

ASSEMBLY BILL NO. 408—ASSEMBLYMAN CHRISTENSEN

MARCH 16, 2009

Referred to Committee on Judiciary

SUMMARY—Makes various changes relating to crimes.
(BDR 15-522)

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; revising the definition of an “act of terrorism”; increasing the penalty for racketeering; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law defines an “act of terrorism” as any act that involves the use or attempted use of sabotage, coercion, or violence which is intended to cause great bodily harm or death, or substantial destruction to any infrastructure or the environment. (NRS 202.4415) **Section 1** of this bill revises the definition of an “act of terrorism” to include a violent criminal offense committed with the intent to intimidate or coerce the civilian population or to influence the conduct or activities of the government by intimidation or coercion. **Section 1** specifically identifies certain felony offenses as violent criminal offenses.

Existing law provides that a person convicted of racketeering is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of 5 years and a maximum term of not more than 20 years, and may be further punished by a fine of not more than \$25,000. (NRS 207.400) **Section 2** of this bill increases the penalty for racketeering to a category A felony, punishable by imprisonment for life with the possibility of parole, with eligibility for parole beginning when a minimum of 20 years has been served, and by a fine of not more than \$100,000.



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

Section 1. NRS 202.4415 is hereby amended to read as follows:

202.4415 1. "Act of terrorism" means ~~any act that involves the use or attempted use of sabotage, coercion or violence which is intended to:~~

~~(a) Cause great bodily harm or death to the general population; or~~

~~(b) Cause substantial destruction, contamination or impairment of:~~

~~(1) Any building or infrastructure, communications, transportation, utilities or services; or~~

~~(2) Any natural resource or the environment.] a violent criminal offense that is committed with the intent to:~~

(a) Intimidate or coerce the civilian population; or

(b) Influence the conduct or activities of the United States, the State, a local government or any governmental agency or political subdivision of this State through intimidation or coercion.

2. As used in this section ~~["coercion"]~~:

(a) "Coercion" does not include an act of civil disobedience.

(b) "Violent criminal offense" means any act that, if prosecuted in this State, would constitute any of the following offenses:

(1) Murder or voluntary manslaughter pursuant to NRS 200.010 to 200.260, inclusive.

(2) Mayhem pursuant to NRS 200.280.

(3) Kidnapping pursuant to NRS 200.310 to 200.340, inclusive.

(4) Sexual assault pursuant to NRS 200.366.

(5) Robbery pursuant to NRS 200.380.

(6) Administering poison or another noxious or destructive substance or liquid with intent to cause death pursuant to NRS 200.390.

(7) Battery with intent to commit a crime pursuant to NRS 200.400.

(8) Transportation or receipt of explosives for an unlawful purpose pursuant to NRS 202.780.

(9) Use or possession of explosives during the commission of a felony pursuant to NRS 202.820.

(10) Use of explosives to damage or destroy property pursuant to NRS 202.830.

(11) First-degree arson pursuant to NRS 205.010.



1 (12) *Obtaining and using personal identifying information*
2 *of another person pursuant to NRS 205.463.*

3 (13) *Possession or sale of any document or personal*
4 *identifying information to establish a false status or identity*
5 *pursuant to NRS 205.465.*

6 (14) *Racketeering pursuant to NRS 207.400.*

7 (15) *An attempt, conspiracy or solicitation to commit an*
8 *offense listed in subparagraphs (1) to (14) inclusive.*

9 **Sec. 2.** NRS 207.400 is hereby amended to read as follows:

10 207.400 1. It is unlawful for a person:

11 (a) Who has with criminal intent received any proceeds derived,
12 directly or indirectly, from racketeering activity to use or invest,
13 whether directly or indirectly, any part of the proceeds, or the
14 proceeds derived from the investment or use thereof, in the
15 acquisition of:

16 (1) Any title to or any right, interest or equity in real
17 property; or

18 (2) Any interest in or the establishment or operation of any
19 enterprise.

20 (b) Through racketeering activity to acquire or maintain, directly
21 or indirectly, any interest in or control of any enterprise.

22 (c) Who is employed by or associated with any enterprise to
23 conduct or participate, directly or indirectly, in:

24 (1) The affairs of the enterprise through racketeering activity;
25 or

26 (2) Racketeering activity through the affairs of the enterprise.

27 (d) Intentionally to organize, manage, direct, supervise or
28 finance a criminal syndicate.

29 (e) Knowingly to incite or induce others to engage in violence or
30 intimidation to promote or further the criminal objectives of the
31 criminal syndicate.

32 (f) To furnish advice, assistance or direction in the conduct,
33 financing or management of the affairs of the criminal syndicate
34 with the intent to promote or further the criminal objectives of the
35 syndicate.

36 (g) Intentionally to promote or further the criminal objectives of
37 a criminal syndicate by inducing the commission of an act or the
38 omission of an act by a public officer or employee which violates
39 his official duty.

40 (h) To conspire to violate any of the provisions of this section.

41 2. A person who violates this section is guilty of a category ~~IB~~
42 *A* felony and shall be punished by imprisonment in the state prison
43 ~~[a minimum term of not less than 5 years and a maximum term of~~
44 ~~not more than 20 years.]~~ *for life with the possibility of parole, with*
45 *eligibility for parole beginning when a minimum of 20 years has*



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- 1 *been served*, and may be further punished by a fine of not more than
- 2 ~~{\$25,000-}~~ *\$100,000.*

