

ASSEMBLY BILL NO. 126—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE LEGISLATIVE COMMITTEE ON SENIOR
CITIZENS, VETERANS AND ADULTS WITH SPECIAL NEEDS)

PREFILED FEBRUARY 4, 2011

Referred to Committee on Judiciary

SUMMARY—Makes various changes concerning vulnerable
persons. (BDR 18-153)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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 vulnerable persons; authorizing the Unit for the
Investigation and Prosecution of Crimes Against Older
Persons in the Office of the Attorney General to
investigate and prosecute any alleged abuse, neglect,
exploitation or isolation of a vulnerable person; revising
the name of the Unit to include vulnerable persons;
requiring the Unit to organize or sponsor
multidisciplinary teams; requiring members and agencies
of local government to assist the Attorney General in
carrying out the duties of the multidisciplinary teams;
providing a civil penalty; requiring certain reports to be
forwarded to the Unit; and providing other matters
properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes within the Office of the Attorney General the Unit for
the Investigation and Prosecution of Crimes Against Older Persons to investigate
and prosecute any alleged abuse, neglect, exploitation or isolation of an older
person. (NRS 228.250-228.290) **Section 5** of this bill authorizes the Unit to
investigate and prosecute the alleged abuse, neglect, exploitation or isolation of a
vulnerable person. **Section 5** requires the Unit to organize multidisciplinary teams
to conduct such investigations. **Section 5** also requires members of and local
agencies represented on multidisciplinary teams to assist the Attorney General in
carrying out the duties of the teams.

Section 7 of this bill provides for the imposition of a civil penalty against a
person who abuses, neglects, exploits or isolates a vulnerable person, which is the



same as existing penalties for such acts against an older person. **Section 7** also provides that any money collected from those civil penalties will be divided between the Fund for the Compensation of Victims of Crime and the Account for the Unit for the Investigation and Prosecution of Crimes Against Older and Vulnerable Persons.

Section 14 of this bill requires a copy of certain reports concerning the alleged abuse, neglect, exploitation or isolation of vulnerable persons to be forwarded to the Unit for the Investigation and Prosecution of Crimes Against Older and Vulnerable Persons.

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

Section 1. Chapter 228 of NRS is hereby amended by adding thereto a new section to read as follows:

“Vulnerable person” means 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.

Sec. 2. NRS 228.250 is hereby amended to read as follows:

228.250 As used in NRS 228.250 to 228.290, inclusive, unless the context otherwise requires, the words and terms defined in NRS 228.255 and 228.260 *and section 1 of this act* have the meanings ascribed to them in those sections.

Sec. 3. NRS 228.260 is hereby amended to read as follows:

228.260 “Unit” means the Unit for the Investigation and Prosecution of Crimes Against Older *and Vulnerable* Persons created pursuant to NRS 228.265.

Sec. 4. NRS 228.265 is hereby amended to read as follows:

228.265 There is hereby created in the Office of the Attorney General the Unit for the Investigation and Prosecution of Crimes Against Older *and Vulnerable* Persons.

Sec. 5. NRS 228.270 is hereby amended to read as follows:

228.270 1. The Unit may investigate and prosecute any alleged abuse, neglect, exploitation or isolation of an older person *or a vulnerable person* in violation of NRS 200.5099 or 200.50995 and any failure to report such a violation pursuant to NRS 200.5093 ~~+~~ *or 200.50935:*

(a) At the request of the district attorney of the county in which the violation occurred;

(b) If the district attorney of the county in which the violation occurred fails, neglects or refuses to prosecute the violation; or



(c) Jointly with the district attorney of the county in which the violation occurred.

2. The Unit ~~{may}~~ *shall* organize or sponsor one or more multidisciplinary teams to review any allegations of abuse, neglect, exploitation or isolation of an older person *or a vulnerable person* or the death of an older person *or a vulnerable person* that is alleged to be from abuse, neglect or isolation. A multidisciplinary team may include, without limitation, the following members:

(a) A representative of the Unit;

(b) Any law enforcement agency that is involved with the case under review;

(c) The district attorney's office in the county where the case is under review;

(d) The Aging and Disability Services Division of the Department of Health and Human Services or the county's office of protective services, if one exists in the county where the case is under review;

(e) A representative of the coroner's office; and

(f) Any other medical professional , ~~{or}~~ financial professional *or representative from an agency of a local government* that the Attorney General deems appropriate for the review.

