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ASSEMBLY BILL NO. 352—ASSEMBLYMEN HORNE, FRIERSON,  
HAMBRICK; GRADY, MARTIN, PIERCE AND STEWART

MARCH 18, 2013

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JOINT SPONSORS: SENATORS PARKS; GUSTAVSON AND JONES

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Referred to Committee on Judiciary

SUMMARY—Revises provisions governing hoax bombs.  
(BDR 15-510)

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.

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AN ACT relating to crimes; revising provisions relating to the  
unlawful use of a hoax bomb; providing penalties; and  
providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law provides that it constitutes a gross misdemeanor for a person to  
2 manufacture, purchase, possess, sell, advertise for sale or transport a hoax bomb if  
3 the person knows or should know that such actions would make another person  
4 believe that the hoax bomb is an explosive or incendiary device. (NRS 202.263)  
5 This bill provides that to be guilty of such a crime a person must have the intent to:  
6 (1) make a person believe that the hoax bomb is an explosive or incendiary device;  
7 (2) cause alarm or reaction by an officer, an employee or a volunteer of a public  
8 safety agency; or (3) cause the evacuation of any private or public building. This  
9 bill further increases the penalty to a category C felony if the person commits the  
10 act in the furtherance of any other felony or to a category E felony if the act causes  
11 the evacuation of any private or public building.

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\* A B 3 5 2 \*

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

1       **Section 1.** NRS 202.263 is hereby amended to read as follows:  
2       202.263 1. A person shall not *knowingly* manufacture,  
3 purchase, possess, sell, advertise for sale or transport a hoax bomb  
4 ~~if the person knows or should know that the hoax bomb is to be~~  
5 ~~used to make~~ *with the intent to:*

6       (a) *Make* a reasonable person believe that the hoax bomb is an  
7 explosive or incendiary device ~~†~~;

8       (b) *Cause alarm or reaction by an officer, an employee or a*  
9 *volunteer of a public safety agency; or*

10       (c) *Cause the evacuation of any private or public building,*  
11 *whether or not any threat has been conveyed.*

12       2. A person who violates subsection 1 ~~†~~†:

13       (a) *Is* guilty of a gross misdemeanor ~~†~~ , *unless a greater*  
14 *penalty is provided pursuant to paragraph (b) or (c).*

15       (b) *In a manner that causes the evacuation of any private or*  
16 *public building, is guilty of a category E felony and shall be*  
17 *punished as provided in NRS 193.130, unless a greater penalty is*  
18 *provided pursuant to paragraph (c).*

19       (c) *In the furtherance of any other crime punishable as a*  
20 *felony, is guilty of a category C felony and shall be punished as*  
21 *provided in NRS 193.130.*

22       3. This section does not prohibit:

23       (a) The purchase, possession, sale, advertising for sale,  
24 transportation or use of a military artifact, if the military artifact is  
25 harmless or inert, unless the military artifact is used to make a  
26 reasonable person believe that the military artifact is an explosive or  
27 incendiary device.

28       (b) The authorized manufacture, purchase, possession, sale,  
29 transportation or use of any material, substance or device by a  
30 member of the Armed Forces of the United States, a fire department  
31 or a law enforcement agency if the person is acting lawfully while in  
32 the line of duty.

33       (c) The manufacture, purchase, possession, sale, transportation  
34 or use of any material, substance or device that is permitted by a  
35 specific statute.

36       4. As used in this section ~~†~~, ~~“hoax”~~ :

37       (a) *“Hoax bomb”* means ~~†~~

38 ~~—(a) An~~ *anything that by its design, construction, content,*  
39 *characteristics or representation appears to be or to contain:*

40       (1) *An* inoperative facsimile or imitation of an explosive or  
41 incendiary device; or

42       ~~†(b) A device or object that appears to be or to contain an~~



- 1           (2) *An* explosive or incendiary device.
- 2           (b) *“Public building”* has the meaning ascribed to it in
- 3 *NRS 203.119.*
- 4           (c) *“Public safety agency”* has the meaning ascribed to it in
- 5 *NRS 239B.020.*



