

Amendment No. 406

Assembly Amendment to Assembly Bill No. 481

(BDR 15-1155)

Proposed by: Assembly Committee on Judiciary**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: No

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) ***blue bold italics*** is new language in the original bill; (2) ***green bold italic underlining*** is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) ~~orange double underlining~~ is deleted language in the original bill that is proposed to be retained in this amendment; and (6) ***green bold dashed underlining*** is newly added transitory language.

AMI/RRY



Date: 4/13/2009

A.B. No. 481—Revises provisions relating to certain crimes involving firearms, ammunition or explosives. (BDR 15-1155)



ASSEMBLY BILL NO. 481—COMMITTEE ON JUDICIARY

MARCH 20, 2009

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to certain crimes involving firearms, ammunition or explosives. (BDR 15-1155)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 provisions relating to certain crimes involving firearms, ammunition or explosives; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes it a crime for a person who is a fugitive from justice to own a firearm or to have a firearm in his possession or under his custody or control. (NRS 202.360) In *Gallegos v. Nevada*, 123 Adv. Op. 31, 163 P.3d 456 (2007), the Nevada Supreme Court held that provision to be unconstitutionally vague in violation of the Due Process Clause of the Fourteenth Amendment of the United States Constitution because it failed to define the term “fugitive from justice.” This bill defines the term “fugitive from justice” for purposes of that crime, as well as for purposes of: (1) NRS 202.357, which prohibits the possession of electronic stun devices by, or the sale or giving of such devices to, a fugitive from justice; (2) NRS 202.362, which prohibits the sale or disposal of firearms or ammunition to a fugitive from justice; and (3) NRS 202.760, which prohibits the shipment or receipt of explosives by a fugitive from justice. The new definition of “fugitive from justice” is based in part on the manner in which the term is defined in federal law and in part on the manner in which the term is defined under existing case law in Nevada. (18 U.S.C. § 921(15); *Ex parte Lorraine*, 16 Nev. 63, 63 (1881); *Castriotta v. State*, 111 Nev. 67, 69 n.2, 888 P.2d 927, 929 n.2 (1995))

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

Section 1. Chapter 202 of NRS is hereby amended by adding thereto a new section to read as follows:

As used in this chapter, unless the context otherwise requires, the term “fugitive from justice” means a person who has been found in this State after:

- 1. Being charged in another state with the commission of a ~~felony~~ **felony** and fleeing from that state to avoid prosecution for the ~~felony~~ **felony**; or*
- 2. Fleeing from another state to avoid giving testimony in any criminal proceeding.*