

ASSEMBLY BILL NO. 267—ASSEMBLYMEN ANDERSON, PARNELL,
CONKLIN, ALLEN, ANGLE, GERHARDT, HOLCOMB, HORNE,
MORTENSON AND OCEGUERA

MARCH 21, 2005

Referred to Committee on Judiciary

SUMMARY—Prohibits abuse, neglect, exploitation or isolation of
vulnerable person. (BDR 15-1244)

FISCAL NOTE: Effect on Local Government: Increases or Newly
Provides for Term of Imprisonment in County or City
Jail or Detention Facility.
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; prohibiting the abuse, neglect,
exploitation or isolation of a vulnerable person; requiring
the report of the abuse, neglect, exploitation or isolation
of a vulnerable person; providing penalties; and providing
other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits the abuse, neglect, exploitation and isolation of persons
who are 60 years of age or older and requires certain persons to report suspected
instances of the abuse, neglect, exploitation or isolation of persons who are 60 years
of age or older. (NRS 200.5091-200.50995)

This bill expands these provisions to include victims of abuse, neglect,
exploitation or isolation who are vulnerable persons. This bill defines “vulnerable
person” as a person 18 years of age or older who: (1) suffers from a condition of
physical or mental incapacitation because of a developmental disability, organic
brain damage or mental illness; or (2) has one or more physical or mental
limitations that restrict the ability of the person to perform the normal activities of
daily living.

Existing law provides that if certain crimes are committed against a person who
is 60 years of age or older, the person who commits the crime must be punished by
a term of imprisonment equal to and in addition to the term of imprisonment
otherwise prescribed by statute for the crime. (NRS 193.167)

This bill expands this provision to also impose such an additional term of
imprisonment if the victim of the crime is a vulnerable person.

Existing law provides for the designation of certain persons as habitually
fraudulent felons if such persons have been convicted multiple times of certain



felonies involving fraud or intent to defraud and if the victim of each offense was an older person or a mentally disabled person. (NRS 207.014)

This bill expands the scope of this provision to apply in those cases in which such offenses are committed against a vulnerable person.

Existing law establishes a privilege for certain communications made by a victim to a victim's advocate, and creates an exception to the privilege for that portion of such a communication which involves a report of abuse or neglect of a child or an older person. (NRS 49.2547, 49.2549)

This bill expands the exception to the privilege to include reports of abuse or neglect of a vulnerable person.

Existing law provides in relevant part that if a defendant is convicted of the abuse or neglect of an older person, the court at sentencing shall order that a biological specimen be obtained from the defendant to determine the genetic markers of the specimen. (NRS 176.0913)

This bill expands the scope of the provision to include defendants convicted of the abuse or neglect of a vulnerable person.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 193.167 is hereby amended to read as follows:
193.167 1. Except as otherwise provided in NRS 193.169,
any person who commits the crime of:

- (a) Murder;
- (b) Attempted murder;
- (c) Assault;
- (d) Battery;
- (e) Kidnapping;
- (f) Robbery;
- (g) Sexual assault;
- (h) Embezzlement of money or property of a value of \$250 or more;

(i) Obtaining money or property of a value of \$250 or more by false pretenses; or

(j) Taking money or property from the person of another,
↪ against any person who is 60 years of age or older *or against a vulnerable person* shall be punished by imprisonment in the county jail or state prison, whichever applies, for a term equal to and in addition to the term of imprisonment prescribed by statute for the crime. The sentence prescribed by this subsection must run consecutively with the sentence prescribed by statute for the crime.

2. Except as otherwise provided in NRS 193.169, any person who commits a criminal violation of the provisions of chapter 90 or 91 of NRS against any person who is 60 years of age or older *or against a vulnerable person* shall be punished by imprisonment in



1 the county jail or state prison, whichever applies, for a term equal to
2 and in addition to the term of imprisonment prescribed by statute for
3 the criminal violation. The sentence prescribed by this subsection
4 must run consecutively with the sentence prescribed by statute for
5 the criminal violation.

6 3. This section does not create any separate offense but
7 provides an additional penalty for the primary offense, whose
8 imposition is contingent upon the finding of the prescribed fact.

