

ASSEMBLY BILL NO. 117—ASSEMBLYWOMAN JAUREGUI

PREFILED FEBRUARY 3, 2023

Referred to Committee on Judiciary

SUMMARY—Makes various changes relating to domestic terrorism. (BDR 43-568)

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 public safety; defining “domestic terror activity” to include certain offenses; creating the Anti-Domestic Terrorism Assistance Account in the State General Fund to award grants to support state and local programs to counter domestic terror activity; requiring the Chief of the Investigation Division of the Department of Public Safety to assist in the investigation of domestic terror activity upon the request of a law enforcement agency; authorizing the Chief of the Investigation Division to enter into agreements with intelligence centers; revising the definition of “act of terrorism” and the definitions of related terms; revising provisions relating to criminal anarchy and criminal syndicalism; making an appropriation; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law establishes the primary responsibilities of the Chief of the  
2 Investigation Division of the Department of Public Safety. (NRS 480.460) **Section**  
3 **6** of this bill adds to the responsibilities of the Chief of the Investigation Division  
4 the duty to assist in the investigation of domestic terror activity upon the request of  
5 a law enforcement agency. **Section 2** of this bill defines domestic terror activity to  
6 mean any of the following offenses: (1) acts of terrorism and certain related acts;  
7 (2) armed association; (3) criminal anarchy; (4) criminal syndicalism; (5) unlawful  
8 drill or parade with arms; (6) simulation of summons or other legal process; and (7)  
9 the commission of an unlawful act because of the actual or perceived characteristics  
10 of another person or group of persons. **Section 4** of this bill establishes the Anti-  
11 Domestic Terrorism Assistance Account within the State General Fund, to be  
12 administered by the Chief of the Division of Emergency Management of the Office



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of the Military and requires the Chief to submit a proposal for an expenditure from the Account to the Nevada Commission on Homeland Security, which is required to follow the same procedure for recommending the distribution of money from the Account as it does for recommending the distribution of money from any federal homeland security grant or related program. **Section 4** requires that the money in the Account be used to support state or local programs aimed at countering domestic terror activity, and **section 8** of this bill makes an appropriation of \$5,000,000 to the Account to provide grants to support such state and local programs.

**Section 7.8** of this bill makes a conforming change to provide that the duties of the Nevada Commission on Homeland Security include recommending the distribution of money from the Account for use by state and local agencies.

Existing law authorizes the Chief of the Investigation Division to enter into agreements with any state or local law enforcement agency in this State or in any other state to carry out the duties of the Division. (NRS 480.480) **Section 7** of this bill provides that the Chief of the Investigation Division may also enter into agreements with intelligence centers in this State or in any other state in order to carry out the duties of the Division.

Existing law defines the term "act of terrorism," in part to include any act involving the use or attempted use of sabotage, coercion or violence which is intended to cause great bodily harm or death to the general population. (NRS 202.4415) **Section 7.2** of this bill includes additional actions that constitute an act of terrorism and defines the terms "civil disobedience," "coercion," "sabotage" and "violence" for the purposes of the commission of an act of terrorism.

Existing law sets forth the actions that constitute criminal anarchy and criminal syndicalism. (NRS 203.115, 203.117) **Sections 7.4 and 7.6** of this bill require that such actions be directed at inciting or producing imminent lawless action and likely to incite or produce such imminent lawless action.

**Section 5** of this bill makes a conforming change to indicate the proper placement of **sections 2 and 4** in the Nevada Revised Statutes.

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

**Section 1.** Chapter 480 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

**Sec. 2. "Domestic terror activity" means any of the following:**

**1. Acts of terrorism and any of the offenses set forth in NRS 202.445 to 202.449, inclusive;**

**2. Armed association, as provided in NRS 203.080;**

**3. Criminal anarchy, as provided in NRS 203.115;**

**4. Criminal syndicalism, as provided in NRS 203.117;**

**5. Unlawful drill or parade with arms, as provided in NRS 412.604;**

**6. Simulation of summons or other legal process; and**

**7. The commission of an unlawful act because of the actual or perceived race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or**



1 *expression of another person or group of persons, as provided in*  
2 *NRS 207.185.*

3 **Sec. 3.** (Deleted by amendment.)

