

SENATE BILL NO. 343—SENATORS CANNIZZARO;  
DONDERO LOOP AND PAZINA

MARCH 20, 2023

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to fentanyl and derivatives of fentanyl. (BDR 40-501)

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; establishing the crime of low-level trafficking in illicitly manufactured fentanyl, any derivative of fentanyl or any mixture which contains fentanyl or any derivative of fentanyl; providing penalties; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law provides that a person who knowingly or intentionally sells, manufactures, delivers or brings into this State or is knowingly or intentionally in actual or constructive possession of a schedule I controlled substance, other than marijuana, a schedule II controlled substance or certain other controlled substances is guilty of: (1) low-level trafficking if the quantity of the controlled substance is 100 grams or more but less than 400 grams; and (2) high-level trafficking if the quantity of the controlled substance is 400 grams or more. A person who commits the crime of: (1) low-level trafficking is guilty of a category B felony and subject to certain prescribed penalties; and (2) high-level trafficking is guilty of a category A felony and subject to certain prescribed penalties. (NRS 453.3385) Additionally, under existing law, a person who knowingly or intentionally possesses a schedule I or schedule II controlled substance in which the quantity involved is less than 14 grams commits the crime of possession of a controlled substance and is guilty of: (1) a category E felony for a first or second offense; and (2) a category D felony for a third or subsequent offense. (NRS 453.336)

Existing regulations of the State Board of Pharmacy include fentanyl in the list of controlled substances in schedule II and various derivatives of fentanyl in the list of controlled substances in schedule I. (NAC 453.510, as amended by LCB File No. R023-21, NAC 453.520) **Section 1** of this bill establishes the crime of low-level trafficking in illicitly manufactured fentanyl, any derivative of fentanyl or any mixture which contains fentanyl or any derivative of fentanyl. Under **section 1**, a person who knowingly or intentionally sells, manufactures, delivers or brings into



this State or is knowingly or intentionally in actual or constructive possession of illicitly manufactured fentanyl, any derivative of fentanyl or any mixture which contains fentanyl or any derivative of fentanyl is guilty of low-level trafficking if the quantity involved is 4 grams or more but less than 14 grams. Under **section 1**, a person who commits the crime of low-level trafficking is guilty of a category B felony and subject to certain prescribed penalties.

**Sections 5 and 6** of this bill provide that a person found guilty of low-level trafficking in illicitly manufactured fentanyl, any derivative of fentanyl or any mixture which contains fentanyl or any derivative of fentanyl is subject to the greater penalty if the acts constituting the crime could subject the person to a lesser punishment under another statute.

**Sections 3, 4, 7, 9 and 11-13** of this bill add references to **section 1** so that the crime of low-level trafficking in illicitly manufactured fentanyl, any derivative of fentanyl or any mixture which contains fentanyl or any derivative of fentanyl is treated the same as the crime of low-level trafficking involving other schedule I controlled substances, other than marijuana, and schedule II controlled substances for certain purposes.

---

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

**Section 1.** Chapter 453 of NRS is hereby amended by adding thereto a new section to read as follows:

*Except as otherwise authorized by the provisions of NRS 453.011 to 453.552, inclusive, a person who knowingly or intentionally sells, manufactures, delivers or brings into this State or who is knowingly or intentionally in actual or constructive possession of 4 grams or more but less than 14 grams of illicitly manufactured fentanyl, any derivative of fentanyl or any mixture which contains fentanyl or any derivative of fentanyl, unless a greater penalty is provided pursuant to NRS 453.322, is guilty of low-level trafficking and shall be punished for a category B felony 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 by a fine of not more than \$50,000.*

**Sec. 2.** (Deleted by amendment.)

**Sec. 3.** NRS 453.333 is hereby amended to read as follows:

453.333 If the death of a person is proximately caused by a controlled substance which was sold, given, traded or otherwise made available to him or her by another person in violation of this chapter, the person who sold, gave or traded or otherwise made the substance available to him or her is guilty of murder. If convicted of murder in the second degree, the person is guilty of a category A felony and shall be punished as provided in subsection 5 of NRS 200.030. If convicted of murder in the first degree, the person is guilty of a category A felony and shall be punished as provided in subsection 4 of NRS 200.030, except that the punishment of death



may be imposed only if the requirements of paragraph (a) of subsection 4 of that section have been met and if the defendant is or has previously been convicted of violating NRS 453.3385 or 453.339 *or section 1 of this act* or a law of any other jurisdiction which prohibits the same conduct.

