
ASSEMBLY BILL NO. 123—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE NEVADA SHERIFFS’
AND CHIEFS’ ASSOCIATION)

FEBRUARY 23, 2005

Referred to Committee on Judiciary

SUMMARY—Prohibits use and possession of electronic stun devices under certain circumstances. (BDR 15-600)

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 crimes; prohibiting the use of an electronic stun device under certain circumstances; prohibiting certain persons from possessing an electronic stun device; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 Existing law creates various crimes to protect the public health and safety of the
- 2 citizens of this State. (Chapter 202 of NRS)
- 3 This bill creates a new crime for unlawfully using or possessing an electronic
- 4 stun device. An electronic stun device is a device that is designed to disable a
- 5 person or animal temporarily or permanently in a certain manner. This bill prohibits
- 6 a person from using an electronic stun device except in self-defense. This bill
- 7 further prohibits certain persons from having an electronic stun device in their
- 8 possession or under their custody or control. These prohibitions do not apply to a
- 9 peace officer who uses the device within the scope of his public duties.
- 10 A person who commits one of those prohibited acts is guilty of a category B
- 11 felony.
- 12 This bill further prohibits a child from having an electronic stun device in his
- 13 possession or under his custody or control, unless the child uses the device within
- 14 his residence solely in self-defense. A child who violates this provision commits a
- 15 delinquent act and is subject to the jurisdiction of the juvenile court.



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

1 **Section 1.** Chapter 202 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 1. *Except as otherwise provided in this section, a person shall*
4 *not use an electronic stun device on another person for any*
5 *purpose other than self-defense.*

6 2. *Except as otherwise provided in this section, a person shall*
7 *not have in his possession or under his custody or control any*
8 *electronic stun device if he:*

9 (a) *Has been convicted of a felony in this State or any other*
10 *state, or in any political subdivision thereof, or of a felony in*
11 *violation of the laws of the United States of America, unless he*
12 *has received a pardon and the pardon does not restrict his right to*
13 *bear arms;*

14 (b) *Is a fugitive from justice;*

15 (c) *Has been judicially declared incompetent or insane; or*

16 (d) *Has been voluntarily or involuntarily admitted to a mental*
17 *health facility during the immediately preceding 5 years.*

18 3. *A child under 18 years of age shall not use or have in his*
19 *possession or under his custody or control any electronic stun*
20 *device unless he uses the device or has the device in his possession*
21 *or under his custody or control solely for the purpose of self-*
22 *defense within his residence.*

23 4. *A person who violates the provisions of subsection 1 or 2 is*
24 *guilty of a category B felony and shall be punished by*
25 *imprisonment in the state prison for a minimum term of not less*
26 *than 1 year and a maximum term of not more than 6 years, and*
27 *may be further punished by a fine of not more than \$5,000.*

28 5. *A child who violates subsection 3 commits a delinquent act*
29 *and the court may order the detention of the child in the same*
30 *manner as if the child had committed an act that would have been*
31 *a felony if committed by an adult.*

32 6. *The provisions of subsection 1 and 2 do not apply to a*
33 *peace officer who possesses or uses an electronic stun device*
34 *within the scope of his duties.*

35 7. *As used in this section, "electronic stun device" means a*
36 *device that:*

37 (a) *Emits an electrical charge or current that is transmitted by*
38 *projectile, physical contact or other means; and*

39 (b) *Is designed to disable a person or animal temporarily or*
40 *permanently.*



1 **Sec. 2.** NRS 209.511 is hereby amended to read as follows:
2 209.511 1. When an offender is released from prison by
3 expiration of his term of sentence, by pardon or by parole, the
4 Director:
5 (a) May furnish him with a sum of money not to exceed \$100,
6 the amount to be based upon the offender's economic need as
7 determined by the Director;
8 (b) Shall give him notice of the provisions of chapter 179C of
9 NRS and NRS 202.360 ~~§~~ *and section 1 of this act*;
10 (c) Shall require him to sign an acknowledgment of the notice
11 required in paragraph (b);
12 (d) Shall give him notice of the provisions of NRS 179.245 and
13 the provisions of NRS 213.090, 213.155 or 213.157, as applicable;
14 (e) May provide him with clothing suitable for reentering
15 society;
16 (f) May provide him with the cost of transportation to his place
17 of residence anywhere within the continental United States, or to the
18 place of his conviction; and
19 (g) Shall require him to submit to at least one test for exposure
20 to the human immunodeficiency virus.
21 2. The costs authorized in paragraphs (a), (e), (f) and (g) of
22 subsection 1 must be paid out of the appropriate account within the
23 State General Fund for the use of the Department as other claims
24 against the State are paid to the extent that the costs have not
25 been paid in accordance with subsection 5 of NRS 209.221 and
26 NRS 209.246.
27 **Sec. 3.** This act becomes effective upon passage and approval.



