1. Working group name:

*Law Enforcement Working Group*

1. Individual sponsor(s):

*Adam W. Page, Captain, Department of Public Safety, Nevada Highway Patrol*

*Todd Raybuck, Captain, Las Vegas Metropolitan Police Department*

*Tina Talim, Deputy District Attorney, Clark County District Attorney’s Office*

*Orestes Guerra, Captain, City of Henderson Police Department*

*William Flinn, Deputy District Attorney, Clark County District Attorney’s Office*

*John Piro, Clark County Public Defender’s Office*

1. Describe the recommendation:

*On March 21, 2017, a recommendation was made to the Law Enforcement Work Group to review four specific statutes to determine if modification was appropriate. After a thorough review and discussion, the review team is satisfied that three of the four statutes are appropriate as they stand. We therefore are only recommending one statutorily change for consideration. Specifically, the addition of subsection c under 453.411:*

***NRS 453.411  Unlawful use of controlled substance; penalties.***

*1.  It is unlawful for a person knowingly to use or be under the influence of a controlled substance except in accordance with a lawfully issued prescription.*

*2.  It is unlawful for a person knowingly to use or be under the influence of a controlled substance except when administered to the person at a rehabilitation clinic established or licensed by the Division of Public and Behavioral Health of the Department, or a hospital certified by the Department.*

*3.  Unless a greater penalty is provided in* [*NRS 212.160*](http://www.leg.state.nv.us/Division/Legal/LawLibrary/NRS/NRS-212.html#NRS212Sec160)*, a person who violates this section shall be punished:*

*(a) if the controlled substance is listed in schedule I, II, III or IV, for a category E felony as provided in* [*NRS 193.130*](http://www.leg.state.nv.us/Division/Legal/LawLibrary/NRS/NRS-193.html#NRS193Sec130)*.*

*(b) If the controlled substance is listed in schedule V, for a gross misdemeanor by imprisonment in the county jail for not more than 364 days, and may be further punished by a fine of not more than $1,000.*

*(c) For persons under 21 years of age, if the controlled substance is marijuana, for a misdemeanor.*

1. Which guiding principle(s) does this recommendation support?

*Guiding Principle 3 - Ensure that youth are protected from the risks associated with marijuana, including preventing the diversion of marijuana to anyone under the age of 21.*

1. What provision(s) of Question 2 does this recommendation apply to?

*Under current law, a person under the age of 21 who is determined to be under the influence of marijuana is guilty of a Category E Felony. Question 2 does not reduce the penalty. The work group submits that keeping current statute is not in line with the people’s proclamation as the following laws are classified as misdemeanors for persons under 21 years of age:*

* *Possession of Marijuana, Less Than One Ounce (NRS 453.336)*
* *Driving Under the Influence of Marijuana (NRS 484C.110)*
* *Minor in Consumption of Alcohol (NRS 202.020)*

1. What issue(s) does the recommendation resolve?

*This recommendation will resolve the inconsistency in criminal penalties when a person under 21 years of age is determine to be under the influence of marijuana.*

1. Was there dissent in the group regarding this recommendation? If yes, please provide a summary of the dissenting opinion regarding the recommendation.

*No dissent*

1. What action(s) will be necessary to adopt the recommendation? Will statute, policy, regulations, etc. need to be addressed?

*A request to amend Nevada Revised Statute 453.411 will need to be submitted and approved by the Nevada Legislature.*

1. Additional information (cost of implementation, priority according to the recommendations, etc.).

*There will be no costs associated with this recommendation*