**Sec. 4.** NRS 453.3353 is hereby amended to read as follows:

453.3353 1. Unless a greater penalty is provided by law, and except as otherwise provided in this section and NRS 193.169, if:

(a) A person violates NRS 453.322 or 453.3385, *or section 1 of this act*, and the violation involves the manufacturing or compounding of any controlled substance other than marijuana; and

(b) During the discovery or cleanup of the premises at, on or in which the controlled substance was manufactured or compounded, another person suffers substantial bodily harm other than death as the proximate result of the manufacturing or compounding of the controlled substance,

↪ the person who committed the offense shall be punished by imprisonment in the state prison for a term equal to and in addition to the term of imprisonment prescribed by statute for the offense. The sentence prescribed by this subsection runs consecutively with the sentence prescribed by statute for the offense.

2. Unless a greater penalty is provided by law, and except as otherwise provided in NRS 193.169, if:

(a) A person violates NRS 453.322 or 453.3385, *or section 1 of this act*, and the violation involves the manufacturing or compounding of any controlled substance other than marijuana; and

(b) During the discovery or cleanup of the premises at, on or in which the controlled substance was manufactured or compounded, another person suffers death as the proximate result of the manufacturing or compounding of the controlled substance,

↪ the offense shall be deemed a category A felony and the person who committed the offense shall be punished by imprisonment in the state prison:

(1) For life without the possibility of parole;

(2) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 20 years has been served; or

(3) For a definite term of 50 years, with eligibility for parole beginning when a minimum of 20 years has been served.

3. Subsection 1 does not create a separate offense but provides an additional penalty for the primary offense, the imposition of which is contingent upon the finding of the prescribed fact. Subsection 2 does not create a separate offense but provides an alternative penalty for the primary offense, the imposition of which is contingent upon the finding of the prescribed fact.

4. As used in this section:



(a) "Marijuana" does not include concentrated cannabis.

(b) "Premises" means:

(1) Any temporary or permanent structure, including, without limitation, any building, house, room, apartment, tenement, shed, carport, garage, shop, warehouse, store, mill, barn, stable, outhouse or tent; or

(2) Any conveyance, including, without limitation, any vessel, boat, vehicle, airplane, glider, house trailer, travel trailer, motor home or railroad car,

↳ whether located aboveground or underground and whether inhabited or not.

**Sec. 5.** NRS 453.336 is hereby amended to read as follows:

453.336 1. Except as otherwise provided in subsection 6, a person shall not knowingly or intentionally possess a controlled substance, unless the substance was obtained directly from, or pursuant to, a prescription or order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician, optometrist, advanced practice registered nurse or veterinarian while acting in the course of his or her professional practice, or except as otherwise authorized by the provisions of NRS 453.005 to 453.552, inclusive.

2. Except as otherwise provided in subsections 3, 4 and 5 and in NRS 453.3363, and unless a greater penalty is provided in NRS 212.160, 453.3385 or 453.339, *or section 1 of this act*, a person who violates this section:

(a) For a first or second offense, if the controlled substance is listed in schedule I or II and the quantity possessed is less than 14 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is less than 28 grams, is guilty of possession of a controlled substance and shall be punished for a category E felony as provided in NRS 193.130. In accordance with NRS 176.211, the court shall defer judgment upon the consent of the person.

(b) For a third or subsequent offense, if the controlled substance is listed in schedule I or II and the quantity possessed is less than 14 grams, or if the controlled substance is listed in schedule III, IV or V and the quantity possessed is less than 28 grams, or if the offender has previously been convicted two or more times in the aggregate of any violation of the law of the United States or of any state, territory or district relating to a controlled substance, is guilty of possession of a controlled substance and shall be punished for a category D felony as provided in NRS 193.130, and may be further punished by a fine of not more than \$20,000.

