

Assembly Bill No. 344—Assemblymen Parnell, Gibbons, Smith, de Braga, Bache, Brower, Buckley, Giunchigliani, Lee, Leslie, McClain and Neighbors

Joint Sponsor: Senator Amodei

CHAPTER.....

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:

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.~~ *intentionally placing another person in reasonable apprehension of immediate bodily harm.*

(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. Section 1 of Senate Bill No. 31 of this session is hereby amended to read 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 intentionally placing another person in reasonable apprehension of immediate bodily harm.

(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 ~~or~~ **or**

(6) An employee of the state or a political subdivision of the state whose official duties require him to make home visits.

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

(b) If the assault is made with ***the*** 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 ***paragraph (d) of this subsection does not apply to the circumstances of the crime and 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 ***the*** 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.

(d) If the assault is committed upon an officer, a school employee, a taxicab driver or a transit operator who is performing his duty by a probationer, a prisoner who is in lawful custody or confinement or a parolee and the probationer, prisoner or parolee charged knew or should have known that the victim was an officer, school employee, taxicab driver or transit operator, for a category D felony as provided in NRS 193.130, unless the assault is made with the 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. 3. The amendatory provisions of this act do not apply to offenses committed before the effective date of this act.

Sec. 4. This act becomes effective upon passage and approval.