
ASSEMBLY BILL NO. 267—ASSEMBLYMEN PERKINS, WILLIAMS, LEE, CARPENTER, OHRENSCHALL, THOMAS, DE BRAGA, BERMAN, CLABORN, ANDERSON, COLLINS, PARNELL, NEIGHBORS, MORTENSON, SEGERBLOM, BUCKLEY, FREEMAN, EVANS, GOLDWATER, BROWER, CHOWNING, MCCLAIN, PARKS, MANENDO, BACHE, TIFFANY, HETTRICK, PRICE, GIBBONS, LESLIE, NOLAN, BEERS, GIUNCHIGLIANI AND DINI

FEBRUARY 16, 1999

JOINT SPONSORS: SENATORS JAMES, RAWSON, COFFIN, O'DONNELL, TITUS, AMODEI, CARE, CARLTON, MATHEWS, NEAL, PORTER, SCHNEIDER, SHAFFER, WASHINGTON AND WIENER

Referred to Committee on Judiciary

SUMMARY—Requires person under certain circumstances to report certain violent or sexual offenses against child to law enforcement agency. (BDR 15-586)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: No.

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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 public safety; requiring a person to report certain violent or sexual offenses against a child to a law enforcement agency under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

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 thereto
- 2 the provisions set forth as sections 2 to 5, inclusive, of this act.
- 3 **Sec. 2.** *As used in sections 2 to 5, inclusive, of this act, unless the*
- 4 *context otherwise requires, the words and terms defined in sections 3 and*
- 5 *4 of this act have the meanings ascribed to them in those sections.*

1 **Sec. 3. "Law enforcement agency" means:**

2 1. The office of the attorney general or the office of a district
3 attorney within this state and any attorney, investigator, special
4 investigator or employee who is acting in his professional or
5 occupational capacity for such an office; or

6 2. Any other law enforcement agency within this state and any peace
7 officer or employee who is acting in his professional or occupational
8 capacity for such an agency.

9 **Sec. 4. "Violent or sexual offense" means any act that, if prosecuted**
10 **in this state, would constitute any of the following offenses, whether or**
11 **not the person who committed the act is or has been prosecuted or**
12 **convicted in this state for the offense:**

13 1. Murder or voluntary manslaughter pursuant to NRS 200.010 to
14 200.260, inclusive.

15 2. Mayhem pursuant to NRS 200.280.

16 3. Kidnaping pursuant to NRS 200.310 to 200.340, inclusive.

17 4. Sexual assault pursuant to NRS 200.366.

18 5. Robbery pursuant to NRS 200.380.

19 6. Administering poison or another noxious or destructive substance
20 or liquid with intent to cause death pursuant to NRS 200.390.

21 7. Battery with intent to commit a crime pursuant to NRS 200.400.

22 8. Administering a drug or controlled substance with intent to
23 commit a felony or crime of violence pursuant to NRS 200.405 or
24 200.408.

25 9. False imprisonment pursuant to NRS 200.460, if the false
26 imprisonment involves the use or threatened use of force or violence
27 against the victim or the use or threatened use of a firearm or a deadly
28 weapon.

29 10. Assault with a deadly weapon pursuant to NRS 200.471.

30 11. Battery which is committed with the use of a deadly weapon or
31 which results in substantial bodily harm pursuant to NRS 200.481.

32 12. An offense involving pornography and a minor pursuant to NRS
33 200.710 or 200.720.

34 13. Solicitation of a minor to engage in acts constituting the
35 infamous crime against nature pursuant to NRS 201.195.

36 14. Intentional transmission of the human immunodeficiency virus
37 pursuant to NRS 201.205.

38 15. Open or gross lewdness pursuant to NRS 201.210.

39 16. Lewdness with a child pursuant to NRS 201.230.

40 17. An offense involving pandering or prostitution in violation of
41 NRS 201.300, 201.320 or 201.340.

1 18. Coercion pursuant to NRS 207.190, if the coercion involves the
2 use or threatened use of force or violence against the victim or the use or
3 threatened use of a firearm or a deadly weapon.

4 19. An attempt, conspiracy or solicitation to commit an offense listed
5 in subsections 1 to 18, inclusive.

6 Sec. 5. 1. Except as otherwise provided in this section, a person
7 who knows or has reasonable cause to believe that another person has
8 committed a violent or sexual offense against a child who is 12 years of
9 age or younger shall report the offense to a law enforcement agency as
10 soon as reasonably practicable, but not later than 24 hours, after the
11 person knows or has reasonable cause to believe that the offense was
12 committed. A person who violates the provisions of this subsection is
13 guilty of a misdemeanor.

14 2. A report made pursuant to subsection 1 must include, without
15 limitation:

16 (a) If known, the name of the child and the name of the person who
17 committed the violent or sexual offense against the child;

18 (b) The location where the violent or sexual offense was committed;
19 and

20 (c) The facts and circumstances which support the person's belief that
21 the violent or sexual offense was committed.

22 3. A person may be prosecuted and convicted pursuant to this section
23 only if the person who committed the violent or sexual offense against
24 the child is or has been convicted in this state for:

25 (a) The violent or sexual offense against the child; or

26 (b) Any other offense arising out of the same facts as the violent or
27 sexual offense against the child.

28 4. The provisions of this section do not apply to a person who:

29 (a) Is less than 16 years of age;

30 (b) Suffers from a mental or physical impairment or disability that, in
31 light of all the surrounding facts and circumstances, would make it
32 impracticable for the person to report the commission of the violent or
33 sexual offense against the child to a law enforcement agency;

34 (c) Knows or has reasonable cause to believe that reporting the violent
35 or sexual offense against the child to a law enforcement agency would
36 place the person or any other person who is related to him by blood or
37 marriage or who resides in the same household as him, whether or not
38 the other person is related to him by blood or marriage, in imminent
39 danger of suffering substantial bodily harm; or

40 (d) Became aware of the violent or sexual offense against the child
41 through a communication or proceeding that is protected by a privilege
42 set forth in chapter 49 of NRS.

1 **Sec. 6.** The provisions of section 5 of this act do not apply to offenses
2 that were committed before October 1, 1999.

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