3. *Each member of and each organization represented on a multidisciplinary team shall, at the request of the Attorney General, assist in carrying out the duties of the multidisciplinary team.*

4. Each organization represented on a multidisciplinary team may share with other members of the team information in its possession concerning the older person *or vulnerable person* who is the subject of the review or any person who was in contact with the older person *or vulnerable person* and any other information deemed by the organization to be pertinent to the review. Any information shared by an organization with other members of a team is confidential.

~~{4.}~~ 5. The organizing or sponsoring of a multidisciplinary team pursuant to subsection 2 ~~{does}~~ *and the provision of assistance required pursuant to subsection 3 do* not grant the Unit supervisory authority over, or restrict or impair the statutory authority of, any state or local agency responsible for the investigation or prosecution of allegations of abuse, neglect, exploitation or isolation of an older person *or a vulnerable person* or the death of an older person *or a vulnerable person* that is alleged to be the result of abuse, neglect or isolation.

Sec. 6. NRS 228.275 is hereby amended to read as follows:

228.275 The Unit may bring an action to enjoin or obtain any other equitable relief to prevent the abuse, neglect, exploitation or



1 isolation of an older person ~~§~~ *or a vulnerable person*. The court
2 may award reasonable attorney's fees and costs if the Unit prevails
3 in such an action.

4 **Sec. 7.** NRS 228.280 is hereby amended to read as follows:

5 228.280 1. In addition to any criminal penalty, a person who
6 is found guilty of abuse, neglect, exploitation or isolation of an older
7 person *or a vulnerable person* pursuant to NRS 200.5099 or
8 200.50995 is liable for a civil penalty to be recovered by the
9 Attorney General in a civil action brought in the name of the State
10 of Nevada:

11 (a) For the first offense, in an amount which is not less than
12 \$5,000 and not more than \$20,000.

13 (b) For a second or subsequent offense, in an amount which is
14 not less than \$10,000 and not more than \$30,000.

15 2. The Attorney General shall deposit any money collected for
16 civil penalties pursuant to subsection 1 in equal amounts to:

17 (a) A separate account in the Fund for the Compensation of
18 Victims of Crime created pursuant to NRS 217.260 to provide
19 compensation to older persons *and vulnerable persons* who are
20 abused, neglected, exploited or isolated in violation of NRS
21 200.5099 and 200.50995; and

22 (b) The Account for the Unit for the Investigation and
23 Prosecution of Crimes Against Older *and Vulnerable* Persons
24 created pursuant to NRS 228.285.

25 **Sec. 8.** NRS 228.285 is hereby amended to read as follows:

26 228.285 1. The Account for the Unit for the Investigation and
27 Prosecution of Crimes Against Older *and Vulnerable* Persons is
28 hereby created in the State General Fund. The Attorney General
29 shall administer the Account.

30 2. The money in the Account must only be used to carry out
31 the provisions of NRS 228.250 to 228.290, inclusive, *and section 1*
32 *of this act* and to pay the expenses incurred by the Unit in the
33 discharge of its duties, including, without limitation, expenses
34 relating to the provision of training and salaries and benefits for
35 employees of the Unit.

36 3. Money in the Account must remain in the Account and must
37 not revert to the State General Fund at the end of any fiscal year.

38 **Sec. 9.** NRS 228.290 is hereby amended to read as follows:

39 228.290 1. The Unit may apply for any available grants and
40 accept gifts, grants, appropriations or donations to assist the Unit in
41 carrying out its duties pursuant to the provisions of this chapter.

42 2. Any money received by the Unit must be deposited in the
43 Account for the Unit for the Investigation and Prosecution of
44 Crimes Against Older *and Vulnerable* Persons created pursuant to
45 NRS 228.285.



