

Senate Bill No. 63–Committee on Judiciary

CHAPTER.....

AN ACT relating to crimes; providing an additional penalty for murder or attempted murder of a person who is 65 years of age or older; 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 193.167 is hereby amended to read as follows:

193.167 1. Except as otherwise provided in NRS 193.169, any person who commits the crime of:

(a) *Murder*;

(b) *Attempted murder*;

(c) Assault;

~~(b)~~ (d) Battery;

~~(e)~~ (e) Kidnaping;

~~(d)~~ (f) Robbery;

~~(e)~~ (g) Sexual assault;

~~(f)~~ (h) Embezzlement of money or property of a value of \$250 or more;

~~(g)~~ (i) Obtaining money or property of a value of \$250 or more by false pretenses; or

~~(h)~~ (j) Taking money or property from the person of another, against any person who is 65 years of age or older shall be punished by imprisonment in the county jail or state prison, whichever applies, for a term equal to and in addition to the term of imprisonment prescribed by statute for the crime. The sentence prescribed by this subsection must run consecutively with the sentence prescribed by statute for the crime.

2. Except as otherwise provided in NRS 193.169, any person who commits a criminal violation of the provisions of chapter 90 or 91 of NRS against any person who is 65 years of age or older shall be punished by imprisonment in the county jail or state prison, whichever applies, for a term equal to and in addition to the term of imprisonment prescribed by statute for the criminal violation. The sentence prescribed by this subsection must run consecutively with the sentence prescribed by statute for the criminal violation.

3. This section does not create any separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

Sec. 2. NRS 176A.120 is hereby amended to read as follows:

176A.120 1. Except as otherwise provided in subsection 2, the court shall not grant probation to a person whose conduct during the commission of the crime for which he was convicted satisfies the requirements for imposing an additional term of imprisonment pursuant to paragraph ~~(f) or~~

~~(g)~~ **(h) or (i)** of subsection 1 of NRS 193.167 or subsection 2 of NRS 193.167, until the convicted person has paid to the victim of the offense at least 80 percent of the amount of restitution set by the court pursuant to NRS 176.033.

2. The court shall not deny probation to a person as provided in subsection 1 unless the court determines that the person has willfully failed to make restitution to the victim of the crime and the person has the ability to make restitution.

Sec. 3. NRS 213.1216 is hereby amended to read as follows:

213.1216 1. Except as otherwise provided in subsection 2, the board shall not release on parole a prisoner whose conduct during the commission of the crime for which he was imprisoned satisfies the requirements for imposing an additional term of imprisonment pursuant to paragraph ~~1(f) or~~ **(g) (h) or (i)** of subsection 1 of NRS 193.167 or subsection 2 of NRS 193.167, until the prisoner has paid to the victim of the offense at least 80 percent of the amount of restitution set by a court pursuant to NRS 176.033.

2. The board shall not refuse to release a prisoner on parole as provided in subsection 1 unless the board determines that the prisoner has willfully failed to make restitution to the victim of the crime and the prisoner has the ability to make restitution.

Sec. 4. The amendatory provisions of this act do not apply to offenses that are committed before the effective date of this act.

Sec. 5. This act becomes effective upon passage and approval.

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