

Assembly Bill No. 182—Assemblyman Ocegüera

CHAPTER.....

AN ACT relating to crimes; revising the definition of the term “explosive” for the purposes of certain crimes involving explosives; reorganizing and reenacting various provisions pertaining to crimes involving explosives; making various other changes concerning crimes involving explosives; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Section 1 of this bill revises the definition of “explosive” contained in NRS 202.750 to include any explosive material in the list of explosive materials published in the Federal Register pursuant to 18 U.S.C. §§ 841 et seq. **Section 2** of this bill moves the provisions currently contained in NRS 202.270, which prohibit the destruction of buildings with human beings inside by means of explosives, into NRS 202.830. (NRS 202.270) **Section 5** of this bill then repeals NRS 202.270.

Section 5 of this bill also repeals certain duplicative crimes in the Nevada Revised Statutes relating to explosives, including: (1) NRS 202.810 and 476.020, prohibiting possession of explosives in certain public places, which may already be prosecuted pursuant to NRS 202.262; and (2) NRS 476.050, which prohibits acts endangering property by explosives that may be prosecuted pursuant to the existing provisions of NRS 202.830. (NRS 202.262, 202.810, 476.020, 476.050)

Sections 3 and 4 of this bill make technical changes only to revise internal references to statutory provisions that are amended or repealed in this bill.

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

Section 1. NRS 202.750 is hereby amended to read as follows:
202.750 As used in NRS 202.750 to 202.840, inclusive, the term “explosive” means ~~gunpowders,~~ :

1. Gunpowders, powders used for blasting, all forms of high explosives, blasting materials, fuses (other than electric circuit breakers), detonators and other detonating agents, smokeless powders, other explosive or incendiary devices and any chemical compounds, mechanical mixtures or device that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities or packing that ignition by fire, by friction, by concussion, by percussion, or by detonation of the compound, mixture or device or any part thereof may cause an explosion ~~H~~ ; or

2. Any explosive material included in the list of explosive materials published in the Federal Register and revised annually by the Attorney General of the United States pursuant to 18 U.S.C. §§ 841 et seq.



Sec. 2. NRS 202.830 is hereby amended to read as follows:
202.830 ~~[A]~~

1. Unless a greater penalty is provided pursuant to subsection 2, a person who maliciously damages or destroys, ~~for~~ attempts to damage or destroy, **or conspires with another person to damage or destroy,** by means of an explosive, any building, vehicle or real property in the State:

~~[1]~~ **(a)** If no substantial bodily harm results, 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 2 years and a maximum term of not more than 10 years, or by a fine of not less than \$2,000 nor more than \$10,000, or by both fine and imprisonment.

~~[2]~~ **(b)** If substantial bodily harm results, 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 2 years and a maximum term of not more than 20 years, or by a fine of not less than \$2,000 nor more than \$20,000, or by both fine and imprisonment.

2. A person who maliciously damages or destroys, attempts to damage or destroy, or conspires with another person to damage or destroy, by means of an explosive, any building, vehicle or real property in the State, knowing or having reason to believe that a human being is therein at the time, is guilty of a category A felony and shall be punished by imprisonment in the state prison:

(a) For life without the possibility of parole;

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

(c) For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served,

↪ in the discretion of the jury, or of the court upon a plea of guilty or guilty but mentally ill.

Sec. 3. NRS 207.012 is hereby amended to read as follows:
207.012 1. A person who:

(a) Has been convicted in this State of a felony listed in subsection 2; and

(b) Before the commission of that felony, was twice convicted of any crime which under the laws of the situs of the crime or of this State would be a felony listed in subsection 2, whether the prior convictions occurred in this State or elsewhere,

↪ is a habitual felon and shall be punished for a category A felony by imprisonment in the state prison:

(1) For life without the possibility of parole;



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

(3) For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served.

2. The district attorney shall include a count under this section in any information or shall file a notice of habitual felon if an indictment is found, if each prior conviction and the alleged offense committed by the accused constitutes a violation of subparagraph (1) of paragraph (a) of subsection 1 of NRS 193.330, NRS 199.160, 199.500, 200.030, 200.310, 200.340, 200.366, 200.380, 200.390, subsection 3 or 4 of NRS 200.400, NRS 200.410, subsection 3 of NRS 200.450, subsection 5 of NRS 200.460, NRS 200.463, 200.464, 200.465, 200.467, 200.468, subsection 1, paragraph (a) of subsection 2 or subparagraph (2) of paragraph (b) of subsection 2 of NRS 200.508, NRS 200.710, 200.720, 201.230, 201.450, 202.170, ~~202.270,~~ subsection 2 of NRS 202.780, paragraph (b) of subsection 2 of NRS 202.820, *paragraph (b) of subsection 1 or* subsection 2 of NRS 202.830, NRS 205.010, subsection 4 of NRS 205.060, subsection 4 of NRS 205.067, NRS 205.075, 207.400, paragraph (a) of subsection 1 of NRS 212.090, NRS 453.3325, 453.333, 484.219, 484.3795 or 484.37955.

3. The trial judge may not dismiss a count under this section that is included in an indictment or information.

Sec. 4. NRS 41.0334 is hereby amended to read as follows:

41.0334 1. Except as otherwise provided in subsection 2, no action may be brought under NRS 41.031 or against an officer or employee of the State or any of its agencies or political subdivisions for injury, wrongful death or other damage sustained in or on a public building or public vehicle by a person who was engaged in any criminal act proscribed in NRS ~~202.810,~~ 205.005 to 205.080, inclusive, 205.220, 205.226, 205.228, 205.240, 205.271 to 205.2741, inclusive, 206.310, 206.330, 206.335, 207.210, 331.200 or 393.410 at the time of the injury, wrongful death or damage was caused.

2. Subsection 1 does not apply to any action for injury, wrongful death or other damage:

(a) Intentionally caused or contributed to by an officer or employee of the State or any of its agencies or political subdivisions; or

(b) Resulting from the deprivation of any rights, privileges or immunities secured by the United States Constitution or the Constitution of the State of Nevada.

3. As used in this section:



(a) "Public building" includes every house, shed, tent or booth, whether or not completed, suitable for affording shelter for any human being or as a place where any property is or will be kept for use, sale or deposit, and the grounds appurtenant thereto; and

(b) "Public vehicle" includes every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, waterway or airway,

➔ owned, in whole or in part, possessed, used by or leased to the State or any of its agencies or political subdivisions.

Sec. 5. NRS 202.270, 202.810, 476.020 and 476.050 are hereby repealed.

Sec. 6. This act becomes effective upon passage and approval.