Sec. 10. NRS 174.175 is hereby amended to read as follows:

174.175 1. If it appears that a prospective witness is an older person or a vulnerable person or may be unable to attend or prevented from attending a trial or hearing, that the witness's testimony is material and that it is necessary to take the witness's deposition in order to prevent a failure of justice, the court at any time after the filing of an indictment, information or complaint may, upon motion of a defendant or of the State and notice to the parties, order that the witness's testimony be taken by deposition and that any designated books, papers, documents or tangible objects, not privileged, be produced at the same time and place. If the motion is for the deposition of an older person or a vulnerable person, the court may enter an order to take the deposition only upon good cause shown to the court. If the deposition is taken upon motion of the State, the court shall order that it be taken under such conditions as will afford to each defendant the opportunity to confront the witnesses against him or her.

2. If a witness is committed for failure to give bail to appear to testify at a trial or hearing, the court, on written motion of the witness and upon notice to the parties, may direct that the witness's deposition be taken. After the deposition has been subscribed, the court may discharge the witness.

3. This section does not apply to the prosecutor, or to an accomplice in the commission of the offense charged.

4. As used in this section:

(a) "Older person" means a person who is 70 years of age or older.

(b) "Vulnerable person" has the meaning ascribed to it in subsection ~~7~~ 8 of NRS 200.5092.

Sec. 11. NRS 193.167 is hereby amended to read as follows:

193.167 1. Except as otherwise provided in NRS 193.169, any person who commits the crime of:

(a) Murder;

(b) Attempted murder;

(c) Assault;

(d) Battery;

(e) Kidnapping;

(f) Robbery;

(g) Sexual assault;

(h) Embezzlement of money or property of a value of \$250 or more;

(i) Obtaining money or property of a value of \$250 or more by false pretenses; or

(j) Taking money or property from the person of another,



1 ↪ against any person who is 60 years of age or older or against a
2 vulnerable person shall, in addition to the term of imprisonment
3 prescribed by statute for the crime, be punished, if the crime is a
4 misdemeanor or gross misdemeanor, by imprisonment in the county
5 jail for a term equal to the term of imprisonment prescribed by
6 statute for the crime, and, if the crime is a felony, by imprisonment
7 in the state prison for a minimum term of not less than 1 year and a
8 maximum term of not more than 20 years.

9 2. Except as otherwise provided in NRS 193.169, any person
10 who commits a criminal violation of the provisions of chapter 90 or
11 91 of NRS against any person who is 60 years of age or older or
12 against a vulnerable person shall, in addition to the term of
13 imprisonment prescribed by statute for the criminal violation, be
14 punished, if the criminal violation is a misdemeanor or gross
15 misdemeanor, by imprisonment in the county jail for a term equal to
16 the term of imprisonment prescribed by statute for the criminal
17 violation, and, if the criminal violation is a felony, by imprisonment
18 in the state prison for a minimum term of not less than 1 year and a
19 maximum term of not more than 20 years.

20 3. In determining the length of the additional penalty imposed
21 pursuant to this section, the court shall consider the following
22 information:

23 (a) The facts and circumstances of the crime or criminal
24 violation;

25 (b) The criminal history of the person;

26 (c) The impact of the crime or criminal violation on any victim;

27 (d) Any mitigating factors presented by the person; and

28 (e) Any other relevant information.

29 ↪ The court shall state on the record that it has considered the
30 information described in paragraphs (a) to (e), inclusive, in
31 determining the length of the additional penalty imposed.

32 4. The sentence prescribed by this section must run
33 consecutively with the sentence prescribed by statute for the crime
34 or criminal violation.

35 5. This section does not create any separate offense but
36 provides an additional penalty for the primary offense, whose
37 imposition is contingent upon the finding of the prescribed fact.

38 6. As used in this section, "vulnerable person" has the meaning
39 ascribed to it in subsection ~~74~~ 8 of NRS 200.5092.

40 **Sec. 12.** NRS 200.5092 is hereby amended to read as follows:

41 200.5092 As used in NRS 200.5091 to 200.50995, inclusive,
42 unless the context otherwise requires:

43 1. "Abuse" means willful and unjustified:

44 (a) Infliction of pain, injury or mental anguish on an older
45 person or a vulnerable person; or



(b) Deprivation of food, shelter, clothing or services which are necessary to maintain the physical or mental health of an older person or a vulnerable person.

