

ASSEMBLY BILL NO. 315—ASSEMBLYMEN WOODBURY, GANSERT;
AIZLEY, BOBZIEN, CARPENTER, CHRISTENSEN, COBB,
DONDERO LOOP, GOEDHART, GOICOECHEA, GRADY,
GUSTAVSON, HAMBRICK, HARDY, KIHUEN, KIRKPATRICK,
MANENDO, MCARTHUR, MUNFORD, OHRENSCHALL,
SETTELMAYER AND STEWART

MARCH 12, 2009

JOINT SPONSORS: SENATORS LEE, WIENER; BREEDEN,
COPENING, HARDY AND PARKS

Referred to Committee on Judiciary

SUMMARY—Revises the provisions pertaining to crimes relating
to pornography involving minors. (BDR 15-880)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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; revising the provisions pertaining to
crimes relating to pornography involving minors;
providing a penalty; and providing other matters properly
relating thereto.

Legislative Counsel's Digest:

Existing law provides that a person is guilty of a category A felony if the person knowingly "promotes" child pornography. (NRS 200.720) For the purposes of this crime, the term "promote" means to "produce, direct, procure, manufacture, sell, give, lend, publish, distribute, exhibit, advertise or possess for the purpose of distribution." (NRS 200.700) Existing law also provides that a person is guilty of a category B felony if the person "prepares, advertises or distributes" child pornography. (NRS 200.725) Because the acts of advertising and distributing child pornography are already encompassed within the prohibition against promoting child pornography, **section 1** of this bill removes from existing law the specific references to the acts of advertising and distributing child pornography.

Existing law also prohibits a person from knowingly and willfully possessing child pornography. (NRS 200.730) **Section 2** of this bill expands this prohibition to include the act of accessing child pornography with the intent to view the child pornography.



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

1 **Section 1.** NRS 200.725 is hereby amended to read as follows:

2 200.725 A person who knowingly prepares ~~[-, advertises or~~
3 ~~distributes]~~ any item or material that depicts a minor engaging in, or
4 simulating, or assisting others to engage in or simulate, sexual
5 conduct is guilty of a category B felony and shall be punished by
6 imprisonment in the state prison for a minimum term of not less
7 than 1 year and a maximum term of not more than 15 years, or by a
8 fine of not more than \$15,000, or by both fine and imprisonment.

9 **Sec. 2.** NRS 200.730 is hereby amended to read as follows:

10 200.730 A person who knowingly and willfully has in his
11 possession *or who, with the intent to view, accesses* for any purpose
12 any film, photograph or other visual presentation depicting a person
13 under the age of 16 years as the subject of a sexual portrayal or
14 engaging in or simulating, or assisting others to engage in or
15 simulate, sexual conduct:

16 1. For the first offense, is guilty of a category B felony and
17 shall be punished by imprisonment in the state prison for a
18 minimum term of not less than 1 year and a maximum term of not
19 more than 6 years, and may be further punished by a fine of not
20 more than \$5,000.

21 2. For any subsequent offense, is guilty of a category A felony
22 and shall be punished by imprisonment in the state prison for a
23 minimum term of not less than 1 year and a maximum term of life
24 with the possibility of parole, and may be further punished by a fine
25 of not more than \$5,000.

26 **Sec. 3.** NRS 179A.073 is hereby amended to read as follows:

27 179A.073 1. "Sexual offense" includes acts upon a child
28 constituting:

29 (a) Sexual assault under NRS 200.366;

30 (b) Statutory sexual seduction under NRS 200.368;

31 (c) Use of a minor in producing pornography under
32 NRS 200.710;

33 (d) Promotion of a sexual performance of a minor under
34 NRS 200.720;

35 (e) Possession *or accessing* of a visual presentation depicting
36 the sexual conduct of a child under NRS 200.730;

37 (f) Incest under NRS 201.180;

38 (g) Solicitation of a minor to engage in the infamous crime
39 against nature under NRS 201.195;

40 (h) Lewdness with a child under NRS 201.230; or



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- 1 (i) Luring a child or a person with mental illness pursuant to
- 2 NRS 201.560, if punished as a felony.
- 3 2. “Sexual offense” also includes acts committed outside the
- 4 State that would constitute any of the offenses in subsection 1 if
- 5 committed in the State, and the aiding, abetting, attempting or
- 6 conspiring to engage in any of the offenses in subsection 1.

