

SENATE BILL NO. 6—SENATOR HECK

PREFILED DECEMBER 11, 2006

Referred to Committee on Human Resources and Education

SUMMARY—Includes marijuana in the provision which prohibits persons from intentionally allowing children to be present at certain locations where certain crimes involving controlled substances are committed. (BDR 40-223)

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 controlled substances; including marijuana in the provision which prohibits persons from intentionally allowing children to be present at certain locations where certain crimes involving controlled substances are committed; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law prohibits a person from intentionally allowing a child to be present
2 in any conveyance or upon any premises where a controlled substance is being
3 unlawfully used, sold or manufactured, but marijuana is specifically excluded from
4 the scope of this prohibition. (NRS 453.3325) This bill amends existing law to
5 include marijuana within the scope of the prohibition against unlawfully selling
6 controlled substances in the presence of a child. In addition, this bill amends
7 existing law to include within the scope of the prohibition against unlawfully
8 manufacturing controlled substances in the presence of a child the unlawful
9 production of certain quantities of marijuana and the unlawful cultivation of a
10 certain number of marijuana plants in the presence of a child. This bill does not
11 amend existing law to include marijuana within the scope of the prohibition against
12 unlawfully using marijuana in the presence of a child.



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

Section 1. NRS 453.3325 is hereby amended to read as follows:

453.3325 1. A person shall not intentionally allow a child to be present in any conveyance or upon any premises wherein ~~it~~:

(a) A controlled substance other than marijuana ~~is~~:

~~(a) Is~~ *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~~ *A controlled substance is* being sold, exchanged, bartered, supplied, prescribed, dispensed, given away or administered 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; ~~for~~

(c) ~~Is~~ *A controlled substance other than marijuana is* being or has been manufactured or compounded 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 ~~is~~; *or*

(d) More than 1 ounce of marijuana is being or has been produced at any one time, or more than three mature marijuana plants or four immature marijuana plants are being or have been planted, cultivated, grown or harvested at any one time, 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.

2. Unless a greater penalty is provided by specific statute:

(a) A person who violates the provisions of paragraph (a) of subsection 1:

(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.



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

(1) If the violation does not proximately cause substantial bodily harm or death to the child, 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 3 years and a maximum term of not more than 15 years, and shall be further punished by a fine of not more than \$10,000.

(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.

(c) A person who violates the provisions of paragraph (c) **or (d)** of subsection 1:

(1) If the violation does not proximately cause substantial bodily harm or death to the child, 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 5 years and a maximum term of not more than 20 years, and shall be further punished by a fine of not more than \$15,000.

(2) If the violation proximately causes substantial bodily harm to the child other than death, is guilty of a category A felony and shall be punished by imprisonment in the state prison:

(I) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or

(II) For a definite term of 40 years, with eligibility for parole beginning when a minimum of 10 years has been served, and shall be further punished by a fine of not more than \$50,000.

(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.

3. Except as otherwise provided in NRS 453.3363, the court shall not grant probation to or suspend the sentence of a person convicted pursuant to this section.

4. As used in this section:

(a) "Child" means a person who is less than 18 years of age.

(b) "Conveyance" means any vessel, boat, vehicle, airplane, glider, house trailer, travel trailer, motor home or railroad car, or other means of conveyance.



- 1 (c) “Premises” means any temporary or permanent structure,
- 2 including, without limitation, any building, house, room, apartment,
- 3 tenement, shed, carport, garage, shop, warehouse, store, mill, barn,
- 4 stable, outhouse or tent, whether located aboveground or
- 5 underground and whether inhabited or not.

