
SENATE BILL NO. 6—SENATOR HECK

PREFILED DECEMBER 11, 2006

Referred to Committee on Human Resources and Education

SUMMARY—Includes marijuana in the provision which prohibits persons from intentionally allowing children to be present at certain locations where certain crimes involving controlled substances are committed. (BDR 40-223)

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

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets [omitted material] is material to be omitted.

AN ACT relating to controlled substances; including marijuana in the provision which prohibits persons from intentionally allowing children to be present at certain locations where certain crimes involving controlled substances are committed; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law prohibits a person from intentionally allowing a child to be present
2 in any conveyance or upon any premises where a controlled substance is being
3 unlawfully used, sold or manufactured, but marijuana is specifically excluded from
4 the scope of this prohibition. (NRS 453.3325) This bill amends existing law to
5 include marijuana within the scope of the prohibition against unlawfully selling or
6 manufacturing controlled substances in the presence of a child, but does not amend
7 existing law to include marijuana within the scope of the prohibition against
8 unlawfully using marijuana in the presence of a child.



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

1 **Section 1.** NRS 453.3325 is hereby amended to read as
2 follows:

3 453.3325 1. A person shall not intentionally allow a child to
4 be present in any conveyance or upon any premises wherein ~~fa~~:

5 ~~(a)~~ **A controlled substance other than marijuana** ~~f~~
6 ~~—(a) Is~~ **is** being used in violation of the provisions of NRS
7 453.011 to 453.552, inclusive, if the person in any manner
8 knowingly engages in or conspires with, aids or abets another
9 person to engage in such activity;

10 (b) ~~Is~~ **A controlled substance is** being sold, exchanged,
11 bartered, supplied, prescribed, dispensed, given away or
12 administered in violation of the provisions of NRS 453.011 to
13 453.552, inclusive, if the person in any manner knowingly engages
14 in or conspires with, aids or abets another person to engage in such
15 activity; or

16 (c) ~~Is~~ **A controlled substance is** being or has been
17 manufactured or compounded in violation of the provisions of NRS
18 453.011 to 453.552, inclusive, if the person in any manner
19 knowingly engages in or conspires with, aids or abets another
20 person to engage in such activity.

21 2. Unless a greater penalty is provided by specific statute:

22 (a) A person who violates the provisions of paragraph (a) of
23 subsection 1:

24 (1) If the violation does not proximately cause substantial
25 bodily harm or death to the child, is guilty of a category C felony
26 and shall be punished as provided in NRS 193.130.

27 (2) If the violation proximately causes substantial bodily
28 harm to the child other than death, is guilty of a category B felony
29 and shall be punished by imprisonment in the state prison for a
30 minimum term of not less than 6 years and a maximum term of not
31 more than 20 years, and shall be further punished by a fine of not
32 more than \$20,000.

33 (3) If the violation proximately causes the death of the child,
34 is guilty of murder, which is a category A felony, and shall be
35 punished as provided in NRS 200.030.

36 (b) A person who violates the provisions of paragraph (b) of
37 subsection 1:



1 (1) If the violation does not proximately cause substantial
2 bodily harm or death to the child, is guilty of a category B felony
3 and shall be punished by imprisonment in the state prison for a
4 minimum term of not less than 3 years and a maximum term of not
5 more than 15 years, and shall be further punished by a fine of not
6 more than \$10,000.

7 (2) If the violation proximately causes substantial bodily
8 harm to the child other than death, is guilty of a category B felony
9 and shall be punished by imprisonment in the state prison for a
10 minimum term of not less than 6 years and a maximum term of not
11 more than 20 years, and shall be further punished by a fine of not
12 more than \$20,000.

13 (3) If the violation proximately causes the death of the child,
14 is guilty of murder, which is a category A felony, and shall be
15 punished as provided in NRS 200.030.

16 (c) A person who violates the provisions of paragraph (c) of
17 subsection 1:

18 (1) If the violation does not proximately cause substantial
19 bodily harm or death to the child, is guilty of a category B felony
20 and shall be punished by imprisonment in the state prison for a
21 minimum term of not less than 5 years and a maximum term of not
22 more than 20 years, and shall be further punished by a fine of not
23 more than \$15,000.

24 (2) If the violation proximately causes substantial bodily
25 harm to the child other than death, is guilty of a category A felony
26 and shall be punished by imprisonment in the state prison:

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

30 (II) For a definite term of 40 years, with eligibility for
31 parole beginning when a minimum of 10 years has been served,
32 and shall be further punished by a fine of not more than \$50,000.

33 (3) If the violation proximately causes the death of the child,
34 is guilty of murder, which is a category A felony, and shall be
35 punished as provided in NRS 200.030.

36 3. Except as otherwise provided in NRS 453.3363, the court
37 shall not grant probation to or suspend the sentence of a person
38 convicted pursuant to this section.

39 4. As used in this section:

40 (a) "Child" means a person who is less than 18 years of age.

41 (b) "Conveyance" means any vessel, boat, vehicle, airplane,
42 glider, house trailer, travel trailer, motor home or railroad car, or
43 other means of conveyance.
44



1 (c) "Premises" means any temporary or permanent structure,
2 including, without limitation, any building, house, room, apartment,
3 tenement, shed, carport, garage, shop, warehouse, store, mill, barn,
4 stable, outhouse or tent, whether located aboveground or
5 underground and whether inhabited or not.

③



* S B 6 *