

ASSEMBLY BILL NO. 83—ASSEMBLYMAN OCEGUERA

PREFILED JANUARY 7, 2011

Referred to Committee on Judiciary

SUMMARY—Revises the statute of limitations for crimes relating to identity theft. (BDR 14-536)

FISCAL NOTE: Effect on Local Government: No.
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; revising the statute of limitations for crimes relating to identity theft; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that an indictment be found or an information or complaint be filed within 3 years after the commission of an offense relating to identity theft which is punishable as a felony. (NRS 171.085, 205.461-205.4657) This bill provides an exception for victims of such an offense who are less than 18 years of age at the time of the commission of the offense, specifying that an indictment must be found or an information or complaint must be filed within 4 years after the time the victim discovers or reasonably should have discovered that the offense was committed.

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

Section 1. NRS 171.095 is hereby amended to read as follows:
171.095 1. Except as otherwise provided in subsection 2 and NRS 171.083 and 171.084:
(a) If a felony, gross misdemeanor or misdemeanor is committed in a secret manner, an indictment for the offense must be found, or an information or complaint filed, within the periods of limitation prescribed in NRS 171.085, 171.090 and 624.800 after the discovery of the offense, unless a longer period is allowed by paragraph (b) *or* (c) or the provisions of NRS 202.885.



(b) An indictment must be found, or an information or complaint filed, for any offense constituting sexual abuse of a child, as defined in NRS 432B.100, before the victim of the sexual abuse is:

(1) Twenty-one years old if the victim discovers or reasonably should have discovered that he or she was a victim of the sexual abuse by the date on which the victim reaches that age; or

(2) Twenty-eight years old if the victim does not discover and reasonably should not have discovered that he or she was a victim of the sexual abuse by the date on which the victim reaches 21 years of age.

(c) If a felony is committed pursuant to NRS 205.461 to 205.4657, inclusive, against a victim who is less than 18 years of age at the time of the commission of the offense, an indictment for the offense must be found, or an information or complaint filed, within 4 years after the victim discovers or reasonably should have discovered the offense.

2. If any indictment found, or an information or complaint filed, within the time prescribed in subsection 1 is defective so that no judgment can be given thereon, another prosecution may be instituted for the same offense within 6 months after the first is abandoned.

Sec. 2. The amendatory provisions of this act apply to a person who committed a felony pursuant to NRS 205.461 to 205.4657, inclusive, before October 1, 2011, if the applicable statute of limitations has commenced but has not yet expired on October 1, 2011.