9 4. *As used in this section, "vulnerable person" has the*
10 *meaning ascribed to it in subsection 7 of NRS 200.5092.*

11 **Sec. 2.** Chapter 200 of NRS is hereby amended by adding
12 thereto a new section to read as follows:

13 1. *Any person who is described in subsection 3 and who, in*
14 *his professional or occupational capacity, knows or has*
15 *reasonable cause to believe that a vulnerable person has been*
16 *abused, neglected, exploited or isolated shall:*

17 (a) *Report the abuse, neglect, exploitation or isolation of the*
18 *vulnerable person to a law enforcement agency;*

19 (b) *Make such a report as soon as reasonably practicable but*
20 *not later than 24 hours after the person knows or has reasonable*
21 *cause to believe that the vulnerable person has been abused,*
22 *neglected, exploited or isolated.*

23 2. *If a person who is required to make a report pursuant to*
24 *subsection 1 knows or has reasonable cause to believe that the*
25 *abuse, neglect, exploitation or isolation of the vulnerable person*
26 *involves an act or omission of a law enforcement agency, the*
27 *person shall make the report to a law enforcement agency other*
28 *than the one alleged to have committed the act or omission.*

29 3. *A report must be made pursuant to subsection 1 by the*
30 *following persons:*

31 (a) *Every physician, dentist, dental hygienist, chiropractor,*
32 *optometrist, podiatric physician, medical examiner, resident,*
33 *intern, professional or practical nurse, physician assistant,*
34 *psychiatrist, psychologist, marriage and family therapist, alcohol*
35 *or drug abuse counselor, athletic trainer, driver of an ambulance,*
36 *advanced emergency medical technician or other person providing*
37 *medical services licensed or certified to practice in this State, who*
38 *examines, attends or treats a vulnerable person who appears to*
39 *have been abused, neglected, exploited or isolated.*

40 (b) *Any personnel of a hospital or similar institution engaged*
41 *in the admission, examination, care or treatment of persons or an*
42 *administrator, manager or other person in charge of a hospital or*
43 *similar institution upon notification of the suspected abuse,*



1 *neglect, exploitation or isolation of a vulnerable person by a*
2 *member of the staff of the hospital.*

3 *(c) A coroner.*

4 *(d) Every clergyman, practitioner of Christian Science or*
5 *religious healer, unless he acquired the knowledge of abuse,*
6 *neglect, exploitation or isolation of the vulnerable person from the*
7 *offender during a confession.*

8 *(e) Every person who maintains or is employed by an agency*
9 *to provide nursing in the home.*

10 *(f) Every attorney, unless he has acquired the knowledge of*
11 *abuse, neglect, exploitation or isolation of the vulnerable person*
12 *from a client who has been or may be accused of such abuse,*
13 *neglect, exploitation or isolation.*

14 *(g) Any employee of the Department of Human Resources.*

15 *(h) Any employee of a law enforcement agency or an adult or*
16 *juvenile probation officer.*

17 *(i) Any person who maintains or is employed by a facility or*
18 *establishment that provides care for vulnerable persons.*

19 *(j) Any person who maintains, is employed by or serves as a*
20 *volunteer for an agency or service which advises persons*
21 *regarding the abuse, neglect, exploitation or isolation of a*
22 *vulnerable person and refers them to persons and agencies where*
23 *their requests and needs can be met.*

24 *(k) Every social worker.*

25 *(l) Any person who owns or is employed by a funeral home or*
26 *mortuary.*

27 *4. A report may be made by any other person.*

28 *5. If a person who is required to make a report pursuant to*
29 *subsection 1 knows or has reasonable cause to believe that a*
30 *vulnerable person has died as a result of abuse, neglect or*
31 *isolation, the person shall, as soon as reasonably practicable,*
32 *report this belief to the appropriate medical examiner or coroner,*
33 *who shall investigate the cause of death of the vulnerable person*
34 *and submit to the appropriate local law enforcement agencies and*
35 *the appropriate prosecuting attorney his written findings. The*
36 *written findings must include the information required pursuant*
37 *to the provisions of NRS 200.5094, when possible.*

38 *6. A law enforcement agency which receives a report*
39 *pursuant to this section shall immediately initiate an investigation*
40 *of the report.*

41 *7. A person who knowingly and willfully violates any of the*
42 *provisions of this section is guilty of a misdemeanor.*

43 **Sec. 3.** NRS 200.5091 is hereby amended to read as follows:

44 200.5091 It is the policy of this State to provide for the
45 cooperation of law enforcement officials, courts of competent



jurisdiction and all appropriate state agencies providing human services in identifying the abuse, neglect, exploitation and isolation of older persons *and vulnerable persons* through the complete reporting of abuse, neglect, exploitation and isolation of older persons ~~and~~ *and vulnerable persons*.