(c) If the controlled substance is listed in schedule I or II and the quantity possessed is 14 grams or more, but less than 28 grams, or if



1 the controlled substance is listed in schedule III, IV or V and the  
2 quantity possessed is 28 grams or more, but less than 200 grams, is  
3 guilty of low-level possession of a controlled substance and shall be  
4 punished for a category C felony as provided in NRS 193.130.

5 (d) If the controlled substance is listed in schedule I or II and the  
6 quantity possessed is 28 grams or more, but less than 42 grams, or if  
7 the controlled substance is listed in schedule III, IV or V and the  
8 quantity possessed is 200 grams or more, is guilty of mid-level  
9 possession of a controlled substance and shall be punished for a  
10 category B felony by imprisonment in the state prison for a  
11 minimum term of not less than 1 year and a maximum term of not  
12 more than 10 years and by a fine of not more than \$50,000.

13 (e) If the controlled substance is listed in schedule I or II and the  
14 quantity possessed is 42 grams or more, but less than 100 grams, is  
15 guilty of high-level possession of a controlled substance and shall be  
16 punished for a category B felony by imprisonment in the state prison  
17 for a minimum term of not less than 2 years and a maximum term of  
18 not more than 15 years and by a fine of not more than \$50,000.

19 3. Unless a greater penalty is provided in NRS 212.160,  
20 453.337 or 453.3385, a person who is convicted of the possession of  
21 flunitrazepam or gamma-hydroxybutyrate, or any substance for  
22 which flunitrazepam or gamma-hydroxybutyrate is an immediate  
23 precursor, is guilty of a category B felony and shall be punished by  
24 imprisonment in the state prison for a minimum term of not less  
25 than 1 year and a maximum term of not more than 6 years.

26 4. Unless a greater penalty is provided pursuant to NRS  
27 212.160, a person who is convicted of the possession of 1 ounce or  
28 less of marijuana is guilty of a misdemeanor and shall be punished  
29 by:

30 (a) Performing not more than 24 hours of community service;

31 (b) Attending the live meeting described in paragraph (a) of  
32 subsection 2 of NRS 484C.530 and complying with any other  
33 requirements set forth in that section; or

34 (c) Being required to undergo an evaluation in accordance with  
35 subsection 1 of NRS 484C.350,

36 ↪ or any combination thereof.

37 5. Unless a greater penalty is provided pursuant to NRS  
38 212.160, a person who is convicted of the possession of more than 1  
39 ounce, but less than 50 pounds, of marijuana or more than one-  
40 eighth of an ounce, but less than one pound, of concentrated  
41 cannabis is guilty of a category E felony and shall be punished as  
42 provided in NRS 193.130.

43 6. It is not a violation of this section if a person possesses a  
44 trace amount of a controlled substance and that trace amount is in or



1 on a hypodermic device obtained from a sterile hypodermic device  
2 program pursuant to NRS 439.985 to 439.994, inclusive.

3 7. The court may grant probation to or suspend the sentence of  
4 a person convicted of violating this section.

5 8. If a person fulfills the terms and conditions imposed for a  
6 violation of subsection 4, the court shall, without a hearing, order  
7 sealed all documents, papers and exhibits in that person's record,  
8 minute book entries and entries on dockets, and other documents  
9 relating to the case in the custody of such other agencies and  
10 officers as are named in the court's order. The court shall cause a  
11 copy of the order to be sent to each agency or officer named in the  
12 order. Each such agency or officer shall notify the court in writing  
13 of its compliance with the order.

14 9. As used in this section:

15 (a) "Controlled substance" includes flunitrazepam, gamma-  
16 hydroxybutyrate and each substance for which flunitrazepam or  
17 gamma-hydroxybutyrate is an immediate precursor.

18 (b) "Marijuana" does not include concentrated cannabis.

19 (c) "Sterile hypodermic device program" has the meaning  
20 ascribed to it in NRS 439.986.

