

ASSEMBLY BILL NO. 408—ASSEMBLYMEN MANENDO, OHRENSCHALL,
ANDERSON, BACHE, BERMAN, CLABORN, GIBBONS, GOLDWATER,
PARKS AND WILLIAMS

MARCH 16, 2001

Referred to Committee on Judiciary

SUMMARY—Makes various changes to provisions governing sexual offenses.
(BDR 15-658)

FISCAL NOTE: Effect on Local Government: No
Effect on the State: Yes.

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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; making a person who subjects a child under the age of 12 years to certain sexual acts guilty per se of sexual assault; increasing the age of a child against whom the crime of open and gross lewdness may be committed from 14 to 16 years; 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 200.364 is hereby amended to read as follows:
2 200.364 As used in NRS 200.364 to 200.3774, inclusive, unless the
3 context otherwise requires:
4 1. “Perpetrator” means a person who commits a sexual assault.
5 2. “Sexual penetration” means cunnilingus, fellatio, or any intrusion,
6 however slight, of any part of a person’s body or any object manipulated or
7 inserted by a person into the genital or anal openings of the body of
8 another, including sexual intercourse in its ordinary meaning.
9 3. “Statutory sexual seduction” means:
10 (a) Ordinary sexual intercourse, anal intercourse, cunnilingus or fellatio
11 committed by a person 18 years of age or older with a person ~~under the~~
12 ~~age of~~ *who is at least 12 but less than* 16 years ~~+~~ *of age*; or
13 (b) Any other sexual penetration committed by a person 18 years of age
14 or older with a person ~~under the age of~~ *who is at least 12 but less than* 16
15 *of age* with the intent of arousing, appealing to, or gratifying the lust
16 or passions or sexual desires of either of the persons.
17 4. “Victim” means a person who is subjected to a sexual assault.



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1 **Sec. 2.** NRS 200.366 is hereby amended to read as follows:

2 200.366 1. A person who subjects another person to sexual
3 penetration, or who forces another person to make a sexual penetration on
4 himself or another, or on a beast, against the will of the victim, ~~for~~ under
5 conditions in which the perpetrator knows or should know that the victim is
6 mentally or physically incapable of resisting or understanding the nature of
7 his conduct, *or when the victim is under the age of 12 years*, is guilty of
8 sexual assault.

9 2. Except as otherwise provided in subsection 3, a person who
10 commits a sexual assault is guilty of a category A felony and shall be
11 punished:

12 (a) If substantial bodily harm to the victim results from the actions of
13 the defendant committed in connection with or as a part of the sexual
14 assault, by imprisonment in the state prison:

15 (1) For life without the possibility of parole;

16 (2) For life with the possibility of parole, with eligibility for parole
17 beginning when a minimum of 15 years has been served; or

18 (3) For a definite term of 40 years, with eligibility for parole
19 beginning when a minimum of 15 years has been served.

20 (b) If no substantial bodily harm to the victim results, by imprisonment
21 in the state prison:

22 (1) For life, with the possibility of parole, with eligibility for parole
23 beginning when a minimum of 10 years has been served; or

24 (2) For a definite term of 25 years, with eligibility for parole
25 beginning when a minimum of 10 years has been served.

26 3. A person who commits a sexual assault against a child under the age
27 of 16 years is guilty of a category A felony and shall be punished:

28 (a) If the crime results in substantial bodily harm to the child, by
29 imprisonment in the state prison for life without the possibility of parole.

30 (b) Except as otherwise provided in paragraph (c), if the crime does not
31 result in substantial bodily harm to the child, by imprisonment in the state
32 prison:

33 (1) For life with the possibility of parole, with eligibility for parole
34 beginning when a minimum of 20 years has been served; or

35 (2) For a definite term of 20 years, with eligibility for parole
36 beginning when a minimum of 5 years has been served.

37 (c) If the crime is committed against a child under the age of 14 years
38 and does not result in substantial bodily harm to the child, by imprisonment
39 in the state prison for life with the possibility of parole, with eligibility for
40 parole beginning when a minimum of 20 years has been served.

41 **Sec. 3.** NRS 201.230 is hereby amended to read as follows:

42 201.230 A person *who is 18 years of age or older* who willfully and
43 lewdly commits any lewd or lascivious act, other than acts constituting the
44 crime of sexual assault, upon or with the body, or any part or member
45 thereof, of a child under the age of ~~14~~ 16 years, with the intent of
46 arousing, appealing to, or gratifying the lust or passions or sexual desires of
47 that person or of that child, is guilty of a category A felony and shall be
48 punished by imprisonment in the state prison for life with the possibility of
49 parole, with eligibility for parole beginning when a minimum of 10 years



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1 has been served, and may be further punished by a fine of not more than
2 \$10,000.

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

5 **Sec. 5.** This act becomes effective on July 1, 2001.