Sec. 4. NRS 200.5092 is hereby amended to read as follows:

200.5092 As used in NRS 200.5091 to 200.50995, inclusive, *and section 2 of this act* unless the context otherwise requires:

1. "Abuse" means willful and unjustified:

(a) Infliction of pain, injury or mental anguish on an older person ~~or a vulnerable person~~; or

(b) Deprivation of food, shelter, clothing or services which are necessary to maintain the physical or mental health of an older person ~~or a vulnerable person~~.

2. "Exploitation" means any act taken by a person who has the trust and confidence of an older person *or a vulnerable person* or any use of the power of attorney or guardianship of an older person *or a vulnerable person* to:

(a) Obtain control, through deception, intimidation or undue influence, over the older person's *or vulnerable person's* money, assets or property with the intention of permanently depriving the older person *or vulnerable person* of the ownership, use, benefit or possession of his money, assets or property; or

(b) Convert money, assets or property of the older person *or vulnerable person* with the intention of permanently depriving the older person *or vulnerable person* of the ownership, use, benefit or possession of his money, assets or property.

➔ As used in this subsection, "undue influence" does not include the normal influence that one member of a family has over another.

3. "Isolation" means willfully, maliciously and intentionally preventing an older person *or a vulnerable person* from having contact with another person by:

(a) Intentionally preventing the older person *or vulnerable person* from receiving his visitors, mail or telephone calls, including, without limitation, communicating to a person who comes to visit the older person *or vulnerable person* or a person who telephones the older person *or vulnerable person* that the older person *or vulnerable person* is not present or does not want to meet with or talk to the visitor or caller knowing that the statement is false, contrary to the express wishes of the older person *or vulnerable person* and intended to prevent the older person *or vulnerable person* from having contact with the visitor; or

(b) Physically restraining the older person *or vulnerable person* to prevent the older person *or vulnerable person* from meeting with



1 a person who comes to visit the older person ~~§~~ *or vulnerable*
2 *person.*

3 ➔ The term does not include an act intended to protect the property
4 or physical or mental welfare of the older person *or vulnerable*
5 *person* or an act performed pursuant to the instructions of a
6 physician of the older person ~~§~~ *or vulnerable person.*

7 4. "Neglect" means the failure of:

8 (a) A person who has assumed legal responsibility or a
9 contractual obligation for caring for an older person *or a vulnerable*
10 *person* or who has voluntarily assumed responsibility for his care to
11 provide food, shelter, clothing or services which are necessary to
12 maintain the physical or mental health of the older person ~~§~~ *or*
13 *vulnerable person;* or

14 (b) An older person *or a vulnerable person* to provide for his
15 own needs because of inability to do so.

16 5. "Older person" means a person who is 60 years of age or
17 older.

18 6. "Protective services" means services the purpose of which is
19 to prevent and remedy the abuse, neglect, exploitation and isolation
20 of older persons. The services may include investigation, evaluation,
21 counseling, arrangement and referral for other services and
22 assistance.

23 7. *"Vulnerable person" means a person 18 years of age or*
24 *older who:*

25 (a) *Suffers from a condition of physical or mental*
26 *incapacitation because of a developmental disability, organic*
27 *brain damage or mental illness; or*

28 (b) *Has one or more physical or mental limitations that restrict*
29 *the ability of the person to perform the normal activities of daily*
30 *living.*

31 **Sec. 5.** NRS 200.5094 is hereby amended to read as follows:

32 200.5094 1. A person may make a report pursuant to NRS
33 200.5093 *or section 2 of this act* by telephone or, in light of all the
34 surrounding facts and circumstances which are known or which
35 reasonably should be known to the person at the time, by any other
36 means of oral, written or electronic communication that a reasonable
37 person would believe, under those facts and circumstances, is a
38 reliable and swift means of communicating information to the
39 person who receives the report. If the report is made orally, the
40 person who receives the report must reduce it to writing as soon as
41 reasonably practicable.

