

**Amendment No. 316**

Assembly Amendment to Assembly Bill No. 267

(BDR 15-1244)

**Proposed by:** Committee on Judiciary**Amendment Box:****Resolves Conflicts with:** N/A**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____
Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____

Amend the bill as a whole by renumbering sections 2 and 3 as sections 3 and 4 and adding a new section designated sec. 2, following section 1, to read as follows:

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

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

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

RRY/RBL

Date: 4/18/2005

A.B. No. 267—Prohibits abuse, neglect, exploitation or isolation of vulnerable person.

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

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

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

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

*(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation or isolation of a vulnerable person by a member of the staff of the hospital.*

*(c) A coroner.*

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

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

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

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

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

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

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

*(k) Every social worker.*

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

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

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

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

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

Amend sec. 3, page 3, line 20, after “inclusive,” by inserting:

***“and section 2 of this act”.***

Amend sec. 3, page 4, by deleting line 35 and inserting:

***“of older persons. The services may”.***

Amend sec. 3, pages 4 and 5, by deleting lines 38 through 44 on page 4 and lines 1 and 2 on page 5, and inserting:

***“7. “Vulnerable person” means a person 18 years of age or older who:***

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

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

Amend the bill as a whole by deleting sec. 4.

Amend sec. 5, page 7, line 16, after “200.5093” by inserting:

***“or section 2 of this act”.***

Amend sec. 6, page 7, line 40, after “200.5094,” by inserting:

***“and section 2 of this act,”.***

Amend sec. 8, page 9, line 18, after “inclusive,” by inserting:

***“and section 2 of this act,”.***

Amend sec. 9, page 9, line 27, after “inclusive,” by inserting:

***“and section 2 of this act,”***.

Amend the bill as a whole by deleting sec. 10 and renumbering sec. 11 as sec. 10.

Amend sec. 11, page 10, line 28, after “inclusive,” by inserting:

***“and section 2 of this act,”***.

Amend the bill as a whole by deleting sections 12 and 13 and renumbering sections 14 through 18 as sections 11 through 15.

Amend sec. 16, page 14, by deleting line 26 and inserting:

“person , ~~for~~ a mentally disabled ***person or a vulnerable*** person.”.

Amend sec. 16, page 14, by deleting lines 33 and 34 and inserting:

“(a) An older person; ~~for~~

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

***(c) A vulnerable person.”***.

Amend sec. 16, pages 14 and 15, lines 38 through 44 on page 14 and lines 1 through 4 on page 15, by deleting the brackets and strike-through.

Amend sec. 16, page 15, line 9, by deleting “(b)” and inserting “(c)”.

Amend sec. 17, page 15, line 19, after “200.5093,” by inserting:

***“or section 2 of this act,”***.

Amend the bill as a whole by adding new sections designated sections 16 through 18, following sec. 18, to read as follows:

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

388.880 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 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 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 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;
- (c) Suspend or revoke the license of the licensee;
- (d) Place the licensee on probation;
- (e) Impose an administrative fine of not more than \$5,000;

(f) Require the applicant or licensee to pay the costs incurred by the Board to conduct the investigation and hearing; or

(g) Impose any combination of actions set forth in paragraphs (a) to (f), inclusive.”.

**If this amendment is adopted, the Legislative  
Counsel's Digest will be changed to read as follows:**

**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.