

ASSEMBLY BILL NO. 93—COMMITTEE ON JUDICIARY
(ON BEHALF OF THE DEPARTMENT OF PUBLIC SAFETY)

PREFILED DECEMBER 15, 2008

Referred to Committee on Judiciary

SUMMARY—Revises the definition of the crime of assault.
(BDR 15-313)

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.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to crimes; revising the definition of the crime of assault; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 This bill revises the definition of the crime of assault by expanding the current
2 definition to include unlawfully attempting to use physical force against another
3 person.

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

1 **Section 1.** NRS 200.471 is hereby amended to read as follows:
2 200.471 1. As used in this section:
3 (a) “Assault” means ~~intentionally~~ :
4 *(1) Unlawfully attempting to use physical force against*
5 *another person; or*
6 *(2) Intentionally* placing another person in reasonable
7 apprehension of immediate bodily harm.
8 (b) “Officer” means:
9 (1) A person who possesses some or all of the powers of a
10 peace officer;



(2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;

(3) A member of a volunteer fire department;

(4) A jailer, guard, matron or other correctional officer of a city or county jail;

(5) A justice of the Supreme Court, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master or referee, including a person acting pro tempore in a capacity listed in this subparagraph; or

(6) An employee of the State or a political subdivision of the State whose official duties require him to make home visits.

(c) "Provider of health care" means a physician, a physician assistant licensed pursuant to chapter 630 of NRS, a practitioner of respiratory care, a homeopathic physician, an advanced practitioner of homeopathy, a homeopathic assistant, an osteopathic physician, a physician assistant licensed pursuant to chapter 633 of NRS, a podiatric physician, a podiatry hygienist, a physical therapist, a medical laboratory technician, an optometrist, a chiropractor, a chiropractor's assistant, a doctor of Oriental medicine, a nurse, a student nurse, a certified nursing assistant, a nursing assistant trainee, a dentist, a dental hygienist, a pharmacist, an intern pharmacist, an attendant on an ambulance or air ambulance, a psychologist, a social worker, a marriage and family therapist, a marriage and family therapist intern, a clinical professional counselor, a clinical professional counselor intern and an emergency medical technician.

(d) "School employee" means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100.

(e) "Sporting event" has the meaning ascribed to it in NRS 41.630.

(f) "Sports official" has the meaning ascribed to it in NRS 41.630.

(g) "Taxicab" has the meaning ascribed to it in NRS 706.8816.

(h) "Taxicab driver" means a person who operates a taxicab.

(i) "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.

2. A person convicted of an assault shall be punished:

(a) If paragraph (c) or (d) does not apply to the circumstances of the crime and the assault is not made with the use of a deadly weapon **H** or the present ability to use a deadly weapon, for a misdemeanor.

(b) If the assault is made with the use of a deadly weapon **H** or the present ability to use a deadly weapon, for a category B felony by imprisonment in the state prison for a minimum term of not less



1 than 1 year and a maximum term of not more than 6 years, or by a
2 fine of not more than \$5,000, or by both fine and imprisonment.

3 (c) If paragraph (d) does not apply to the circumstances of the
4 crime and if the assault is committed upon an officer, a provider of
5 health care, a school employee, a taxicab driver or a transit operator
6 who is performing his duty or upon a sports official based on the
7 performance of his duties at a sporting event **H** and the person
8 charged knew or should have known that the victim was an officer,
9 a provider of health care, a school employee, a taxicab driver, a
10 transit operator or a sports official, for a gross misdemeanor, unless
11 the assault is made with the use of a deadly weapon **H** or the present
12 ability to use a deadly weapon, then for a category B felony by
13 imprisonment in the state prison for a minimum term of not less
14 than 1 year and a maximum term of not more than 6 years, or by a
15 fine of not more than \$5,000, or by both fine and imprisonment.

16 (d) If the assault is committed upon an officer, a provider of
17 health care, a school employee, a taxicab driver or a transit operator
18 who is performing his duty or upon a sports official based on the
19 performance of his duties at a sporting event by a probationer, a
20 prisoner who is in lawful custody or confinement or a parolee, and
21 the probationer, prisoner or parolee charged knew or should have
22 known that the victim was an officer, a provider of health care, a
23 school employee, a taxicab driver, a transit operator or a sports
24 official, for a category D felony as provided in NRS 193.130, unless
25 the assault is made with the use of a deadly weapon **H** or the present
26 ability to use a deadly weapon, then for a category B felony by
27 imprisonment in the state prison for a minimum term of not less
28 than 1 year and a maximum term of not more than 6 years, or by a
29 fine of not more than \$5,000, or by both fine and imprisonment.

30 **Sec. 2.** This act becomes effective upon passage and approval.