42 2. The report must contain the following information, when
43 possible:

44 (a) The name and address of the older person ~~§~~ *or vulnerable*
45 *person;*



(b) The name and address of the person responsible for his care, if there is one;

(c) The name and address, if available, of the person who is alleged to have abused, neglected, exploited or isolated the older person ~~§~~ *or vulnerable person*;

(d) The nature and extent of the abuse, neglect, exploitation or isolation of the older person ~~§~~ *or vulnerable person*;

(e) Any evidence of previous injuries; and

(f) The basis of the reporter's belief that the older person *or vulnerable person* has been abused, neglected, exploited or isolated.

Sec. 6. NRS 200.5095 is hereby amended to read as follows:

200.5095 1. Reports made pursuant to NRS 200.5093 and 200.5094, *and section 2 of this act*, and records and investigations relating to those reports, are confidential.

2. A person, law enforcement agency or public or private agency, institution or facility who willfully releases data or information concerning the reports and investigation of the abuse, neglect, exploitation or isolation of older persons ~~§~~ *or vulnerable persons*, except:

(a) Pursuant to a criminal prosecution;

(b) Pursuant to NRS 200.50982; or

(c) To persons or agencies enumerated in subsection 3 of this section,

↪ is guilty of a misdemeanor.

3. Except as otherwise provided in subsection 2 and NRS 200.50982, data or information concerning the reports and investigations of the abuse, neglect, exploitation or isolation of an older person *or a vulnerable person* is available only to:

(a) A physician who is providing care to an older person *or a vulnerable person* who may have been abused, neglected, exploited or isolated;

(b) An agency responsible for or authorized to undertake the care, treatment and supervision of the older person ~~§~~ *or vulnerable person*;

(c) A district attorney or other law enforcement official who requires the information in connection with an investigation of the abuse, neglect, exploitation or isolation of the older person ~~§~~ *or vulnerable person*;

(d) A court which has determined, in camera, that public disclosure of such information is necessary for the determination of an issue before it;

(e) A person engaged in bona fide research, but the identity of the subjects of the report must remain confidential;

(f) A grand jury upon its determination that access to such records is necessary in the conduct of its official business;



(g) Any comparable authorized person or agency in another jurisdiction;

(h) A legal guardian of the older person ~~§~~ *or vulnerable person*, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation or isolation of the older person *or vulnerable person* to the public agency is protected, and the legal guardian of the older person *or vulnerable person* is not the person suspected of such abuse, neglect, exploitation or isolation;

(i) If the older person *or vulnerable person* is deceased, the executor or administrator of his estate, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation or isolation of the older person *or vulnerable person* to the public agency is protected, and the executor or administrator is not the person suspected of such abuse, neglect, exploitation or isolation; or

(j) The older person *or vulnerable person* named in the report as allegedly being abused, neglected, exploited or isolated, if that person is not legally incompetent.

4. If the person who is reported to have abused, neglected, exploited or isolated an older person *or a vulnerable person* is the holder of a license or certificate issued pursuant to chapters 449, 630 to 641B, inclusive, or 654 of NRS, information contained in the report must be submitted to the board that issued the license.

Sec. 7. NRS 200.50955 is hereby amended to read as follows:

200.50955 A law enforcement agency shall promptly seek to obtain a warrant for the arrest of any person the agency has probable cause to believe is criminally responsible for the abuse, neglect, exploitation or isolation of an older person ~~§~~ *or a vulnerable person*.

Sec. 8. NRS 200.5096 is hereby amended to read as follows:

200.5096 Immunity from civil or criminal liability extends to every person who, pursuant to NRS 200.5091 to 200.50995, inclusive, *and section 2 of this act*, in good faith:

1. Participates in the making of a report;

2. Causes or conducts an investigation of alleged abuse, neglect, exploitation or isolation of an older person ~~§~~ *or a vulnerable person*; or

3. Submits information contained in a report to a licensing board pursuant to subsection 4 of NRS 200.5095.

Sec. 9. NRS 200.5097 is hereby amended to read as follows:

200.5097 In any proceeding resulting from a report made or action taken pursuant to NRS 200.5091 to 200.50995, inclusive, *and section 2 of this act*, or in any other proceeding, the report or its contents or any other fact related thereto or to the condition of the



1 older person *or vulnerable person* who is the subject of the report
2 may not be excluded on the ground that the matter would otherwise
3 be privileged against disclosure under chapter 49 of NRS.

