

SENATE BILL NO. 63—COMMITTEE ON JUDICIARY

PREFILED JANUARY 29, 1999

(ON BEHALF OF WASHOE COUNTY DISTRICT ATTORNEY)

Referred to Committee on Judiciary

SUMMARY—Provides additional penalty for murder or attempted murder of person who is 65 years of age or older. (BDR 15-723)

FISCAL NOTE: Effect on Local Government: No.
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 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:

- 1 **Section 1.** NRS 193.167 is hereby amended to read as follows:
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3 193.167 1. Except as otherwise provided in NRS 193.169, any
4 person who commits the crime of:
5 (a) ***Murder;***
6 ***(b) Attempted murder;***
7 (c) Assault;
8 ~~[(b)]~~ (d) Battery;
9 ~~[(c)]~~ (e) Kidnaping;
10 ~~[(d)]~~ (f) Robbery;
11 ~~[(e)]~~ (g) Sexual assault;
12 ~~[(f)]~~ (h) Embezzlement of money or property of a value of \$250 or
13 more;
14 ~~[(g)]~~ (i) Obtaining money or property of a value of \$250 or more by
15 false pretenses; or

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

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

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

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

19 176A.120 1. Except as otherwise provided in subsection 2, the court
20 shall not grant probation to a person whose conduct during the commission
21 of the crime for which he was convicted satisfies the requirements for
22 imposing an additional term of imprisonment pursuant to paragraph ~~[(f) or~~
23 ~~(g)]~~ **(h) or (i)** of subsection 1 of NRS 193.167 or subsection 2 of NRS
24 193.167, until the convicted person has paid to the victim of the offense at
25 least 80 percent of the amount of restitution set by the court pursuant to
26 NRS 176.033.

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

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

32 213.1216 1. Except as otherwise provided in subsection 2, the board
33 shall not release on parole a prisoner whose conduct during the commission
34 of the crime for which he was imprisoned satisfies the requirements for
35 imposing an additional term of imprisonment pursuant to paragraph ~~[(f) or~~
36 ~~(g)]~~ **(h) or (i)** of subsection 1 of NRS 193.167 or subsection 2 of NRS
37 193.167, until the prisoner has paid to the victim of the offense at least 80
38 percent of the amount of restitution set by a court pursuant to NRS
39 176.033.

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

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

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

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