21 **Sec. 6.** NRS 453.337 is hereby amended to read as follows:

22 453.337 1. Except as otherwise authorized by the provisions  
23 of NRS 453.011 to 453.552, inclusive, it is unlawful for a person to  
24 possess for the purpose of sale flunitrazepam, gamma-  
25 hydroxybutyrate, any substance for which flunitrazepam or gamma-  
26 hydroxybutyrate is an immediate precursor or any controlled  
27 substance classified in schedule I or II.

28 2. Unless a greater penalty is provided in NRS 453.3385 or  
29 453.339, *or section 1 of this act*, a person who violates this section  
30 shall be punished:

31 (a) For the first offense, for a category D felony as provided in  
32 NRS 193.130.

33 (b) For a second offense, or if, in the case of a first conviction of  
34 violating this section, the offender has previously been convicted of  
35 a felony under the Uniform Controlled Substances Act or of an  
36 offense under the laws of the United States or any state, territory or  
37 district which, if committed in this State, would amount to a felony  
38 under the Uniform Controlled Substances Act, for a category C  
39 felony as provided in NRS 193.130.

40 (c) For a third or subsequent offense, or if the offender has  
41 previously been convicted two or more times of a felony under the  
42 Uniform Controlled Substances Act or of any offense under the laws  
43 of the United States or any state, territory or district which, if  
44 committed in this State, would amount to a felony under the  
45 Uniform Controlled Substances Act, for a category B felony by



1 imprisonment in the state prison for a minimum term of not less  
2 than 3 years and a maximum term of not more than 15 years, and  
3 may be further punished by a fine of not more than \$20,000 for each  
4 offense.

5 3. Except as otherwise provided in this subsection, unless  
6 mitigating circumstances exist that warrant the granting of  
7 probation, the court shall not grant probation to or suspend the  
8 sentence of a person convicted of violating this section and  
9 punishable pursuant to paragraph (b) or (c) of subsection 2. The  
10 court shall not grant probation to or suspend the sentence of a  
11 person convicted of violating this section, even if mitigating  
12 circumstances exist that would otherwise warrant the granting of  
13 probation, if the person violated this section by possessing  
14 flunitrazepam, gamma-hydroxybutyrate or any substance for which  
15 flunitrazepam or gamma-hydroxybutyrate is an immediate  
16 precursor.

17 **Sec. 7.** NRS 453.3383 is hereby amended to read as follows:

18 453.3383 For the purposes of NRS 453.3385 and 453.339, *and*  
19 *section 1 of this act*, the weight of the controlled substance as  
20 represented by the person selling or delivering it is determinative if  
21 the weight as represented is greater than the actual weight of the  
22 controlled substance.

23 **Sec. 8.** (Deleted by amendment.)

24 **Sec. 9.** NRS 453.3405 is hereby amended to read as follows:

25 453.3405 1. Except as otherwise provided in subsection 2,  
26 the adjudication of guilt and imposition of sentence of a person  
27 found guilty of trafficking in a controlled substance in violation of  
28 NRS 453.3385 or 453.339 *or section 1 of this act* must not be  
29 suspended and the person is not eligible for parole until the person  
30 has actually served the mandatory minimum term of imprisonment  
31 prescribed by the section under which the person was convicted.

32 2. The court, upon an appropriate motion, may reduce or  
33 suspend the sentence of any person convicted of violating any of the  
34 provisions of NRS 453.3385 or 453.339 *or section 1 of this act* if  
35 the court finds that the convicted person rendered substantial  
36 assistance in the investigation or prosecution of any offense. The  
37 arresting agency must be given an opportunity to be heard before the  
38 motion is granted. Upon good cause shown, the motion may be  
39 heard in camera.

40 3. Any appropriate reduction or suspension of a sentence  
41 pursuant to subsection 2 must be determined by the court, for  
42 reasons stated by the court that may include, without limitation,  
43 consideration of the following:



(a) The court's evaluation of the significance and usefulness of the convicted person's assistance, taking into consideration the prosecuting attorney's evaluation of the assistance rendered;

(b) The truthfulness, completeness and reliability of any information or testimony provided by the convicted person;

(c) The nature and extent of the convicted person's assistance;

(d) Any injury suffered or any danger or risk of injury to the convicted person or his or her family resulting from his or her assistance; and

(e) The timeliness of the convicted person's assistance.