4 **Sec. 10.** NRS 200.50982 is hereby amended to read as
5 follows:

6 200.50982 The provisions of NRS 200.5091 to 200.50995,
7 inclusive, *and section 2 of this act*, do not prohibit an agency which
8 is investigating a report of abuse, neglect, exploitation or isolation,
9 or which provides protective services, from disclosing data or
10 information concerning the reports and investigations of the abuse,
11 neglect, exploitation or isolation of an older person *or a vulnerable*
12 *person* to other federal, state or local agencies or the legal
13 representatives of the older person *or vulnerable person* on whose
14 behalf the investigation is being conducted if:

15 1. The agency making the disclosure determines that the
16 disclosure is in the best interest of the older person ~~§~~ *or vulnerable*
17 *person*; and

18 2. Proper safeguards are taken to ensure the confidentiality of
19 the information.

20 **Sec. 11.** NRS 200.5099 is hereby amended to read as follows:

21 200.5099 1. Except as otherwise provided in subsection 6,
22 any person who abuses an older person *or a vulnerable person* is
23 guilty:

24 (a) For the first offense, of a gross misdemeanor; or

25 (b) For any subsequent offense or if the person has been
26 previously convicted of violating a law of any other jurisdiction that
27 prohibits the same or similar conduct, of a category B felony and
28 shall be punished by imprisonment in the state prison for a
29 minimum term of not less than 2 years and a maximum term of not
30 more than 6 years, unless a more severe penalty is prescribed by law
31 for the act or omission which brings about the abuse.

32 2. Except as otherwise provided in subsection 7, any person
33 who has assumed responsibility, legally, voluntarily or pursuant to a
34 contract, to care for an older person *or a vulnerable person* and
35 who:

36 (a) Neglects the older person ~~§~~ *or vulnerable person*, causing
37 the older person *or vulnerable person* to suffer physical pain or
38 mental suffering;

39 (b) Permits or allows the older person *or vulnerable person* to
40 suffer unjustifiable physical pain or mental suffering; or

41 (c) Permits or allows the older person *or vulnerable person* to
42 be placed in a situation where the older person *or vulnerable person*
43 may suffer physical pain or mental suffering as the result of abuse or
44 neglect,



1 ➡ is guilty of a gross misdemeanor unless a more severe penalty is
2 prescribed by law for the act or omission which brings about the
3 abuse or neglect.

4 3. Except as otherwise provided in subsection 4, any person
5 who exploits an older person *or a vulnerable person* shall be
6 punished, if the value of any money, assets and property obtained or
7 used:

8 (a) Is less than \$250, for a misdemeanor by imprisonment in the
9 county jail for not more than 1 year, or by a fine of not more than
10 \$2,000, or by both fine and imprisonment;

11 (b) Is at least \$250, but less than \$5,000, for a category B felony
12 by imprisonment in the state prison for a minimum term of not less
13 than 2 years and a maximum term of not more than 10 years, or by a
14 fine of not more than \$10,000, or by both fine and imprisonment; or

15 (c) Is \$5,000 or more, for a category B felony by imprisonment
16 in the state prison for a minimum term of not less than 2 years and a
17 maximum term of not more than 20 years, or by a fine of not more
18 than \$25,000, or by both fine and imprisonment,

19 ➡ unless a more severe penalty is prescribed by law for the act
20 which brought about the exploitation. The monetary value of all of
21 the money, assets and property of the older person *or vulnerable*
22 *person* which have been obtained or used, or both, may be
23 combined for the purpose of imposing punishment for an offense
24 charged pursuant to this subsection.

25 4. If a person exploits an older person *or a vulnerable person*
26 and the monetary value of any money, assets and property obtained
27 cannot be determined, the person shall be punished for a gross
28 misdemeanor by imprisonment in the county jail for not more than 1
29 year, or by a fine of not more than \$2,000, or by both fine and
30 imprisonment.

31 5. Any person who isolates an older person *or a vulnerable*
32 *person* is guilty:

33 (a) For the first offense, of a gross misdemeanor; or

34 (b) For any subsequent offense, of a category B felony and shall
35 be punished by imprisonment in the state prison for a minimum
36 term of not less than 2 years and a maximum term of not more than
37 10 years, and may be further punished by a fine of not more than
38 \$5,000.