2. "Exploitation" means any act taken by a person who has the trust and confidence of an older person or a vulnerable person or any use of the power of attorney or guardianship of an older person or a vulnerable person to:

(a) Obtain control, through deception, intimidation or undue influence, over the older person's or vulnerable person's money, assets or property with the intention of permanently depriving the older person or vulnerable person of the ownership, use, benefit or possession of his or her money, assets or property; or

(b) Convert money, assets or property of the older person or vulnerable person with the intention of permanently depriving the older person or vulnerable person of the ownership, use, benefit or possession of his or her money, assets or property.

➤ As used in this subsection, "undue influence" does not include the normal influence that one member of a family has over another.

3. "Isolation" means willfully, maliciously and intentionally preventing an older person or a vulnerable person from having contact with another person by:

(a) Intentionally preventing the older person or vulnerable person from receiving visitors, mail or telephone calls, including, without limitation, communicating to a person who comes to visit the older person or vulnerable person or a person who telephones the older person or vulnerable person that the older person or vulnerable person is not present or does not want to meet with or talk to the visitor or caller knowing that the statement is false, contrary to the express wishes of the older person or vulnerable person and intended to prevent the older person or vulnerable person from having contact with the visitor; or

(b) Physically restraining the older person or vulnerable person to prevent the older person or vulnerable person from meeting with a person who comes to visit the older person or vulnerable person.

➤ The term does not include an act intended to protect the property or physical or mental welfare of the older person or vulnerable person or an act performed pursuant to the instructions of a physician of the older person or vulnerable person.

4. "Neglect" means the failure of:

(a) A person who has assumed legal responsibility or a contractual obligation for caring for an older person or a vulnerable person or who has voluntarily assumed responsibility for his or her care to provide food, shelter, clothing or services which are necessary to maintain the physical or mental health of the older person or vulnerable person; or



(b) An older person or a vulnerable person to provide for his or her own needs because of inability to do so.

5. "Older person" means a person who is 60 years of age or older.

6. "Protective services" means services the purpose of which is to prevent and remedy the abuse, neglect, exploitation and isolation of older persons. The services may include investigation, evaluation, counseling, arrangement and referral for other services and assistance.

7. *"Unit for the Investigation and Prosecution of Crimes" means the Unit for the Investigation and Prosecution of Crimes Against Older and Vulnerable Persons in the Office of the Attorney General created pursuant to NRS 228.265.*

8. "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.

Sec. 13. NRS 200.5093 is hereby amended to read as follows:

200.5093 1. Any person who is described in subsection 4 and who, in a professional or occupational capacity, knows or has reasonable cause to believe that an older person has been abused, neglected, exploited or isolated shall:

(a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation or isolation of the older person to:

(1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office;

(3) The county's office for protective services, if one exists in the county where the suspected action occurred; or

(4) A toll-free telephone service designated by the Aging and Disability Services Division of the Department of Health and Human Services; and

(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 older 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 older person involves an act or omission of the Aging and Disability Services Division, another division of the Department of Health and Human Services



1 or a law enforcement agency, the person shall make the report to an
2 agency other than the one alleged to have committed the act or
3 omission.

4 3. Each agency, after reducing a report to writing, shall forward
5 a copy of the report to the Aging and Disability Services Division of
6 the Department of Health and Human Services and the Unit for the
7 Investigation and Prosecution of Crimes.

8 4. A report must be made pursuant to subsection 1 by the
9 following persons:

10 (a) Every physician, dentist, dental hygienist, chiropractor,
11 optometrist, podiatric physician, medical examiner, resident, intern,
12 professional or practical nurse, physician assistant licensed pursuant
13 to chapter 630 or 633 of NRS, perfusionist, psychiatrist,
14 psychologist, marriage and family therapist, clinical professional
15 counselor, clinical alcohol and drug abuse counselor, alcohol and
16 drug abuse counselor, athletic trainer, driver of an ambulance,
17 advanced emergency medical technician or other person providing
18 medical services licensed or certified to practice in this State, who
19 examines, attends or treats an older person who appears to have
20 been abused, neglected, exploited or isolated.