4 **Sec. 4. 1.** *The Anti-Domestic Terrorism Assistance Account*  
5 *is hereby created in the State General Fund.*

6 *2. The Chief of the Division shall administer the Account.*

7 *3. The money in the Account must be used to award grants of*  
8 *money to state and local agencies, including, without limitation,*  
9 *intelligence centers, to support programs for countering domestic*  
10 *terror activity.*

11 *4. Before money in the Account may be expended pursuant to*  
12 *subsection 3, the Chief of the Division must submit a proposal for*  
13 *the expenditure to the Nevada Commission on Homeland Security*  
14 *created by NRS 239C.120.*

15 *5. The Nevada Commission on Homeland Security shall*  
16 *follow the same procedure for recommending the distribution of*  
17 *money from the Account pursuant to this section as it does for*  
18 *recommending the distribution of money from any federal*  
19 *homeland security grant or related program for use by state, local*  
20 *and tribal government agencies and private sector organizations.*

21 *6. The interest and income earned on the money in the*  
22 *Account, after deducting any applicable charges, must be credited*  
23 *to the Account. Any money remaining in the Account at the end of*  
24 *the fiscal year does not revert to the State General Fund, and the*  
25 *balance in the Account must be carried forward to the next fiscal*  
26 *year.*

27 *7. As used in this section, "Division" means the Division of*  
28 *Emergency Management of the Office of the Military.*

29 **Sec. 5.** NRS 480.400 is hereby amended to read as follows:

30 480.400 As used in NRS 480.400 to 480.545, inclusive, *and*  
31 *sections 2 and 4 of this act*, unless the context otherwise requires,  
32 the words and terms defined in NRS 480.405 to 480.440, inclusive,  
33 *and section 2 of this act* have the meanings ascribed to them in  
34 those sections.

35 **Sec. 6.** NRS 480.460 is hereby amended to read as follows:

36 480.460 The Chief of the Investigation Division shall:

37 1. Furnish services relating to the investigation of crimes,  
38 including interrogation with the use of polygraph instruments, upon  
39 the request of the following:

40 (a) The Attorney General;

41 (b) The head of any agency, bureau, board, commission,  
42 department, division, office or other unit of the Executive  
43 Department of the State Government which is authorized or required  
44 to conduct criminal investigations; or

45 (c) Any sheriff, chief of police or district attorney.



2. Disseminate information relating to the dangers of the use of controlled substances and dangerous drugs.

3. Provide and operate a system of recording all information received by the Investigation Division relating to persons who have alleged connections with organized crime or have some connection with violations of laws regulating controlled substances or dangerous drugs.

4. Arrange for the purchase of controlled substances and dangerous drugs when such a purchase is necessary in an investigation of offenses relating to controlled substances and dangerous drugs.

5. Procure from law enforcement agencies and other reliable sources information relating to violators of laws which govern controlled substances and dangerous drugs, including information about their character, probable motives, circumstances of arrest, methods of operation and other pertinent information.

6. Enforce the provisions of chapter 453 of NRS.

7. Furnish information relating to any person of whom he or she maintains a record to any law enforcement agency.

8. Assist the Secretary of State in carrying out an investigation pursuant to NRS 293.124.

9. Upon request, assist:

(a) The Department of Taxation in carrying out a criminal investigation relating to cannabis pursuant to NRS 372A.200 to 372A.380, inclusive, and chapter 678A of NRS;

(b) The Division of Public and Behavioral Health of the Department of Health and Human Services in carrying out a criminal investigation relating to cannabis pursuant to chapter 678C of NRS; ~~and~~

(c) The Cannabis Compliance Board in carrying out a criminal investigation pursuant to title 56 of NRS ~~H~~; and

*(d) A law enforcement agency in the investigation of domestic terror activity.*

10. Investigate technological crime, as defined in NRS 205A.030, and enforce the provisions of the law of this State relating to technological crime, as defined in NRS 205A.030.