39 6. A person who violates any provision of subsection 1, if
40 substantial bodily or mental harm or death results to the older person
41 *or vulnerable person*, is guilty of a category B felony and shall
42 be punished by imprisonment in the state prison for a minimum
43 term of not less than 2 years and a maximum term of not more than
44 20 years, unless a more severe penalty is prescribed by law for the
45 act or omission which brings about the abuse.



7. A person who violates any provision of subsection 2, if substantial bodily or mental harm or death results to the older person ~~or a vulnerable person~~, shall be punished 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 6 years, unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse or neglect.

8. In addition to any other penalty imposed against a person for a violation of any provision of NRS 200.5091 to 200.50995, inclusive, the court shall order the person to pay restitution.

9. As used in this section:

(a) "Allow" means to take no action to prevent or stop the abuse or neglect of an older person ~~or a vulnerable person~~ if the person knows or has reason to know that the older person ~~or vulnerable person~~ is being abused or neglected.

(b) "Permit" means permission that a reasonable person would not grant and which amounts to a neglect of responsibility attending the care and custody of an older person ~~or a vulnerable person~~.

(c) "Substantial mental harm" means an injury to the intellectual or psychological capacity or the emotional condition of an older person ~~or a vulnerable person~~ as evidenced by an observable and substantial impairment of the ability of the older person ~~or vulnerable person~~ to function within his normal range of performance or behavior.

Sec. 12. NRS 200.50995 is hereby amended to read as follows:

200.50995 A person who conspires with another to commit abuse, exploitation or isolation of an older person ~~or a vulnerable person~~ as prohibited by NRS 200.5099 shall be punished:

1. For the first offense, for a gross misdemeanor.

2. For the second and all subsequent offenses, for a category C felony as provided in NRS 193.130.

➔ Each person found guilty of such a conspiracy is jointly and severally liable for the restitution ordered by the court pursuant to NRS 200.5099 with each other person found guilty of the conspiracy.

Sec. 13. NRS 207.014 is hereby amended to read as follows:

207.014 1. A person who:

(a) Has been convicted in this State of any felony committed on or after July 1, 1995, of which fraud or intent to defraud is an element; and

(b) Has previously been two times convicted, whether in this State or elsewhere, of any felony of which fraud or intent to defraud is an element before the commission of the felony under paragraph (a) of this subsection,



1 ➤ is a habitually fraudulent felon and shall be punished for a
2 category B felony by imprisonment in the state prison for a
3 minimum term of not less than 5 years and a maximum term of not
4 more than 20 years, if the victim of each offense was an older
5 person, ~~or~~ a mentally disabled *person or a vulnerable* person.

6 2. The prosecuting attorney shall include a count under this
7 section in any information or shall file a notice of habitually
8 fraudulent felon if an indictment is found, if the prior convictions
9 and the alleged offense committed by the accused are felonies of
10 which fraud or intent to defraud is an element and the victim of each
11 offense was:

12 (a) An older person; ~~or~~

13 (b) A mentally disabled person ~~or~~; *or*

14 (c) *A vulnerable person.*

15 3. The trial judge may not dismiss a count under this section
16 that is included in an indictment or information.

17 4. As used in this section:

18 (a) "Mentally disabled person" means a person who has a
19 mental impairment which is medically documented and substantially
20 limits one or more of the person's major life activities. The term
21 includes, but is not limited to, a person who:

22 (1) Is mentally retarded;

23 (2) Suffers from a severe mental or emotional illness;

24 (3) Has a severe learning disability; or

25 (4) Is experiencing a serious emotional crisis in his life as a
26 result of the fact that he or a member of his immediate family has a
27 catastrophic illness.

28 (b) "Older person" means a person who is:

29 (1) Sixty-five years of age or older if the crime was
30 committed before October 1, 2003.

31 (2) Sixty years of age or older if the crime was committed on
32 or after October 1, 2003.

