwise provided in subsection 3, a person who*
20 *violates any provision of subsection 1 is guilty of a category D*
21 *felony and shall be punished as provided in NRS 193.130.*

22 3. *Unless a greater penalty is provided by specific statute, if a*
23 *person violates any provision of subsection 1 and the violation*
24 *proximately causes the death of, or substantial bodily harm to, any*
25 *other person, the person is guilty of a category B felony and shall*
26 *be punished by imprisonment in the state prison for a minimum*
27 *term of not less than 2 years and a maximum term of not more*
28 *than 20 years, and may be further punished by a fine of not more*
29 *than \$5,000.*

30 4. *In addition to any other penalty, the court shall order a*
31 *person who violates any provision of subsection 1 to pay*
32 *restitution to any public agency for any expenses of a response to*
33 *a hoax substance that arise from the violation.*

34 5. *As used in this section:*

35 *(a) "Expenses of a response to a hoax substance" includes,*
36 *without limitation, the reasonable costs incurred by a public*
37 *agency in making an appropriate response to or investigation of a*
38 *hoax substance, including, without limitation, the salary or wages*
39 *of any person responding to or investigating a hoax substance, the*
40 *deemed wages of any volunteer of a public agency participating in*
41 *the response or investigation, the costs for use or operation of any*
42 *equipment and the costs for the use or expenditure of any*
43 *resources, fuel or other materials.*

44 *(b) "Public agency" means an agency, bureau, board,*
45 *commission, department or division of the State of Nevada or a*



political subdivision of the State of Nevada that provides police, fire-fighting, rescue or emergency medical services.

Sec. 4. NRS 202.441 is hereby amended to read as follows:

202.441 As used in NRS 202.441 to 202.448, inclusive, *and sections 2 and 3 of this act*, unless the context otherwise requires, the words and terms defined in NRS 202.4415 to 202.4445, inclusive, *and section 2 of this act* have the meanings ascribed to them in those sections.

Sec. 5. NRS 202.448 is hereby amended to read as follows:

202.448 1. A person shall not, through the use of any means of oral, written or electronic communication, knowingly make any threat or convey any false information concerning an act of terrorism or the presence, development, manufacture, production, assemblage, transfer, transportation, acquisition, retention, storage, testing, possession, delivery, dispersion, release, discharge or use of any weapon of mass destruction, any biological agent, chemical agent, radioactive agent or other lethal agent or any toxin with the intent to:

(a) Injure, intimidate or alarm any person, whether or not any person is actually injured, intimidated or alarmed thereby;

(b) Cause panic or civil unrest, whether or not such panic or civil unrest actually occurs;

(c) Extort or profit thereby, whether or not the extortion is actually successful or any profit actually occurs; or

(d) Interfere with the operations of or cause economic or other damage to any person or any officer, agency, board, bureau, commission, department, division or other unit of federal, state or local government, whether or not such interference or damage actually occurs.

2. A person who violates any provision of subsection 1 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~~ *2 years* and a maximum term of not more than ~~6~~ *20* years, and may be further punished by a fine of not more than \$5,000.

3. The provisions of this section do not apply to any act that is committed in a lawful manner and in the course of a lawful business, event or activity.

