

ASSEMBLY BILL NO. 344—ASSEMBLYMEN PARNELL, GIBBONS, SMITH,
DE BRAGA, BACHE, BROWER, BUCKLEY, GIUNCHIGLIANI, LEE,
LESLIE, MCCLAIN AND NEIGHBORS

MARCH 13, 2001

JOINT SPONSOR: SENATOR AMODEI

Referred to Committee on Judiciary

SUMMARY—Revises definition of criminal assault. (BDR 15-977)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: 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 crimes; revising the definition of criminal assault; providing penalties;
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~~
4 ~~ability, to commit a violent injury on the person of another.~~ ***intentionally***
5 ***placing another person in reasonable apprehension of immediate bodily***
6 ***harm.***
7 (b) “Officer” means:
8 (1) A person who possesses some or all of the powers of a peace
9 officer;
10 (2) A person employed in a full-time salaried occupation of fire
11 fighting for the benefit or safety of the public;
12 (3) A member of a volunteer fire department;
13 (4) A jailer, guard, matron or other correctional officer of a city or
14 county jail; or
15 (5) A justice of the supreme court, district judge, justice of the peace,
16 municipal judge, magistrate, court commissioner, master or referee,
17 including a person acting pro tempore in a capacity listed in this
18 subparagraph.



* A B 3 4 4 *

1 (c) "School employee" means a licensed or unlicensed person employed
2 by a board of trustees of a school district pursuant to NRS 391.100.
3 (d) "Taxicab" has the meaning ascribed to it in NRS 706.8816.
4 (e) "Taxicab driver" means a person who operates a taxicab.
5 (f) "Transit operator" means a person who operates a bus or other
6 vehicle as part of a public mass transportation system.
7 2. A person convicted of an assault shall be punished:
8 (a) If paragraph (c) of this subsection does not apply to the
9 circumstances of the crime and the assault is not made with use of a deadly
10 weapon, ~~for the present ability to use a deadly weapon,~~ for a
11 misdemeanor.
12 (b) If the assault is made with use of a deadly weapon, ~~for the present~~
13 ~~ability to use a deadly weapon,~~ for a category B felony by imprisonment
14 in the state prison for a minimum term of not less than 1 year and a
15 maximum term of not more than 6 years, or by a fine of not more than
16 \$5,000, or by both fine and imprisonment.
17 (c) If the assault is committed upon an officer, a school employee, a
18 taxicab driver or a transit operator who is performing his duty and the
19 person charged knew or should have known that the victim was an officer,
20 school employee, taxicab driver or transit operator, for a gross
21 misdemeanor, unless the assault is made with use of a deadly weapon, ~~for~~
22 ~~the present ability to use a deadly weapon,~~ then for a category B felony by
23 imprisonment in the state prison for a minimum term of not less than 1 year
24 and a maximum term of not more than 6 years, or by a fine of not more
25 than \$5,000, or by both fine and imprisonment.
26 **Sec. 2.** The amendatory provisions of this act do not apply to offenses
27 committed before October 1, 2001.