33 (c) *"Vulnerable person" has the meaning ascribed to it in*
34 *subsection 7 of NRS 200.5092.*

35 **Sec. 14.** NRS 49.2549 is hereby amended to read as follows:

36 49.2549 There is no privilege pursuant to NRS 49.2547 if:

37 1. The purpose of the victim in seeking services from a
38 victim's advocate is to enable or aid any person to commit or plan to
39 commit what the victim knows or reasonably should have known is
40 a crime or fraud;

41 2. The communication concerns a report of abuse or neglect of
42 a child, ~~or~~ older person *or vulnerable person* in violation of NRS
43 200.508 or 200.5093, *or section 2 of this act*, but only as to that
44 portion of the communication;



3. The communication is relevant to an issue of breach of duty by the victim's advocate to the victim or by the victim to the victim's advocate; or

4. Disclosure of the communication is otherwise required by law.

Sec. 15. NRS 176.0913 is hereby amended to read as follows:

176.0913 1. If a defendant is convicted of an offense listed in subsection 4, the court, at sentencing, shall order that:

(a) The name, social security number, date of birth and any other information identifying the defendant be submitted to the Central Repository for Nevada Records of Criminal History; and

(b) A biological specimen be obtained from the defendant pursuant to the provisions of this section and that the specimen be used for an analysis to determine the genetic markers of the specimen.

2. If the defendant is committed to the custody of the Department of Corrections, the Department of Corrections shall arrange for the biological specimen to be obtained from the defendant. The Department of Corrections shall provide the specimen to the forensic laboratory that has been designated by the county in which the defendant was convicted to conduct or oversee genetic marker testing for the county pursuant to NRS 176.0917.

3. If the defendant is not committed to the custody of the Department of Corrections, the Division shall arrange for the biological specimen to be obtained from the defendant. The Division shall provide the specimen to the forensic laboratory that has been designated by the county in which the defendant was convicted to conduct or oversee genetic marker testing for the county pursuant to NRS 176.0917. Any cost that is incurred to obtain a biological specimen from a defendant pursuant to this subsection is a charge against the county in which the defendant was convicted and must be paid as provided in NRS 176.0915.

4. Except as otherwise provided in subsection 5, the provisions of subsection 1 apply to a defendant who is convicted of:

(a) A category A felony;

(b) A category B felony;

(c) A category C felony involving the use or threatened use of force or violence against the victim;

(d) A crime against a child as defined in NRS 179D.210;

(e) A sexual offense as defined in NRS 179D.410;

(f) Abuse or neglect of an older person *or a vulnerable person* pursuant to NRS 200.5099;

(g) A second or subsequent offense for stalking pursuant to NRS 200.575;



1 (h) An attempt or conspiracy to commit an offense listed in
2 paragraphs (a) to (g), inclusive;

3 (i) Failing to register with a local law enforcement agency as a
4 convicted person as required pursuant to NRS 179C.100, if the
5 defendant previously was:

6 (1) Convicted in this State of committing an offense listed in
7 paragraph (a), (b), (c), (f), (g) or (h); or

8 (2) Convicted in another jurisdiction of committing an
9 offense that would constitute an offense listed in paragraph (a), (b),
10 (c), (f), (g) or (h) if committed in this State;

11 (j) Failing to register with a local law enforcement agency after
12 being convicted of a crime against a child as required pursuant to
13 NRS 179D.240; or


14 (k) Failing to register with a local law enforcement agency after
15 being convicted of a sexual offense as required pursuant to
16 NRS 179D.450.

17 5. A court shall not order a biological specimen to be obtained
18 from a defendant who has previously submitted such a specimen for
19 conviction of a prior offense unless the court determines that an
20 additional sample is necessary.

21 **Sec. 16.** NRS 388.880 is hereby amended to read as follows:

22 388.880 1. Except as otherwise provided in subsection 2, if
23 any person who knows or has reasonable cause to believe that
24 another person has made a threat of violence against a school
25 official, school employee or pupil reports in good faith that threat of
26 violence to a school official, teacher, school police officer, local law
27 enforcement agency or potential victim of the violence that is
28 threatened, the person who makes the report is immune from civil
29 liability for any act or omission relating to that report. Such a person
30 is not immune from civil liability for any other act or omission
31 committed by the person as a part of, in connection with or as a
32 principal, accessory or conspirator to the violence, regardless of the
33 nature of the other act or omission.

34 2. The provisions of this section do not apply to a person who:

35 (a) Is acting in his professional or occupational capacity and is
36 required to make a report pursuant to NRS 200.5093 or 432B.220 
37 *and section 2 of this act.*

38 (b) Is required to make a report concerning the commission of a
39 violent or sexual offense against a child pursuant to NRS 202.882.

