

ASSEMBLY BILL NO. 72—ASSEMBLYWOMAN GANSERT

PREFILED FEBRUARY 2, 2007

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing the crime of luring a child. (BDR 15-956)

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; specifying that the crime of luring a child includes luring a person believed to be a child; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law prohibits a person from luring a child who is less than 16 years of age and who is at least 5 years younger than the person. (NRS 201.560) This bill amends existing law to specify that a person violates this provision when he knowingly contacts or communicates with or attempts to contact or communicate with someone whom he believes to be a child less than 16 years of age and at least 5 years younger than the person.

A violation of the amendatory provisions of this bill constitutes the crime of luring a child and is considered a “sexual offense” or “sexual offense against a child” in certain circumstances for the purposes of several provisions of existing law. Such provisions include, without limitation, provisions requiring registration of sex offenders, community notification of sex offenders, lifetime supervision of sex offenders and special restrictions and conditions concerning parole of sex offenders as well as provisions specifically authorizing disciplinary action against a teacher or other licensed employee of a school convicted of the crime of luring a child. (NRS 62C.120, 62F.100, 62H.010, 62H.220, 176.0931, 176.133, 178.5698, 179.245, 179.460, 179A.073, 179A.280, 179D.410, 179D.620, 200.366, 213.107, 213.1214, 213.1245, 213.1255, 213.1258, 391.311, 391.314, 391.330) Thus, for example, NRS 176.0931 would require a court to impose lifetime supervision upon a person convicted of luring or attempting to lure a person whom he believed to be a child. Further, NRS 213.1258 would provide that if the State Board of Parole



Commissioners grants parole to a person convicted of luring or attempting to lure a person whom he believed to be a child through the use of a computer, system or network, the Board, under certain circumstances, must impose as a condition of the parole that the parolee not own or use a computer. In addition, NRS 391.330 would provide that a conviction for luring or attempting to lure a person believed to be a child constitutes grounds for the State Board of Education to suspend or revoke the license of a teacher, administrator or any other licensed employee.

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

Section 1. NRS 201.560 is hereby amended to read as follows:
201.560 1. Except as otherwise provided in subsection 3, a person ~~{shall not knowingly contact or communicate with or attempt}~~ *commits the crime of luring a child if the person knowingly contacts or communicates with or attempts* to contact or communicate with ~~{a}~~ :

(a) A child who is less than 16 years of age and who is at least 5 years younger than the person with the intent to persuade, lure or transport the child away from his home or from any location known to his parent or guardian or other person legally responsible for the child to a place other than where the child is located, for any purpose:

~~{(a)}~~ (1) Without the express consent of the parent or guardian or other person legally responsible for the child; and

~~{(b)}~~ (2) With the intent to avoid the consent of the parent or guardian or other person legally responsible for the child ~~{; or}~~

(b) Another person whom he believes to be a child who is less than 16 years of age and who is at least 5 years younger than him, regardless of the actual age of that other person, with the intent to commit an act described in paragraph (a) against that other person.

2. Except as otherwise provided in subsection 3, a person ~~{shall not knowingly contact or communicate}~~ *commits the crime of luring a mentally ill person if he knowingly contacts or communicates* with a mentally ill person with the intent to persuade, lure or transport the mentally ill person away from his home or from any location known to any person legally responsible for the mentally ill person to a place other than where the mentally ill person is located:

(a) For any purpose that a reasonable person under the circumstances would know would endanger the health, safety or welfare of the mentally ill person;

(b) Without the express consent of the person legally responsible for the mentally ill person; and



(c) With the intent to avoid the consent of the person legally responsible for the mentally ill person.

3. The provisions of this section do not apply if the contact or communication is made or attempted with the intent to prevent imminent bodily, emotional or psychological harm to the child , **person believed to be a child** or mentally ill person.

4. A person who violates or attempts to violate the provisions of this section through the use of a computer, system or network:

(a) With the intent to engage in sexual conduct with the child , **person believed to be a child** or mentally ill person or to cause the child , **person believed to be a child** or mentally ill person to engage in sexual conduct, 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 10 years and may be further punished by a fine of not more than \$10,000;

(b) By providing the child , **person believed to be a child** or mentally ill person with material that is harmful to minors or requesting the child , **person believed to be a child** or mentally ill person to provide the person with material that is harmful to minors, is guilty of a category C felony and shall be punished as provided in NRS 193.130; or

(c) If paragraph (a) or (b) does not apply, is guilty of a gross misdemeanor.

5. A person who violates or attempts to violate the provisions of this section in a manner other than through the use of a computer, system or network:

(a) With the intent to engage in sexual conduct with the child , **person believed to be a child** or mentally ill person or to cause the child , **person believed to be a child** or mentally ill person to engage in sexual conduct, 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 2 years and a maximum term of not more than 15 years and may be further punished by a fine of not more than \$10,000;

(b) By providing the child , **person believed to be a child** or mentally ill person with material that is harmful to minors or requesting the child , **person believed to be a child** or mentally ill person to provide the person with material that is harmful to minors, 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 \$10,000; or

(c) If paragraph (a) or (b) does not apply, is guilty of a gross misdemeanor.

6. As used in this section:

(a) "Computer" has the meaning ascribed to it in NRS 205.4735.



(b) “Harmful to minors” has the meaning ascribed to it in NRS 201.257.

(c) “Material” means anything that is capable of being used or adapted to arouse interest, whether through the medium of reading, observation, sound or in any other manner.

(d) “Mentally ill person” means a person who has any mental dysfunction leading to impaired ability to maintain himself and to function effectively in his life situation without external support.

(e) “Network” has the meaning ascribed to it in NRS 205.4745.

(f) “Sexual conduct” has the meaning ascribed to it in NRS 201.520.

(g) “System” has the meaning ascribed to it in NRS 205.476.