**Sec. 10.** (Deleted by amendment.)

**Sec. 11.** NRS 179A.075 is hereby amended to read as follows:

179A.075 1. The Central Repository for Nevada Records of Criminal History is hereby created within the Records, Communications and Compliance Division of the Department.

2. Each agency of criminal justice and any other agency dealing with crime shall:

(a) Collect and maintain records, reports and compilations of statistical data required by the Department; and

(b) Submit the information collected to the Central Repository:

(1) In the manner approved by the Director of the Department; and

(2) In accordance with the policies, procedures and definitions of the Uniform Crime Reporting Program of the Federal Bureau of Investigation.

3. Each agency of criminal justice shall submit the information relating to records of criminal history that it creates, issues or collects, and any information in its possession relating to the DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913, to the Division. The information must be submitted to the Division:

(a) Through an electronic network;

(b) On a medium of magnetic storage; or

(c) In the manner prescribed by the Director of the Department, within 60 days after the date of the disposition of the case. If an agency has submitted a record regarding the arrest of a person who is later determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so notify the Division. The Division shall delete all references in the Central Repository relating to that particular arrest.

4. Each state and local law enforcement agency shall submit Uniform Crime Reports to the Central Repository:

(a) In the manner prescribed by the Director of the Department;





(b) In accordance with the policies, procedures and definitions of the Uniform Crime Reporting Program of the Federal Bureau of Investigation; and

(c) Within the time prescribed by the Director of the Department.

5. The Division shall, in the manner prescribed by the Director of the Department:

(a) Collect, maintain and arrange all information submitted to it relating to:

(1) Records of criminal history; and

(2) The DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913.

(b) When practicable, use a record of the personal identifying information of a subject as the basis for any records maintained regarding him or her.

(c) Upon request, provide, in paper or electronic form, the information that is contained in the Central Repository to the Committee on Domestic Violence appointed pursuant to NRS 228.470 when, pursuant to NRS 228.495, the Committee is reviewing the death of the victim of a crime that constitutes domestic violence pursuant to NRS 33.018.

6. The Division may:

(a) Disseminate any information which is contained in the Central Repository to any other agency of criminal justice;

(b) Enter into cooperative agreements with repositories of the United States and other states to facilitate exchanges of information that may be disseminated pursuant to paragraph (a); and

(c) Request of and receive from the Federal Bureau of Investigation information on the background and personal history of any person whose record of fingerprints or other biometric identifier the Central Repository submits to the Federal Bureau of Investigation and:

(1) Who has applied to any agency of the State of Nevada or any political subdivision thereof for a license which it has the power to grant or deny;

(2) With whom any agency of the State of Nevada or any political subdivision thereof intends to enter into a relationship of employment or a contract for personal services;

(3) Who has applied to any agency of the State of Nevada or any political subdivision thereof to attend an academy for training peace officers approved by the Peace Officers' Standards and Training Commission;

(4) For whom such information is required or authorized to be obtained pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.123 and 449.4329; or



(5) About whom any agency of the State of Nevada or any political subdivision thereof is authorized by law to have accurate personal information for the protection of the agency or the persons within its jurisdiction.

7. To request and receive information from the Federal Bureau of Investigation concerning a person pursuant to subsection 6, the Central Repository must receive:

(a) The person's complete set of fingerprints for the purposes of:

(1) Booking the person into a city or county jail or detention facility;

(2) Employment;

(3) Contractual services; or

(4) Services related to occupational licensing;

(b) One or more of the person's fingerprints for the purposes of mobile identification by an agency of criminal justice; or

(c) Any other biometric identifier of the person as it may require for the purposes of:

(1) Arrest; or

(2) Criminal investigation,

↳ from the agency of criminal justice or agency of the State of Nevada or any political subdivision thereof and submit the received data to the Federal Bureau of Investigation for its report.

8. The Central Repository shall:

(a) Collect and maintain records, reports and compilations of statistical data submitted by any agency pursuant to subsection 2.

(b) Tabulate and analyze all records, reports and compilations of statistical data received pursuant to this section.

(c) Disseminate to federal agencies engaged in the collection of statistical data relating to crime information which is contained in the Central Repository.