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

27 (c) A coroner.

28 (d) Every person who maintains or is employed by an agency to
29 provide personal care services in the home.

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

32 (f) Every person who operates, who is employed by or who
33 contracts to provide services for an intermediary service
34 organization as defined in NRS 427A.0291.

35 (g) Any employee of the Department of Health and Human
36 Services.

37 (h) Any employee of a law enforcement agency or a county's
38 office for protective services or an adult or juvenile probation
39 officer.

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

42 (j) Any person who maintains, is employed by or serves as a
43 volunteer for an agency or service which advises persons regarding
44 the abuse, neglect, exploitation or isolation of an older person and



1 refers them to persons and agencies where their requests and needs
2 can be met.

3 (k) Every social worker.

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

6 5. A report may be made by any other person.

7 6. If a person who is required to make a report pursuant to
8 subsection 1 knows or has reasonable cause to believe that an older
9 person has died as a result of abuse, neglect or isolation, the person
10 shall, as soon as reasonably practicable, report this belief to the
11 appropriate medical examiner or coroner, who shall investigate the
12 cause of death of the older person and submit to the appropriate
13 local law enforcement agencies, the appropriate prosecuting
14 attorney, the Aging and Disability Services Division of the
15 Department of Health and Human Services and the Unit for the
16 Investigation and Prosecution of Crimes his or her written findings.
17 The written findings must include the information required pursuant
18 to the provisions of NRS 200.5094, when possible.

19 7. A division, office or department which receives a report
20 pursuant to this section shall cause the investigation of the report to
21 commence within 3 working days. A copy of the final report of the
22 investigation conducted by a division, office or department, other
23 than the Aging and Disability Services Division of the Department
24 of Health and Human Services, must be forwarded within 30 days
25 after the completion of the report to the:

26 (a) Aging and Disability Services Division;

27 (b) Repository for Information Concerning Crimes Against
28 Older Persons created by NRS 179A.450; and

29 (c) Unit for the Investigation and Prosecution of Crimes.

30 8. If the investigation of a report results in the belief that an
31 older person is abused, neglected, exploited or isolated, the Aging
32 and Disability Services Division of the Department of Health and
33 Human Services or the county's office for protective services may
34 provide protective services to the older person if the older person is
35 able and willing to accept them.

36 9. A person who knowingly and willfully violates any of the
37 provisions of this section is guilty of a misdemeanor.

38 ~~10. As used in this section, "Unit for the Investigation and~~
39 ~~Prosecution of Crimes" means the Unit for the Investigation and~~
40 ~~Prosecution of Crimes Against Older Persons in the Office of the~~
41 ~~Attorney General created pursuant to NRS 228.265.]~~

42 **Sec. 14.** NRS 200.50935 is hereby amended to read as
43 follows:

44 200.50935 1. Any person who is described in subsection 3
45 and who, in a professional or occupational capacity, knows or has



1 reasonable cause to believe that a vulnerable person has been
2 abused, neglected, exploited or isolated shall:

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

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

9 2. If a person who is required to make a report pursuant to
10 subsection 1 knows or has reasonable cause to believe that the
11 abuse, neglect, exploitation or isolation of the vulnerable person
12 involves an act or omission of a law enforcement agency, the person
13 shall make the report to a law enforcement agency other than the
14 one alleged to have committed the act or omission. *A law
15 enforcement agency shall, after reducing a report to writing,
16 forward a copy of the report to the Unit for the Investigation and
17 Prosecution of Crimes.*

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

20 (a) Every physician, dentist, dental hygienist, chiropractor,
21 optometrist, podiatric physician, medical examiner, resident, intern,
22 professional or practical nurse, perfusionist, physician assistant
23 licensed pursuant to chapter 630 or 633 of NRS, psychiatrist,
24 psychologist, marriage and family therapist, clinical professional
25 counselor, clinical alcohol and drug abuse counselor, alcohol and
26 drug abuse counselor, athletic trainer, driver of an ambulance,
27 advanced emergency medical technician or other person providing
28 medical services licensed or certified to practice in this State, who
29 examines, attends or treats a vulnerable person who appears to have
30 been abused, neglected, exploited or isolated.