40 3. As used in this section:

41 (a) "Reasonable cause to believe" means, in light of all the
42 surrounding facts and circumstances which are known, a reasonable
43 person would believe, under those facts and circumstances, that an
44 act, transaction, event, situation or condition exists, is occurring or
45 has occurred.



(b) "School employee" means a licensed or unlicensed person who is employed by:

(1) A board of trustees of a school district pursuant to NRS 391.100; or

(2) The governing body of a charter school.

(c) "School official" means:

(1) A member of the board of trustees of a school district.

(2) A member of the governing body of a charter school.

(3) An administrator employed by the board of trustees of a school district or the governing body of a charter school.

(d) "Teacher" means a person employed by the:

(1) Board of trustees of a school district to provide instruction or other educational services to pupils enrolled in public schools of the school district.

(2) Governing body of a charter school to provide instruction or other educational services to pupils enrolled in the charter school.

Sec. 17. NRS 394.177 is hereby amended to read as follows:

394.177 1. Except as otherwise provided in subsection 2, if any person who knows or has reasonable cause to believe that another person has made a threat of violence against a school official, school employee or pupil reports in good faith that threat of violence to a school official, teacher, school police officer, local law enforcement agency or potential victim of the violence that is threatened, the person who makes the report is immune from civil liability for any act or omission relating to that report. Such a person is not immune from civil liability for any other act or omission committed by the person as a part of, in connection with or as a principal, accessory or conspirator to the violence, regardless of the nature of the other act or omission.

2. The provisions of this section do not apply to a person who:

(a) Is acting in his professional or occupational capacity and is required to make a report pursuant to NRS 200.5093 or 432B.220 ~~and~~ *and section 2 of this act.*

(b) Is required to make a report concerning the commission of a violent or sexual offense against a child pursuant to NRS 202.882.

3. As used in this section:

(a) "Reasonable cause to believe" means, in light of all the surrounding facts and circumstances which are known, a reasonable person would believe, under those facts and circumstances, that an act, transaction, event, situation or condition exists, is occurring or has occurred.

(b) "School employee" means a licensed or unlicensed person, other than a school official, who is employed by a private school.

(c) "School official" means:

(1) An owner of a private school.



(2) A director of a private school.

(3) A supervisor at a private school.

(4) An administrator at a private school.

(d) "Teacher" means a person employed by a private school to provide instruction and other educational services to pupils enrolled in the private school.

Sec. 18. NRS 640B.700 is hereby amended to read as follows:

640B.700 1. The Board may refuse to issue a license to an applicant, or may take disciplinary action against a licensee, if, after notice and a hearing, the Board determines that the applicant or licensee:

(a) Has submitted false or misleading information to the Board or any agency of this State, any other state, the Federal Government or the District of Columbia;

(b) Has violated any provision of this chapter or any regulation adopted pursuant thereto;

(c) Has been convicted of a felony, a crime relating to a controlled substance or a crime involving moral turpitude;

(d) Is addicted to alcohol or any controlled substance;

(e) Has violated the provisions of NRS 200.5093 or 432B.220

~~§~~ *or section 2 of this act;*

(f) Is guilty of gross negligence in his practice as an athletic trainer;

(g) Is not competent to engage in the practice of athletic training;

(h) Has failed to provide information requested by the Board within 60 days after he received the request;

(i) Has engaged in unethical or unprofessional conduct as it relates to the practice of athletic training;

(j) Has been disciplined in another state, a territory or possession of the United States, or the District of Columbia for conduct that would be a violation of the provisions of this chapter or any regulations adopted pursuant thereto if the conduct were committed in this State;

(k) Has solicited or received compensation for services that he did not provide;

(l) If the licensee is on probation, has violated the terms of his probation; or

(m) Has terminated his professional services to a client in a manner that detrimentally affected that client.

2. The Board may, if it determines that an applicant for a license or a licensee has committed any of the acts set forth in subsection 1, after notice and a hearing:

(a) Refuse to issue a license to the applicant;

(b) Refuse to renew or restore the license of the licensee;



- 1 (c) Suspend or revoke the license of the licensee;
- 2 (d) Place the licensee on probation;
- 3 (e) Impose an administrative fine of not more than \$5,000;
- 4 (f) Require the applicant or licensee to pay the costs incurred by
- 5 the Board to conduct the investigation and hearing; or
- 6 (g) Impose any combination of actions set forth in paragraphs
- 7 (a) to (f), inclusive.