(d) Investigate the criminal history of any person who:

(1) Has applied to the Superintendent of Public Instruction for the issuance or renewal of a license;

(2) Has applied to a county school district, charter school or private school for employment or to serve as a volunteer; or

(3) Is employed by or volunteers for a county school district, charter school or private school,

↳ and immediately notify the superintendent of each county school district, the governing body of each charter school and the Superintendent of Public Instruction, or the administrator of each private school, as appropriate, if the investigation of the Central Repository indicates that the person has been convicted of a violation of NRS 200.508, 201.230, 453.3385 or 453.339, *or section 1 of this act*, or convicted of a felony or any offense involving moral turpitude.



(e) Upon discovery, immediately notify the superintendent of each county school district, the governing body of each charter school or the administrator of each private school, as appropriate, by providing the superintendent, governing body or administrator with a list of all persons:

(1) Investigated pursuant to paragraph (d); or

(2) Employed by or volunteering for a county school district, charter school or private school whose fingerprints were sent previously to the Central Repository for investigation,

↳ who the Central Repository's records indicate have been convicted of a violation of NRS 200.508, 201.230, 453.3385 or 453.339, *or section 1 of this act* or convicted of a felony or any offense involving moral turpitude since the Central Repository's initial investigation. The superintendent of each county school district, the governing body of a charter school or the administrator of each private school, as applicable, shall determine whether further investigation or action by the district, charter school or private school, as applicable, is appropriate.

(f) Investigate the criminal history of each person who submits one or more fingerprints or other biometric identifier or has such data submitted pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183, 449.122, 449.123 or 449.4329.

(g) Provide an electronic means to access on the Central Repository's Internet website statistical data relating to crime.

(h) Provide an electronic means to access on the Central Repository's Internet website statistical data about domestic violence in this State.

(i) Identify and review the collection and processing of statistical data relating to criminal justice by any agency identified in subsection 2 and make recommendations for any necessary changes in the manner of collecting and processing statistical data by any such agency.

(j) Adopt regulations governing biometric identifiers and the information and data derived from biometric identifiers, including, without limitation:

(1) Their collection, use, safeguarding, handling, retention, storage, dissemination and destruction; and

(2) The methods by which a person may request the removal of his or her biometric identifiers from the Central Repository and any other agency where his or her biometric identifiers have been stored.

9. The Central Repository may:



(a) In the manner prescribed by the Director of the Department, disseminate compilations of statistical data and publish statistical reports relating to crime.

(b) Charge a reasonable fee for any publication or special report it distributes relating to data collected pursuant to this section. The Central Repository may not collect such a fee from an agency of criminal justice or any other agency dealing with crime which is required to submit information pursuant to subsection 2. All money collected pursuant to this paragraph must be used to pay for the cost of operating the Central Repository.

(c) In the manner prescribed by the Director of the Department, use electronic means to receive and disseminate information contained in the Central Repository that it is authorized to disseminate pursuant to the provisions of this chapter.

10. As used in this section:

(a) "Mobile identification" means the collection, storage, transmission, reception, search, access or processing of a biometric identifier using a handheld device.

(b) "Personal identifying information" means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a person, including, without limitation:

(1) The name, driver's license number, social security number, date of birth and photograph or computer-generated image of a person; and

(2) A biometric identifier of a person.

(c) "Private school" has the meaning ascribed to it in NRS 394.103.

**Sec. 12.** NRS 207.360 is hereby amended to read as follows:

207.360 "Crime related to racketeering" means the commission of, attempt to commit or conspiracy to commit any of the following crimes:

1. Murder;
2. Manslaughter, except vehicular manslaughter as described in NRS 484B.657;
3. Mayhem;
4. Battery which is punished as a felony;
5. Kidnapping;
6. Sexual assault;
7. Arson;
8. Robbery;
9. Taking property from another under circumstances not amounting to robbery;
10. Extortion;
11. Statutory sexual seduction;



