

Senate Bill No. 183—Committee on Judiciary

CHAPTER.....

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:

**Section 1.** NRS 200.368 is hereby amended to read as follows:

200.368 ~~1A~~ *Except under circumstances where a greater penalty is provided in NRS 201.540, a* person who commits statutory sexual seduction shall be punished:

1. If he is 21 years of age or older, for a category C felony as provided in NRS 193.130.

2. If he is under the age of 21 years, for a gross misdemeanor.

**Sec. 2.** NRS 201.540 is hereby amended to read as follows:

201.540 1. Except as otherwise provided in subsection ~~3~~ 4, a person who:

(a) Is 21 years of age or older;

(b) Is employed in a position of authority by a public school or private school ~~or~~ *or volunteering in a position of authority at a public or private school;* and

(c) Engages in sexual conduct with a pupil who is 16 or 17 years of age and who is enrolled in or attending the public school or private school at which the person is employed ~~or~~ *or volunteering,* is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2. *Except as otherwise provided in subsection 4, a person who:*

(a) *Is 21 years of age or older;*

(b) *Is employed in a position of authority by a public school or private school or volunteering in a position of authority at a public or private school; and*

(c) *Engages in sexual conduct with a pupil who is 14 or 15 years of age and who is enrolled in or attending the public school or private school at which the person is employed or volunteering, is guilty of a category B felony and shall be punished 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, and may be further punished by a fine of not more than \$5,000.*

3. For the purposes of ~~subsection 1,~~ *subsections 1 and 2,* a person shall be deemed to be employed in a position of authority by a public school or private school *or deemed to be volunteering in a position of authority at a public or private school* if the person is employed *or volunteering* as:

(a) A teacher or instructor;

(b) An administrator;

(c) A head or assistant coach; or

(d) A teacher's aide or an auxiliary, nonprofessional employee who assists licensed personnel in the instruction or supervision of pupils pursuant to NRS 391.100.

~~13.1~~ 4. The provisions of this section do not apply to a person who is married to the pupil.

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

**Sec. 4.** This act becomes effective on July 1, 2001.