

Amendment No. 316

Assembly Amendment to Assembly Bill No. 117	(BDR 43-568)
<b>Proposed by:</b> Assembly Committee on Judiciary	
<b>Amends:</b> Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

MNM/BAW



Date: 4/22/2023

A.B. No. 117—Makes various changes relating to domestic terrorism.  
(BDR 43-568)





## 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; ~~requiring the Investigation Division of the Department of Public Safety to investigate domestic terror activity;~~ 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 ~~counties to cooperate~~ 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:**

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

~~[Existing law creates the Nevada Threat Analysis Center within the Investigation Division, which is recognized as a fusion intelligence center by the United States Department of Homeland Security. (NRS 480.530) Section 3 of this bill recognizes in statute the existence of two other intelligence centers: (1) the Southern Nevada Counter Terrorism Center, hosted by the Las Vegas Metropolitan Police Department and designated as the primary fusion intelligence center for Nevada by the United States Department of Homeland Security; and (2) the Northern Nevada Regional Intelligence Center, located within the Washoe County Sheriff's Office. Section 3 permits the board of county commissioners of a county to enter into agreements to participate in and collaborate with intelligence centers in this State.]~~  
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 [clarifies] 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, ~~3~~ 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 ; ~~as provided in NRS 207.337;~~ 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 expression of another person or group of persons, as provided in NRS 207.185.*

**Sec. 3.** ~~[The board of county commissioners of a county may enter into an agreement to participate in and collaborate with any intelligence center in this State, including, without limitation,~~

~~1. The Northern Nevada Regional Intelligence Center;~~  
~~2. The Southern Nevada Counter Terrorism Center;~~  
~~3. The Nevada Threat Analysis Center created by NRS 480.530; and~~  
~~4. Any fusion intelligence center designated by the Governor. (Deleted by amendment.)~~

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

*2. The Chief of the ~~(Investigation)~~ Division shall administer the ~~(account.)~~ Account.*

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

*4. Before money in the Account may be expended pursuant to subsection 3, the Chief of the ~~(Investigation)~~ Division must submit a proposal for the expenditure to the ~~(State Board of Examiners.)~~ Nevada Commission on Homeland Security created by NRS 239C.120.*

*5. ~~(Upon making a determination that the proposed expenditure is appropriate and necessary, the State Board of Examiners shall recommend to the Interim Finance Committee, or the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means when the Legislature is in general session, that the expenditure be approved. Upon approval of the appropriate committee or committees, the money may be so expended.)~~ The Nevada Commission on Homeland Security shall follow the same procedure for recommending the distribution of money from the Account pursuant to this section as it does for recommending the distribution of money from any federal homeland security grant or related program for use by state, local and tribal government agencies and private sector organizations.*

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

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

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

480.400 As used in NRS 480.400 to 480.545, inclusive, *and sections 2, ~~3~~ and 4 of this act*, unless the context otherwise requires, the words and terms defined in NRS 480.405 to 480.440, inclusive, *and section 2 of this act* have the meanings ascribed to them in those sections.

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

480.460 The Chief of the Investigation Division shall:

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

(a) The Attorney General;

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

(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

1 organized crime or have some connection with violations of laws regulating  
2 controlled substances or dangerous drugs.

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

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

10 6. Enforce the provisions of chapter 453 of NRS.

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

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

15 9. Upon request, assist:

16 (a) The Department of Taxation in carrying out a criminal investigation  
17 relating to cannabis pursuant to NRS 372A.200 to 372A.380, inclusive, and chapter  
18 678A of NRS;

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

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

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

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

28 ~~11. Investigate domestic terror activity.~~

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

30 480.480 The Chief of the Investigation Division may enter into agreements  
31 with any state or local law enforcement agency *or intelligence center* in this State  
32 or in any other state to carry out the duties of the Division. A peace officer, while  
33 carrying out the duties of the Investigation Division pursuant to such an agreement,  
34 has the same powers and responsibilities as an investigator of the Investigation  
35 Division.

