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Crimes; Controlled Substances-Sales to Minors

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prescription.¹⁹ Under an appropriate motion, the judge may reduce or suspend the sentence upon a finding that the convicted person has rendered "substantial assistance" in the identification, arrest, or conviction of any accomplice, co-conspirator, accessory, or principal in the trafficking operation.²⁰ The arresting agency, however, must be given an opportunity to be heard before the motion is granted.²¹ This motion may be heard in camera if good cause is shown.²²

19. See *id.* c. 111, §5(2), at 288.

20. *Id.*

21. *Id.*

22. *Id.*

Crimes; controlled substances—sales to minors

NEV. REV. STAT. §453.— (new); §§200.010, 453.321, 453.348 (amended).

AB 389 (Ham); 1983 STAT. Ch 218

In an apparent response to recent case law,¹ Chapter 218 provides enhanced penalties for the sale of controlled substances² to minors³ and for deaths of minors proximately caused by their sale⁴. Under existing law, the penalties vary for the sale of a controlled substance depending upon the type of substance involved.⁵ With the enactment of Chapter 218, unless a greater penalty already exists,⁶ a special penalty of life imprisonment and a fine not exceeding \$20,000 will be imposed for a second or subsequent conviction of selling a controlled substance to a minor.⁷

Prior to the enactment of Chapter 218, murder was defined as the killing of a human being with malice aforethought.⁸ Chapter 218 expands this definition⁹ to include the death of a minor proximately

1. See *Sheriff v. Morris*, 99 Advanced Opinion 25 (1982). Second degree murder was found where the drugs that were sold caused the death of a minor after the defendant aided the minor in ingesting the drugs. *Id.*

2. NEV. REV. STAT. §§453.166, 453.176, 453.186, 453.196, 453.206 (definitions of controlled substances).

3. 1983 Nev. Stat., c. 218, §3, at —.

4. *Id.* c. 218, §§2, 6

5. See NEV. REV. STAT. §453.321 punishments for a violation of these provisions range from one to twenty years in prison and up to \$20,000 in fines depending on whether the drug is classified in Schedule I, II, III, IV, or V *Id.*

6. 1983 Nev. Stat. c. 218, §3, at 510.

7. *Id.*

8. 1911 Nev. Rev. Laws §6384 (enacting NEV. REV. STAT. §200.010).

9. Compare NEV. REV. STAT. §200.010 (amended by 1983 Nev. Stat. c. 218, §6, at 512) with 1911 Nev. Rev. Laws §6384 (enacting NEV. REV. STAT. §200.010).

caused by the sale of a controlled substance.¹⁰ Consequently, if a person sells a controlled substance to a minor and the substance is found to have proximately caused the minor's death, the seller can be found guilty of second degree murder.¹¹

10. NEV. REV. STAT. §200.010 (amended by 1983 Nev. Stat.c. 218, §6, at 512).

11. 1983 Nev. Stat. c.218, §2, at 510.

Crimes; sale, gift, or use of toluene

NEV. REV. STAT. §454.— (new); §§454.346, 454.534, 454.680 (amended).

SB 119 (Horn); 1983 STAT. Ch 81

Existing law provides penalties for the unlawful acquisition, possession, or dispensing of dangerous drugs.¹ Chapter 81 prohibits the sale or gift of aerosol paint, glue, or cement containing toluene² to a person under eighteen years of age.³ A person who violates these provisions will be guilty of a gross misdemeanor.⁴ In addition, the business license of a person who knowingly violates Chapter 81 will be suspended for one year if the individual has previously been convicted of the same offense and fails to demonstrate a good faith effort to comply with the law.⁵ The sale of substances containing toluene are exempted from the sanctions of Chapter 81, however, under specified circumstances.⁶

Existing law provides that persons are guilty of a misdemeanor if they use a drug, chemical, poison, organic solvent or any combination thereof in a manner contrary to the direction for use, and for the purpose of altering perceptions or creating a condition of intoxication, euphoria, or hallucination.⁷ Chapter 81 expands the scope of this prohibition by providing that a person who possesses these substances

1. See NEV. REV. STAT. §§454.311-321 (provisions applicable to dangerous drugs).

2. Toluene is defined as "a colorless liquid obtained by the dry distillation of tolu and other resinous bodies; and also derived from coal tar... Used in explosives and dyes and in the extraction of various principles from plants." STEDMAN'S MEDICAL DICTIONARY FIFTH UNABRIDGED LAWYER'S EDITION 1458 (1983).

3. 1983 Nev. Stat. c. 81, §1(1), at 242.

4. *Id.*

5. *Id.* c. 81, §1(2), at 242.

6. This section does not apply to the sale of (a) gasoline or other fuel for motor vehicles; (b) aerosol paint, glue, or cement containing less than the minimum amount of toluene which is subject to the requirements for special labeling established pursuant to the Federal Hazardous Substances Act, 15 U.S.C. §1261 as it exists on June 30, 1983; or (c) glue or cement, that is included in a kit used for the construction of model airplanes, automobiles, boats or trains or that is used in connection with another hobby. *Id.* c. 81, §-(3), at 242.

7. NEV. REV. STAT. §454.346 (amended by 1983 Nev. Stat. c. 81, §2(1), at 242).