

Senate Bill No. 146—Senators Titus, Amodei, Mathews,

O'Donnell, Porter, Raggio, Rawson and Shaffer

CHAPTER.....

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:

Section 1. NRS 200.471 is hereby amended to read as follows:

200.471 1. As used in this section:

(a) “Assault” means an unlawful attempt, coupled with a present ability, to commit a violent injury on the person of another.

(b) “Officer” means:

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

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

(3) A member of a volunteer fire department;

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

(5) A justice of the supreme court, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master or referee, including a person acting pro tempore in a capacity listed in this subparagraph.

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

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

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

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

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

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

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

(c) If the assault is committed upon an officer, a school employee, *a taxicab driver* or a transit operator who is performing his duty and the person charged knew or should have known that the victim was an officer, school employee, *taxicab driver* or transit operator, for a gross misdemeanor, unless the assault is made with use of a deadly weapon, or

the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

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

200.481 1. As used in this section:

(a) "Battery" means any willful and unlawful use of force or violence upon the person of another.

(b) "Child" means a person less than 18 years of age.

(c) "Officer" means:

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

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

(3) A member of a volunteer fire department;

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

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

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

(e) *"Taxicab" has the meaning ascribed to it in NRS 706.8816.*

(f) *"Taxicab driver" means a person who operates a taxicab.*

(g) "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.

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

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

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

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

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

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

(3) The person charged knew or should have known that the victim was an officer, school employee , *taxicab driver* or transit operator,

for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, or by a fine of not more than \$10,000, or by both fine and imprisonment.

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

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

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

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

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

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

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

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

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

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