

SENATE BILL NO. 183—COMMITTEE ON JUDICIARY  
(ON BEHALF OF OFFICE OF THE ATTORNEY GENERAL)

FEBRUARY 15, 2001

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing sexual conduct between pupils and persons in position of authority at schools. (BDR 15-483)

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; revising the provisions governing sexual conduct between pupils and persons who are in positions of authority at schools; 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 200.368 is hereby amended to read as follows:  
2     200.368 ~~1A~~ *Except under circumstances where a greater penalty is*  
3 *provided in NRS 201.540, a* person who commits statutory sexual  
4 seduction shall be punished:  
5     1. If he is 21 years of age or older, for a category C felony as provided  
6 in NRS 193.130.  
7     2. If he is under the age of 21 years, for a gross misdemeanor.  
8     **Sec. 2.** NRS 201.540 is hereby amended to read as follows:  
9     201.540 1. Except as otherwise provided in subsection ~~3~~ 4, a  
10 person who:  
11     (a) Is 21 years of age or older;  
12     (b) Is employed in a position of authority by a public school or private  
13 school ~~or~~ *or volunteering in a position of authority at a public or private*  
14 *school;* and  
15     (c) Engages in sexual conduct with a pupil who is 16 or 17 years of age  
16 and who is enrolled in or attending the public school or private school at  
17 which the person is employed ~~or~~ *or volunteering,*  
18 is guilty of a category C felony and shall be punished as provided in NRS  
19 193.130.  
20     2. *Except as otherwise provided in subsection 4, a person who:*



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- 1     (a) *Is 21 years of age or older;*  
2     (b) *Is employed in a position of authority by a public school or private*  
3     *school or volunteering in a position of authority at a public or private*  
4     *school; and*  
5     (c) *Engages in sexual conduct with a pupil who is 14 or 15 years of*  
6     *age and who is enrolled in or attending the public school or private*  
7     *school at which the person is employed or volunteering,*  
8     *is guilty of a category B felony and shall be punished by imprisonment in*  
9     *the state prison for a minimum term of not less than 1 year and a*  
10    *maximum term of not more than 6 years, and may be further punished*  
11    *by a fine of not more than \$5,000.*  
12    3. For the purposes of ~~subsection 1,~~ *subsections 1 and 2,* a person  
13    shall be deemed to be employed in a position of authority by a public  
14    school or private school *or deemed to be volunteering in a position of*  
15    *authority at a public or private school* if the person is employed *or*  
16    *volunteering* as:  
17    (a) A teacher or instructor;  
18    (b) An administrator;  
19    (c) A head or assistant coach; or  
20    (d) A teacher's aide or an auxiliary, nonprofessional employee who  
21    assists licensed personnel in the instruction or supervision of pupils  
22    pursuant to NRS 391.100.  
23    ~~3-1~~ 4. The provisions of this section do not apply to a person who is  
24    married to the pupil.  
25    **Sec. 3.** The amendatory provisions of this act do not apply to offenses  
26    committed before July 1, 2001.  
27    **Sec. 4.** This act becomes effective on July 1, 2001.