\* S B 3 4 3 R 1 \*

12. Extortionate collection of debt in violation of NRS 205.322;

13. Forgery, including, without limitation, forgery of a credit card or debit card in violation of NRS 205.740;

14. Obtaining and using personal identifying information of another person in violation of NRS 205.463;

15. Establishing or possessing a financial forgery laboratory in violation of NRS 205.46513;

16. Any violation of NRS 199.280 which is punished as a felony;

17. Burglary;

18. Grand larceny;

19. Bribery or asking for or receiving a bribe in violation of chapter 197 or 199 of NRS which is punished as a felony;

20. Battery with intent to commit a crime in violation of NRS 200.400;

21. Assault with a deadly weapon;

22. Any violation of NRS 453.232, 453.316 to 453.339, inclusive, *and section 1 of this act* or NRS 453.375 to 453.401, inclusive;

23. Receiving or transferring a stolen vehicle;

24. Any violation of NRS 202.260, 202.275 or 202.350 which is punished as a felony;

25. Any violation of subsection 2 or 3 of NRS 463.360 or chapter 465 of NRS;

26. Receiving, possessing or withholding stolen goods valued at \$650 or more;

27. Embezzlement of money or property valued at \$650 or more;

28. Obtaining possession of money or property valued at \$650 or more, or obtaining a signature by means of false pretenses;

29. Perjury or subornation of perjury;

30. Offering false evidence;

31. Any violation of NRS 201.300, 201.320, 201.360 or 201.395;

32. Any violation of NRS 90.570, 91.230 or 686A.290, or insurance fraud pursuant to NRS 686A.291;

33. Any violation of NRS 205.506, 205.920 or 205.930;

34. Any violation of NRS 202.445 or 202.446;

35. Any violation of NRS 205.377;

36. Involuntary servitude in violation of any provision of NRS 200.463 or 200.464 or a violation of any provision of NRS 200.465; or

37. Trafficking in persons in violation of any provision of NRS 200.467 or 200.468.



\* S B 3 4 3 R 1 \*

1       **Sec. 13.** NRS 391.650 is hereby amended to read as follows:  
2       391.650 As used in NRS 391.650 to 391.826, inclusive, unless  
3 the context otherwise requires:

4       1. “Administrator” means any employee who holds a license as  
5 an administrator and who is employed in that capacity by a school  
6 district.

7       2. “Board” means the board of trustees of the school district in  
8 which a licensed employee affected by NRS 391.650 to 391.826,  
9 inclusive, is employed.

10       3. “Demotion” means demotion of an administrator to a  
11 position of lesser rank, responsibility or pay and does not include  
12 transfer or reassignment for purposes of an administrative  
13 reorganization.

14       4. “Immorality” means:

15       (a) An act forbidden by NRS 200.366, 200.368, 200.400,  
16 200.508, 201.180, 201.190, 201.210, 201.220, 201.230, 201.265,  
17 201.540, 201.560, 207.260, 453.316 to 453.336, inclusive, except an  
18 act forbidden by NRS 453.337, 453.338, 453.3385 to 453.3405,  
19 inclusive, *and section 1 of this act*, 453.560 or 453.562; or

20       (b) An act forbidden by NRS 201.540 or any other sexual  
21 conduct or attempted sexual conduct with a pupil enrolled in an  
22 elementary or secondary school. As used in this paragraph, “sexual  
23 conduct” has the meaning ascribed to it in NRS 201.520.

24       5. “Postprobationary employee” means an administrator or a  
25 teacher who has completed the probationary period as provided in  
26 NRS 391.820 and has been given notice of reemployment. The term  
27 does not include a person who is deemed to be a probationary  
28 employee pursuant to NRS 391.730.

29       6. “Probationary employee” means:

30       (a) An administrator or a teacher who is employed for the period  
31 set forth in NRS 391.820; and

32       (b) A person who is deemed to be a probationary employee  
33 pursuant to NRS 391.730.

34       7. “Superintendent” means the superintendent of a school  
35 district or a person designated by the board or superintendent to act  
36 as superintendent during the absence of the superintendent.

37       8. “Teacher” means a licensed employee the majority of whose  
38 working time is devoted to the rendering of direct educational  
39 service to pupils of a school district.

40       **Sec. 14.** This act becomes effective on July 1, 2023.

