

NRS 453.333 Drug Induced Homicide Law

Last amended in 2023

This statute was added in 1983

Primary sponsor: Assembly Committee on Judiciary (2019 amendment) Committee on Health and Human Services, on Behalf of the Attorney General (2023 amendment)

NRS 453.333 states that “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.

Original intent of bill:

- To prosecute people who give/provide/sell drugs to someone and then they intentionally or unintentionally die from those drugs

Provisions:

- The intentionality behind the cause of death by drugs is what makes it either a first-degree or second-degree murder
 - First degree - if someone intentionally gave someone drugs to cause their death
 - Second degree – if someone unintentionally gave someone drugs that resulted in death
- [This statute](#) includes a clause that protects individuals from prosecution if they did not “make the drug available” to the person who died. For instance, if someone attempts to obtain drugs from a residence without the owner’s knowledge, and that individual later overdoses from those drugs at the owner’s house, the owner of the house cannot be charged with murder.

Other notes:

- Nevada is a state with [generic manslaughter/felony murder laws](#) that are used to charge drug-induced homicide
- In 2019, NRS 453.333 was amended as follows in red text, “ 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 453.3395~~ or a law of any other jurisdiction which prohibits the same conduct.”

- The 2019 amendment incorporated recommendations from the [Advisory Commission on the Administration of Justice](#) from the previous interim.
- The 2023 amendment established the crimes of “low-level trafficking in fentanyl”, “mid-level trafficking in fentanyl” and “high-level trafficking in fentanyl” and included penalties for each.