**Sec. 7.** NRS 480.480 is hereby amended to read as follows:

480.480 The Chief of the Investigation Division may enter into agreements with any state or local law enforcement agency *or intelligence center* in this State or in any other state to carry out the duties of the Division. A peace officer, while carrying out the duties of the Investigation Division pursuant to such an agreement, has the same powers and responsibilities as an investigator of the Investigation Division.



**Sec. 7.2.** 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~~ *substantial* bodily harm or death to the general population ~~or to a specific population of persons with the same or a similar characteristic;~~

(b) *Intimidate or coerce a civilian population;*

(c) *Influence the policy of, affect the conduct of, or retaliate against any agency, bureau, board, commission, department or division of this State, a political subdivision of this State or any other branch or level of government;* or

~~(b)~~ (d) 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.

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

(a) *"Civil disobedience" means an open and visible nonviolent violation of a provision of law that is punishable as a misdemeanor and is committed intentionally, symbolically and with the expectation of being punished.*

(b) *"Coercion" means the actions described in NRS 207.190 and does not include an act of civil disobedience.*

(c) *"Sabotage" means the intentional destruction of property or obstruction of a lawful activity and does not include an act of civil disobedience.*

(d) *"Violence" has the meaning ascribed to "crime of violence" in paragraph (b) of subsection 2 of NRS 200.408.*

**Sec. 7.4.** NRS 203.115 is hereby amended to read as follows:

203.115 1. Criminal anarchy is the doctrine that organized government should be overthrown by force or violence, or by assassination of the executive head or of any of the executive officials of government, or by any unlawful means.

2. It is unlawful:

(a) For any person, by word of mouth or writing, to advocate, advise or teach the duty, necessity or propriety of overthrowing or overturning organized government by force or violence, or by assassination of the executive head or of any of the executive officials of government, or by any unlawful means ~~or~~, *if such advocacy, advice or teaching is directed at inciting or producing imminent lawless action and is likely to incite or produce such imminent lawless action;*

(b) For any person to print, publish, edit, issue or knowingly to circulate, sell, distribute or publicly to display any book, paper,



document, or written or printed matter in any form, containing or advocating, advising or teaching the doctrine that organized government should be overthrown by force, violence or any unlawful means ~~§~~, *if such contents, advocacy, advice or teaching is directed at inciting or producing imminent lawless action and is likely to incite or produce such imminent lawless action;*

(c) For any person openly, willfully and deliberately to justify by word of mouth or writing the assassination or unlawful killing or assaulting of any executive or other officer of the United States or of any state or of any civilized nation having an organized government because of his or her official character, or any other crime, with the intent to teach, spread or advocate the propriety of the doctrines of criminal anarchy ~~§~~, *if such conduct is directed at inciting or producing imminent lawless action and is likely to incite or produce such imminent lawless action;*

(d) For any person to organize or help to organize or become a member of or voluntarily to assemble with any society, group or assembly of persons formed to teach or advocate such a doctrine ~~§~~, *if such conduct is directed at inciting or producing imminent lawless action and is likely to incite or produce such imminent lawless action;*

(e) For two or more persons to assemble for the purpose of advocating or teaching the doctrines of criminal anarchy as defined in subsection 1 ~~§~~, *if such conduct is directed at inciting or producing imminent lawless action and is likely to incite or produce such imminent lawless action;* or

(f) For any owner, agent, superintendent, janitor, caretaker or occupant of any place, building or room willfully and knowingly to permit therein any assemblage of persons prohibited by paragraph (e), or, after notification that the premises are so used, to permit such use to be continued.

3. A person who violates the provisions of subsection 2 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 and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$10,000.

