

Assembly Bill No. 400—Committee on Judiciary

CHAPTER.....

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:

Section 1. NRS 193.1675 is hereby amended to read as follows:

193.1675 1. Except as otherwise provided in NRS 193.169, any person who willfully violates any provision of NRS 200.280, 200.310, 200.366, 200.380, 200.400, 200.460, 200.465, paragraph (b) of subsection 2 of NRS 200.471, NRS 200.508, 200.5099 or ~~paragraph (a) of~~ subsection 2 of NRS 200.575 because the actual or perceived race, color, religion, national origin, physical or mental disability or sexual orientation of the victim was different from that characteristic of the perpetrator, may be punished by imprisonment in the state prison for an additional term not to exceed 25 percent of the term of imprisonment prescribed by statute for the crime.

2. This section does not create a 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 200.575 is hereby amended to read as follows:

200.575 1. A person who, without lawful authority, willfully or maliciously engages in a course of conduct that would cause a reasonable person to feel terrorized, frightened, intimidated or harassed, and that actually causes the victim to feel terrorized, frightened, intimidated or harassed, commits the crime of stalking. Except where the provisions of subsection 2 are applicable, a person who commits the crime of stalking:

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

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

2. A person who ~~is~~

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

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

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

~~3.~~ A person who commits the crime of aggravated stalking shall be punished ~~is~~

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

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

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

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

~~—4.† 3.~~ Except as otherwise provided in subsection 2 of NRS 200.571, a criminal penalty provided for in this section may be imposed in addition to any penalty that may be imposed for any other criminal offense arising from the same conduct or for any contempt of court arising from the same conduct.

~~†5.† 4.~~ The penalties provided in this section do not preclude the victim from seeking any other legal remedy available.

~~†6.† 5.~~ As used in this section:

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

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

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

(2) The activities of a reporter, photographer, cameraman or other person while gathering information for communication to the public if that person is employed or engaged by or has contracted with a newspaper, periodical, press association or radio or television station and is acting solely within that professional capacity.

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

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

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

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

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