36 **Sec. 7.2.** NRS 202.4415 is hereby amended to read as follows:

37 202.4415 1. "Act of terrorism" means any act that involves the use or  
38 attempted use of sabotage, coercion or violence which is intended to:

39 (a) Cause ~~great~~ substantial bodily harm or death to the general population ~~(f)~~  
40 or to a specific population of persons with the same or a similar characteristic;

41 (b) Intimidate or coerce a civilian population;

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

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

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

48 (2) Any natural resource or the environment.

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

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

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

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

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

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

8 203.115 1. Criminal anarchy is the doctrine that organized government  
9 should be overthrown by force or violence, or by assassination of the executive  
10 head or of any of the executive officials of government, or by any unlawful means.

11 2. It is unlawful:

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

18 (b) For any person to print, publish, edit, issue or knowingly to circulate, sell,  
19 distribute or publicly to display any book, paper, document, or written or printed  
20 matter in any form, containing or advocating, advising or teaching the doctrine that  
21 organized government should be overthrown by force, violence or any unlawful  
22 means ⋈, if such contents, advocacy, advice or teaching is directed at inciting or  
23 producing imminent lawless action and is likely to incite or produce such  
24 imminent lawless action;

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

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

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

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

46 3. A person who violates the provisions of subsection 2 is guilty of a category  
47 B felony and shall be punished by imprisonment in the state prison for a minimum  
48 term of not less than 1 year and a maximum term of not more than 6 years, and may  
49 be further punished by a fine of not more than \$10,000.

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

51 203.117 1. Criminal syndicalism is the doctrine which advocates or teaches  
52 crime, sabotage, violence or unlawful methods of terrorism as a means of  
53 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 industrial or political reform HH, if such advocacy 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 matter in any form, containing or advocating, advising or teaching the doctrine that industrial or political reform should be brought about by crime, sabotage, violence or other unlawful methods of terrorism HH, 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 commission or the attempt to commit crime, sabotage, violence or other unlawful methods of terrorism with the intent to exemplify, spread or advocate the propriety of the doctrine of criminal syndicalism HH, 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 assemblage of persons formed to teach or advocate the doctrine of criminal syndicalism HH, 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 syndicalism as defined in subsection 1 HH, 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 the provisions of 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 \$5,000.

**Sec. 7.8. NRS 239C.160 is hereby amended to read as follows:**

239C.160 The Commission shall, within the limits of available money:

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

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

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

(b) The Commission must be provided briefings on existing and proposed projects, and shall consider statewide readiness capabilities and priorities for the



1 use of money, administered by the Division, from any homeland security grant or  
2 related program;

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

6 (d) The Commission shall serve as the public body which recommends, subject  
7 to approval by the Governor, the distribution of money from any ~~homeland~~ ;

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

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

12 3. Propose goals and programs that may be set and carried out, respectively,  
13 to counteract or prevent potential acts of terrorism and related emergencies before  
14 such acts of terrorism and related emergencies can harm or otherwise threaten  
15 residents of this State and visitors to this State.

16 4. With respect to buildings, facilities, geographic features and infrastructure  
17 that must be protected from acts of terrorism and related emergencies to ensure the  
18 safety of the residents of this State and visitors to this State, including, without  
19 limitation, airports other than international airports, the Capitol Complex, dams,  
20 gaming establishments, governmental buildings, highways, hotels, information  
21 technology infrastructure, lakes, places of worship, power lines, public buildings,  
22 public utilities, reservoirs, rivers and their tributaries, and water facilities:

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

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

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

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

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

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

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

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

48 9. Submit an annual briefing to the Governor assessing the preparedness of  
49 the State to counteract, prevent and respond to potential acts of terrorism and  
50 related emergencies, including, but not limited to, an assessment of response plans  
51 and vulnerability assessments of utilities, public entities and private business in this  
52 State. The briefing must be based on information and documents reasonably  
53 available to the Commission and must be compiled with the advice of the Division

1 after all utilities, public entities and private businesses assessed have a reasonable  
2 opportunity to review and comment on the Commission's findings.

3 10. Perform any other acts related to their duties set forth in subsections 1 to  
4 9, inclusive, that the Commission determines are necessary to protect or enhance:

5 (a) The safety and security of the State of Nevada;

6 (b) The safety of residents of the State of Nevada; and

7 (c) The safety of visitors to the State of Nevada.

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

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