

ASSEMBLY BILL NO. 400—COMMITTEE ON JUDICIARY

(ON BEHALF OF DISTRICT ATTORNEYS ASSOCIATION)

MARCH 16, 2001

Referred to Committee on Judiciary

SUMMARY—Revises provisions concerning crimes of harassment, stalking and aggravated stalking. (BDR 15-474)

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 crime of aggravated stalking; revising provisions concerning where crimes of harassment, stalking and aggravated stalking are deemed to have been committed; 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 193.1675 is hereby amended to read as follows:
2 193.1675 1. Except as otherwise provided in NRS 193.169, any
3 person who willfully violates any provision of NRS 200.280, 200.310,
4 200.366, 200.380, 200.400, 200.460, 200.465, paragraph (b) of subsection
5 2 of NRS 200.471, NRS 200.508, 200.5099 or ~~paragraph (a) of~~
6 subsection 2 of NRS 200.575 because the actual or perceived race, color,
7 religion, national origin, physical or mental disability or sexual orientation
8 of the victim was different from that characteristic of the perpetrator, may
9 be punished by imprisonment in the state prison for an additional term not
10 to exceed 25 percent of the term of imprisonment prescribed by statute for
11 the crime.
12 2. This section does not create a separate offense but provides an
13 additional penalty for the primary offense, whose imposition is contingent
14 upon the finding of the prescribed fact.
15 **Sec. 2.** NRS 200.575 is hereby amended to read as follows:
16 200.575 1. A person who, without lawful authority, willfully or
17 maliciously engages in a course of conduct that would cause a reasonable
18 person to feel terrorized, frightened, intimidated or harassed, and that
19 actually causes the victim to feel terrorized, frightened, intimidated or



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1 harassed, commits the crime of stalking. Except where the provisions of
2 subsection 2 are applicable, a person who commits the crime of stalking:

3 (a) For the first offense, is guilty of a misdemeanor.

4 (b) For any subsequent offense, is guilty of a gross misdemeanor.

5 2. A person who ~~1~~:

6 ~~—(a) Commits~~ **commits** the crime of stalking and in conjunction
7 therewith threatens the person with the intent to cause him to be placed in
8 reasonable fear of death or substantial bodily harm ~~1~~;

9 ~~—(b) Commits the crime of stalking on his spouse while a proceeding for
10 the dissolution of their marriage is pending for which he has actual or legal
11 notice or within 6 months after entry of the final decree of dissolution; or~~

12 ~~—(c) Commits the crime of stalking on a person with whom he has a child
13 in common while a proceeding for the custody of that child is pending for
14 which he has actual or legal notice;~~ commits the crime of aggravated
15 stalking.

16 ~~13.1~~ A person who commits the crime of aggravated stalking shall be
17 punished ~~1~~:

18 ~~—(a) If he commits the crime set forth in paragraph (a) of subsection 2,~~
19 for a category B felony by imprisonment in the state prison for a minimum
20 term of not less than 2 years and a maximum term of not more than 15
21 years, and may be further punished by a fine of not more than \$5,000.

22 ~~1(b) If he commits the crime set forth in paragraph (b) or (c) of
23 subsection 2:~~

24 ~~—(1) For the first offense, for a gross misdemeanor.~~

25 ~~—(2) For the second and any subsequent offense, for a category B
26 felony by imprisonment in the state prison for a minimum term of not less
27 than 2 years and a maximum term of not more than 15 years, and may be
28 further punished by a fine of not more than \$5,000.~~

29 ~~4.1~~ 3. Except as otherwise provided in subsection 2 of NRS 200.571, a
30 criminal penalty provided for in this section may be imposed in addition to
31 any penalty that may be imposed for any other criminal offense arising
32 from the same conduct or for any contempt of court arising from the same
33 conduct.

34 ~~15.1~~ 4. The penalties provided in this section do not preclude the
35 victim from seeking any other legal remedy available.

36 ~~16.1~~ 5. As used in this section:

37 (a) "Course of conduct" means a pattern of conduct which consists of a
38 series of acts over time that evidences a continuity of purpose directed at a
39 specific person.

40 (b) "Without lawful authority" includes acts which are initiated or
41 continued without the victim's consent. The term does not include acts
42 which are otherwise protected or authorized by constitutional or statutory
43 law, regulation or order of a court of competent jurisdiction, including, but
44 not limited to:

45 (1) Picketing which occurs during a strike, work stoppage or any
46 other labor dispute.

47 (2) The activities of a reporter, photographer, cameraman or other
48 person while gathering information for communication to the public if that
49 person is employed or engaged by or has contracted with a newspaper,



1 periodical, press association or radio or television station and is acting
2 solely within that professional capacity.

3 (3) The activities of a person that are carried out in the normal course
4 of his lawful employment.

5 (4) Any activities carried out in the exercise of the constitutionally
6 protected rights of freedom of speech and assembly.

7 **Sec. 3.** NRS 200.581 is hereby amended to read as follows:

8 200.581 Harassment, stalking or aggravated stalking shall be deemed
9 to have been committed where the conduct occurred or ~~1, in the case of~~
10 ~~harassment or aggravated stalking involving a threat, at the place from~~
11 ~~which the threat was made or at the place where the threat was received.]~~
12 *where the person who was affected by the conduct was located at the time*
13 *that the conduct occurred.*

14 **Sec. 4.** The amendatory provisions of this act do not apply to offenses
15 committed before October 1, 2001.