**Sec. 7.6.** NRS 203.117 is hereby amended to read as follows:

203.117 1. Criminal syndicalism is the doctrine which advocates or teaches crime, sabotage, violence or unlawful methods of terrorism as a means of accomplishing industrial or political reform.

2. It is unlawful:

(a) For any person, by word of mouth or writing, to advocate or teach the duty, necessity or propriety of crime, sabotage, violence or other unlawful methods of terrorism as a means of accomplishing



1 industrial or political reform ~~(f)~~, *if such advocacy or teaching is*  
2 *directed at inciting or producing imminent lawless action and is*  
3 *likely to incite or produce such imminent lawless action;*

4 (b) For any person to print, publish, edit, issue or knowingly to  
5 circulate, sell, distribute or publicly to display any book, paper,  
6 document or written matter in any form, containing or advocating,  
7 advising or teaching the doctrine that industrial or political reform  
8 should be brought about by crime, sabotage, violence or other  
9 unlawful methods of terrorism ~~(f)~~, *if such contents, advocacy,*  
10 *advice or teaching is directed at inciting or producing imminent*  
11 *lawless action and is likely to incite or produce such imminent*  
12 *lawless action;*

13 (c) For any person openly, willfully and deliberately to justify,  
14 by word of mouth or writing, the commission or the attempt to  
15 commit crime, sabotage, violence or other unlawful methods of  
16 terrorism with the intent to exemplify, spread or advocate the  
17 propriety of the doctrine of criminal syndicalism ~~(f)~~, *if such*  
18 *conduct is directed at inciting or producing imminent lawless*  
19 *action and is likely to incite or produce such imminent lawless*  
20 *action;*

21 (d) For any person to organize or help to organize or become a  
22 member of, or voluntarily to assemble with, any society, group or  
23 assemblage of persons formed to teach or advocate the doctrine of  
24 criminal syndicalism ~~(f)~~, *if such conduct is directed at inciting or*  
25 *producing imminent lawless action and is likely to incite or*  
26 *produce such imminent lawless action;*

27 (e) For two or more persons to assemble for the purpose of  
28 advocating or teaching the doctrines of criminal syndicalism as  
29 defined in subsection 1 ~~(f)~~, *if such conduct is directed at inciting*  
30 *or producing imminent lawless action and is likely to incite or*  
31 *produce such imminent lawless action;* or

32 (f) For any owner, agent, superintendent, janitor, caretaker or  
33 occupant of any place, building or room, willfully and knowingly to  
34 permit therein any assemblage of persons prohibited by the  
35 provisions of paragraph (e), or, after notification that the premises  
36 are so used, to permit such use to be continued.

37 3. A person who violates the provisions of subsection 2 is  
38 guilty of a category B felony and shall be punished by imprisonment  
39 in the state prison for a minimum term of not less than 1 year and a  
40 maximum term of not more than 6 years, and may be further  
41 punished by a fine of not more than \$5,000.

42 **Sec. 7.8.** NRS 239C.160 is hereby amended to read as follows:  
43 239C.160 The Commission shall, within the limits of available  
44 money:





1 1. Make recommendations to the Governor, the Legislature,  
2 agencies of this State, political subdivisions, tribal governments,  
3 businesses located within this State and private persons who reside  
4 in this State with respect to actions and measures that may be taken  
5 to protect residents of this State and visitors to this State from  
6 potential acts of terrorism and related emergencies.