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

37 (c) A coroner.

38 (d) Every person who maintains or is employed by an agency to
39 provide nursing in the home.

40 (e) Any employee of the Department of Health and Human
41 Services.

42 (f) Any employee of a law enforcement agency or an adult or
43 juvenile probation officer.

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



(h) 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.

(i) Every social worker.

(j) 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 *and the Unit for the Investigation and Prosecution of Crimes* his or her 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. *A copy of the final report of the investigation conducted by the law enforcement agency must be forwarded within 30 days after the completion of the report to the Unit for the Investigation and Prosecution of Crimes.*

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

Sec. 15. NRS 207.014 is hereby amended to read as follows:

207.014 1. A person who:

(a) Has been convicted in this State of any felony committed on or after July 1, 1995, of which fraud or intent to defraud is an element; and

(b) Has previously been two times convicted, whether in this State or elsewhere, of any felony of which fraud or intent to defraud is an element before the commission of the felony under paragraph (a),

↪ is a habitually fraudulent felon and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 5 years and a maximum term of not more than 20 years, if the victim of each offense was an older person, a person with a mental disability or a vulnerable person.

2. The prosecuting attorney shall include a count under this section in any information or shall file a notice of habitually fraudulent felon if an indictment is found, if the prior convictions



1 and the alleged offense committed by the accused are felonies of
2 which fraud or intent to defraud is an element and the victim of each
3 offense was:

- 4 (a) An older person;
- 5 (b) A person with a mental disability; or
- 6 (c) A vulnerable person.

7 3. The trial judge may not dismiss a count under this section
8 that is included in an indictment or information.

9 4. As used in this section:

10 (a) "Older person" means a person who is:

11 (1) Sixty-five years of age or older if the crime was
12 committed before October 1, 2003.

13 (2) Sixty years of age or older if the crime was committed on
14 or after October 1, 2003.

15 (b) "Person with a mental disability" means a person who has a
16 mental impairment which is medically documented and substantially
17 limits one or more of the person's major life activities. The term
18 includes, but is not limited to, a person who:

- 19 (1) Suffers from mental retardation;
- 20 (2) Suffers from a severe mental or emotional illness;
- 21 (3) Has a severe learning disability; or
- 22 (4) Is experiencing a serious emotional crisis in his or her life

23 as a result of the fact that the person or a member of his or her
24 immediate family has a catastrophic illness.

25 (c) "Vulnerable person" has the meaning ascribed to it in
26 subsection ~~7~~8 of NRS 200.5092.

27 **Sec. 16.** NRS 657.270 is hereby amended to read as follows:

28 657.270 "Vulnerable person" has the meaning ascribed to it in
29 subsection ~~7~~8 of NRS 200.5092.

30 **Sec. 17.** NRS 673.797 is hereby amended to read as follows:

31 673.797 "Vulnerable person" has the meaning ascribed to it in
32 subsection ~~7~~8 of NRS 200.5092.

33 **Sec. 18.** NRS 677.697 is hereby amended to read as follows:

34 677.697 "Vulnerable person" has the meaning ascribed to it in
35 subsection ~~7~~8 of NRS 200.5092.

36 **Sec. 19.** NRS 678.777 is hereby amended to read as follows:

37 678.777 "Vulnerable person" has the meaning ascribed to it in
38 subsection ~~7~~8 of NRS 200.5092.

39 **Sec. 20.** The Legislative Counsel shall, in preparing the:

40 1. Reprint and supplement to the Nevada Revised Statutes with
41 respect to any section which is not amended by this act or is adopted
42 or amended by another act, appropriately change any reference to an
43 agency or other entity whose name is changed pursuant to the
44 provisions of this act to refer to the appropriate agency or entity.



1 2. Nevada Administrative Code, appropriately change any
2 reference to an agency or other entity whose name is changed
3 pursuant to the provisions of this act to refer to the appropriate
4 agency or entity.

5 **Sec. 21.** This act becomes effective on July 1, 2011.

