

ASSEMBLY BILL NO. 83—ASSEMBLYMEN OHRENSCHALL, LESLIE, DENIS, PARKS, ANDERSON, ARBERRY, BEERS, BOBZIEN, BUCKLEY, CLABORN, CONKLIN, GERHARDT, HOGAN, HORNE, KIHUEN, KOIVISTO, MANENDO, MCCLAIN, MORTENSON, OCEGUERA, PIERCE, SMITH AND WOMACK

FEBRUARY 8, 2007

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing criminal and civil liability for crimes motivated by the actual or perceived status of the victim as a homeless person. (BDR 15-533)

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; providing an additional penalty for specified crimes motivated by the victim's actual or perceived status as a homeless person; expanding provisions governing civil liability for certain crimes to include crimes motivated by the victim's actual or perceived status as a homeless person; expanding the program for reporting crimes motivated by certain characteristics of the victim within the Central Repository for Nevada Records of Criminal History; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law provides for an additional penalty when a person commits certain
- 2 "hate crimes" in which the perpetrator of the crime is motivated by certain actual or
- 3 perceived characteristics of the victim. (NRS 193.1675) **Section 1** of this bill
- 4 expands the scope of that provision to provide that the additional penalty may also
- 5 be imposed for certain hate crimes committed against a person whom the
- 6 perpetrator believed to be a homeless person.



* A B 8 3 R 1 *

Section 3 of this bill provides that, unless a greater penalty is provided, certain hate crimes committed against such a victim are gross misdemeanors. (NRS 207.185)

Section 4 of this bill expands the provisions permitting recovery of actual and punitive damages in a civil suit by a victim of a hate crime to include recovery against a perpetrator who acted because of the victim's actual or perceived status as a homeless person. (NRS 41.690)

Section 5 of this bill adds crimes committed based on the victim's actual or perceived status as a homeless person to the types of hate crimes for which the Program for Reporting Crimes of the Central Repository for Nevada Records of Criminal History must collect, compile and analyze statistical data. (NRS 179A.175)

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

Section 1. NRS 193.1675 is hereby amended to read as follows:

193.1675 1. Except as otherwise provided in NRS 193.169, any person who willfully violates any provision of NRS 200.280, 200.310, 200.366, 200.380, 200.400, 200.460 to 200.465, inclusive, paragraph (b) of subsection 2 of NRS 200.471, NRS 200.508, 200.5099 or subsection 2 of NRS 200.575 because the actual or perceived race, color, religion, national origin, physical or mental disability, ~~for~~ sexual orientation *or status as a homeless person* of the victim was different from that characteristic of the perpetrator may be punished by imprisonment in the state prison for an additional term not to exceed 25 percent of the term of imprisonment prescribed by statute for the crime.

2. This section does not create a separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

3. As used in this section, "homeless person" means a person whose primary nighttime residence is:

(a) Any supervised publicly or privately operated shelter designed to provide temporary living accommodations, including, without limitation, a motel, hotel, congregate shelter and transitional housing; or

(b) Any public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 207.185 is hereby amended to read as follows:

207.185 1. Unless a greater penalty is provided by law, a person who, by reason of the actual or perceived race, color, religion, national origin, physical or mental disability, ~~for~~ sexual orientation *or status as a homeless person* of another person or



1 group of persons, willfully violates any provision of NRS 200.471,
2 200.481, 200.5099, 200.571, 200.575, 203.010, 203.020, 203.030,
3 203.060, 203.080, 203.090, 203.100, 203.110, 203.119, 206.010,
4 206.040, 206.140, 206.200, 206.310, 207.180, 207.200 or 207.210 is
5 guilty of a gross misdemeanor.

6 **2. As used in this section, the term “homeless person” has the**
7 **meaning ascribed to it in NRS 193.1675.**

8 **Sec. 4.** NRS 41.690 is hereby amended to read as follows:

9 41.690 1. A person who has suffered injury as the proximate
10 result of the willful violation of the provisions of NRS 200.280,
11 200.310, 200.366, 200.380, 200.400, 200.460, 200.463, 200.464,
12 200.465, 200.471, 200.481, 200.508, 200.5099, 200.571, 200.575,
13 203.010, 203.020, 203.030, 203.060, 203.080, 203.090, 203.100,
14 203.110, 203.119, 206.010, 206.040, 206.140, 206.200, 206.310,
15 207.180, 207.200 or 207.210 by a perpetrator who was motivated by
16 the injured person’s actual or perceived race, color, religion,
17 national origin, physical or mental disability, ~~for~~ sexual orientation
18 **or status as a homeless person** may bring an action for the recovery
19 of his actual damages and any punitive damages which the facts
20 may warrant. If the person who has suffered injury prevails in an
21 action brought pursuant to this subsection, the court shall award him
22 costs and reasonable attorney’s fees.

23 2. The liability imposed by this section is in addition to any
24 other liability imposed by law.

25 **3. As used in this section, the term “homeless person” has the**
26 **meaning ascribed to it in NRS 193.1675.**

27 **Sec. 5.** NRS 179A.175 is hereby amended to read as follows:

28 179A.175 1. The Director of the Department shall establish
29 within the Central Repository a Program for Reporting Crimes that
30 manifest evidence of prejudice based on race, color, religion,
31 national origin, physical or mental disability, ~~for~~ sexual orientation
32 **or status as a homeless person.**

33 2. The Program must be designed to collect, compile and
34 analyze statistical data about crimes that manifest evidence of
35 prejudice based on race, color, religion, national origin, physical or
36 mental disability, ~~for~~ sexual orientation ~~or~~ **or status as a homeless**
37 **person.** The Director shall adopt guidelines for the collection of the
38 statistical data, including, but not limited to, the criteria to establish
39 the presence of prejudice.

40 3. The Criminal Repository shall include in its annual report to
41 the Governor pursuant to subsection 6 of NRS 179A.075, and in any
42 other appropriate report, an independent section relating solely to
43 the analysis of crimes that manifest evidence of prejudice based on
44 race, color, religion, national origin, physical or mental disability, ~~for~~
45 ~~sexual orientation~~ **or status as a homeless person.**



- 1 4. Data acquired pursuant to this section must be used only for
- 2 research or statistical purposes and must not contain any information
- 3 that may reveal the identity of an individual victim of a crime.
- 4 5. *As used in this section, the term “homeless person” has the*
- 5 *meaning ascribed to it in NRS 193.1675.*