7 2. Upon consideration of the most recent statewide strategic  
8 plan prepared by the Nevada Office of Cyber Defense Coordination  
9 pursuant to NRS 480.930, make recommendations to the Governor,  
10 through the Division, on the use of money received by the State  
11 from any homeland security grant or related program, including,  
12 without limitation, the State Homeland Security Grant Program and  
13 Urban Area Security Initiative, in accordance with the following:

14 (a) The Division shall provide the Commission with program  
15 guidance and briefings;

16 (b) The Commission must be provided briefings on existing and  
17 proposed projects, and shall consider statewide readiness  
18 capabilities and priorities for the use of money, administered by the  
19 Division, from any homeland security grant or related program;

20 (c) The Commission shall serve as the public body which  
21 reviews and makes recommendations for the State's applications to  
22 the Federal Government for homeland security grants or related  
23 programs, as administered by the Division; and

24 (d) The Commission shall serve as the public body which  
25 recommends, subject to approval by the Governor, the distribution  
26 of money from any ~~Homeland~~:

27 (1) *Homeland* security grant or related program for use by  
28 state, local and tribal government agencies and private sector  
29 organizations ~~and~~; or

30 (2) *Grant from the Anti-Domestic Terrorism Assistance*  
31 *Account for use by state and local agencies in accordance with*  
32 *section 4 of this act.*

33 3. Propose goals and programs that may be set and carried out,  
34 respectively, to counteract or prevent potential acts of terrorism and  
35 related emergencies before such acts of terrorism and related  
36 emergencies can harm or otherwise threaten residents of this State  
37 and visitors to this State.

38 4. With respect to buildings, facilities, geographic features and  
39 infrastructure that must be protected from acts of terrorism and  
40 related emergencies to ensure the safety of the residents of this State  
41 and visitors to this State, including, without limitation, airports other  
42 than international airports, the Capitol Complex, dams, gaming  
43 establishments, governmental buildings, highways, hotels,  
44 information technology infrastructure, lakes, places of worship,





power lines, public buildings, public utilities, reservoirs, rivers and their tributaries, and water facilities:

(a) Identify and categorize such buildings, facilities, geographic features and infrastructure according to their susceptibility to and need for protection from acts of terrorism and related emergencies; and

(b) Study and assess the security of such buildings, facilities, geographic features and infrastructure from acts of terrorism and related emergencies.

5. Examine the use, deployment and coordination of response agencies within this State to ensure that those agencies are adequately prepared to protect residents of this State and visitors to this State from acts of terrorism and related emergencies.

6. Assess, examine and review the use of information systems and systems of communication used by response agencies within this State to determine the degree to which such systems are compatible and interoperable. After conducting the assessment, examination and review, the Commission shall:

(a) Establish a state plan setting forth criteria and standards for the compatibility and interoperability of those systems when used by response agencies within this State; and

(b) Advise and make recommendations to the Governor relative to the compatibility and interoperability of those systems when used by response agencies within this State, with particular emphasis upon the compatibility and interoperability of public safety radio systems.

7. Assess, examine and review the operation and efficacy of telephone systems and related systems used to provide emergency 911 service.

8. To the extent practicable, cooperate and coordinate with the Division to avoid duplication of effort in developing policies and programs for preventing and responding to acts of terrorism and related emergencies.

9. Submit an annual briefing to the Governor assessing the preparedness of the State to counteract, prevent and respond to potential acts of terrorism and related emergencies, including, but not limited to, an assessment of response plans and vulnerability assessments of utilities, public entities and private business in this State. The briefing must be based on information and documents reasonably available to the Commission and must be compiled with the advice of the Division after all utilities, public entities and private businesses assessed have a reasonable opportunity to review and comment on the Commission's findings.



1        10. Perform any other acts related to their duties set forth in  
2 subsections 1 to 9, inclusive, that the Commission determines are  
3 necessary to protect or enhance:

- 4        (a) The safety and security of the State of Nevada;  
5        (b) The safety of residents of the State of Nevada; and  
6        (c) The safety of visitors to the State of Nevada.

7        **Sec. 8.** There is hereby appropriated from the State General  
8 Fund to the Anti-Domestic Terrorism Assistance Account created  
9 by section 4 of this act the sum of \$5,000,000 for the support of  
10 state and local programs countering domestic terror activity  
11 pursuant to section 4 of this act.

12        **Sec. 9.** This act becomes effective on July 1, 2023.

