

SENATE BILL NO. 146—SENATORS TITUS, AMODEI, MATHEWS,  
O'DONNELL, PORTER, RAGGIO, RAWSON AND SHAFFER

FEBRUARY 8, 1999

Referred to Committee on Judiciary

SUMMARY—Provides enhanced penalty for assault or battery of taxicab driver. (BDR 15-172)

FISCAL NOTE: Effect on Local Government: Yes.  
Effect on the State or on Industrial Insurance: Yes.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~for omitted material~~ is material to be omitted.

AN ACT relating to crimes; providing an enhanced penalty for the assault or battery of a taxicab driver; 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.** NRS 200.471 is hereby amended to read as follows:  
2    200.471 1. As used in this section:  
3    (a) “Assault” means an unlawful attempt, coupled with a present ability,  
4    to commit a violent injury on the person of another.  
5    (b) “Officer” means:  
6    (1) A person who possesses some or all of the powers of a peace  
7    officer;  
8    (2) A person employed in a full-time salaried occupation of fire  
9    fighting for the benefit or safety of the public;  
10   (3) A member of a volunteer fire department;  
11   (4) A jailer, guard, matron or other correctional officer of a city or  
12   county jail; or  
13   (5) A justice of the supreme court, district judge, justice of the peace,  
14   municipal judge, magistrate, court commissioner, master or referee,  
15   including a person acting pro tempore in a capacity listed in this  
16   subparagraph.  
17   (c) “School employee” means a licensed or unlicensed person employed  
18   by a board of trustees of a school district pursuant to NRS 391.100.  
19   (d) ***“Taxicab” has the meaning ascribed to it in NRS 706.8816.***

1     (e) ***“Taxicab driver” means a person who operates a taxicab.***

2     (f) “Transit operator” means a person who operates a bus or other  
3 vehicle as part of a public mass transportation system.

4     2. A person convicted of an assault shall be punished:

5     (a) If paragraph (c) of this subsection does not apply to the  
6 circumstances of the crime and the assault is not made with use of a deadly  
7 weapon, or the present ability to use a deadly weapon, for a misdemeanor.

8     (b) If the assault is made with use of a deadly weapon, or the present  
9 ability to use a deadly weapon, for a category B felony by imprisonment in  
10 the state prison for a minimum term of not less than 1 year and a maximum  
11 term of not more than 6 years, or by a fine of not more than \$5,000, or by  
12 both fine and imprisonment.

13     (c) If the assault is committed upon an officer, a school employee, **a**  
14 ***taxicab driver*** or a transit operator who is performing his duty and the  
15 person charged knew or should have known that the victim was an officer,  
16 school employee, ***taxicab driver*** or transit operator, for a gross  
17 misdemeanor, unless the assault is made with use of a deadly weapon, or  
18 the present ability to use a deadly weapon, then for a category B felony by  
19 imprisonment in the state prison for a minimum term of not less than 1 year  
20 and a maximum term of not more than 6 years, or by a fine of not more  
21 than \$5,000, or by both fine and imprisonment.

22     **Sec. 2.** NRS 200.481 is hereby amended to read as follows:

23     200.481 1. As used in this section:

24     (a) “Battery” means any willful and unlawful use of force or violence  
25 upon the person of another.

26     (b) “Child” means a person less than 18 years of age.

27     (c) “Officer” means:

28         (1) A person who possesses some or all of the powers of a peace  
29 officer;

30         (2) A person employed in a full-time salaried occupation of fire  
31 fighting for the benefit or safety of the public;

32         (3) A member of a volunteer fire department;

33         (4) A jailer, guard, matron or other correctional officer of a city or  
34 county jail or detention facility; or

35         (5) A justice of the supreme court, district judge, justice of the peace,  
36 municipal judge, magistrate, court commissioner, master or referee,  
37 including, without limitation, a person acting pro tempore in a capacity  
38 listed in this subparagraph.

39     (d) “School employee” means a licensed or unlicensed person employed  
40 by a board of trustees of a school district pursuant to NRS 391.100.

41     (e) ***“Taxicab” has the meaning ascribed to it in NRS 706.8816.***

42     (f) ***“Taxicab driver” means a person who operates a taxicab.***

1     **(g)** “Transit operator” means a person who operates a bus or other  
2 vehicle as part of a public mass transportation system.

3     2. Except as otherwise provided in NRS 200.485, a person convicted  
4 of a battery, other than a battery committed by an adult upon a child which  
5 constitutes child abuse, shall be punished:

6     (a) If the battery is not committed with a deadly weapon, and no  
7 substantial bodily harm to the victim results, except under circumstances  
8 where a greater penalty is provided in paragraph (d) or in NRS 197.090, for  
9 a misdemeanor.

10    (b) If the battery is not committed with a deadly weapon, and substantial  
11 bodily harm to the victim results, for a category C felony as provided in  
12 NRS 193.130.

13    (c) If the battery is committed upon an officer, school employee ,  
14 **taxicab driver** or transit operator and:

15       (1) The officer, school employee , **taxicab driver** or transit operator  
16 was performing his duty;

17       (2) The officer, school employee , **taxicab driver** or transit operator  
18 suffers substantial bodily harm; and

19       (3) The person charged knew or should have known that the victim  
20 was an officer, school employee , **taxicab driver** or transit operator,  
21 for a category B felony by imprisonment in the state prison for a minimum  
22 term of not less than 2 years and a maximum term of not more than 10  
23 years, or by a fine of not more than \$10,000, or by both fine and  
24 imprisonment.

25    (d) If the battery is committed upon an officer, school employee ,  
26 **taxicab driver** or transit operator who is performing his duty and the person  
27 charged knew or should have known that the victim was an officer, school  
28 employee , **taxicab driver** or transit operator, for a gross misdemeanor,  
29 except under circumstances where a greater penalty is provided in this  
30 section.

31    (e) If the battery is committed with the use of a deadly weapon, and:

32       (1) No substantial bodily harm to the victim results, for a category B  
33 felony by imprisonment in the state prison for a minimum term of not less  
34 than 2 years and a maximum term of not more than 10 years, and may be  
35 further punished by a fine of not more than \$10,000.

36       (2) Substantial bodily harm to the victim results, for a category B  
37 felony by imprisonment in the state prison for a minimum term of not less  
38 than 2 years and a maximum term of not more than 15 years, and may be  
39 further punished by a fine of not more than \$10,000.

1 (f) If the battery is committed by a prisoner who is in lawful custody or  
2 confinement, without the use of a deadly weapon, whether or not  
3 substantial bodily harm results, for a category B felony by imprisonment in  
4 the state prison for a minimum term of not less than 1 year and a maximum  
5 term of not more than 6 years.

6 (g) If the battery is committed by a prisoner who is in lawful custody or  
7 confinement with the use of a deadly weapon, and:

8 (1) No substantial bodily harm to the victim results, for a category B  
9 felony by imprisonment in the state prison for a minimum term of not less  
10 than 2 years and a maximum term of not more than 10 years.

11 (2) Substantial bodily harm to the victim results, for a category B  
12 felony by imprisonment in the state prison for a minimum term of not less  
13 than 2 years and a maximum term of not more than 15 years.

14 **Sec. 3.** The amendatory provisions of this act do not apply to offenses  
15 that are committed before October 1, 1999.