

ASSEMBLY BILL NO. 62—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE DISTRICT ATTORNEY’S ASSOCIATION)

FEBRUARY 10, 2003

Referred to Committee on Judiciary

SUMMARY—Increases penalty for committing sexual assault not involving substantial bodily harm against child under age of 16 years. (BDR 15-282)

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; increasing the penalty for committing sexual assault not involving substantial bodily harm against a child under the age of 16 years; 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 200.366 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  
4 penetration on himself or another, or on a beast, against the will of  
5 the victim or under conditions in which the perpetrator knows or  
6 should know that the victim is mentally or physically incapable of  
7 resisting or understanding the nature of his conduct, 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  
11 be punished:

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

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



1 (2) For life with the possibility of parole, with eligibility for  
2 parole beginning when a minimum of 15 years has been served; or  
3 (3) For a definite term of 40 years, with eligibility for parole  
4 beginning when a minimum of 15 years has been served.  
5 (b) If no substantial bodily harm to the victim results, by  
6 imprisonment in the state prison:  
7 (1) For life, with the possibility of parole, with eligibility for  
8 parole beginning when a minimum of 10 years has been served; or  
9 (2) For a definite term of 25 years, with eligibility for parole  
10 beginning when a minimum of 10 years has been served.  
11 3. A person who commits a sexual assault against a child under  
12 the age of 16 years is guilty of a category A felony and shall be  
13 punished:  
14 (a) If the crime results in substantial bodily harm to the child, by  
15 imprisonment in the state prison for life without the possibility of  
16 parole.  
17 (b) Except as otherwise provided in paragraph (c), if the crime  
18 does not result in substantial bodily harm to the child, by  
19 imprisonment in the state prison:  
20 (1) For life with the possibility of parole, with eligibility for  
21 parole beginning when a minimum of 20 years has been served; or  
22 (2) For a definite term of ~~20~~ 40 years, with eligibility for  
23 parole beginning when a minimum of ~~5~~ 15 years has been served.  
24 (c) If the crime is committed against a child under the age of 14  
25 years and does not result in substantial bodily harm to the child, by  
26 imprisonment in the state prison for life with the possibility of  
27 parole, with eligibility for parole beginning when a minimum of 20  
28 years has been served.

