

Amendment No. 736

Assembly Amendment to Senate Bill No. 47

(BDR 15-121)

Proposed by: Assembly Committee on Judiciary**Amends:** Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date
Adopted	☐	Lost	☐ _____	Adopted	☐	Lost	☐ _____
Concurred In	☐	Not	☐ _____	Concurred In	☐	Not	☐ _____
Receded	☐	Not	☐ _____	Receded	☐	Not	☐ _____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

MNM/RBL



Date: 5/29/2011

S.B. No. 47—Clarifies the definition of “minor” for the purposes of certain criminal statutes. (BDR 15-121)



SENATE BILL NO. 47—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED DECEMBER 15, 2010

Referred to Committee on Judiciary

SUMMARY—~~{Clarifies the definition of}~~ **Defines the term** “minor” for the purposes of ~~{certain criminal statutes;}~~ **the crime of kidnapping in the first degree.** (BDR 15-121)

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

~

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

AN ACT relating to crimes; ~~{clarifying the definition of}~~ **defining the term** “minor” for the purposes of ~~{certain criminal statutes;}~~ **the crime of kidnapping in the first degree;** and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

~~{ On July 30, 2009, the Fourth Judicial District Court, in and for the County of Elko, held that the provisions of NRS 200.710 concerning the unlawful use of a minor in producing pornography or as a subject of sexual portrayal in a performance are unconstitutionally vague because it is unclear whether the term “minor” means a person under 16 years of age or a person under 18 years of age. (State of Nevada v. Aaron Taylor Hughes, Nev. Fourth Jud. Dist. Ct. Case No. CR-FP-08-2848 (July 30, 2009)) }~~

~~{ This bill defines “minor,” as used in title 15 of NRS (Crimes and Punishments), to mean a person who is under 18 years of age, except as otherwise defined by specific statute. }~~

Existing law establishes degrees of kidnapping and provides that kidnapping in the first degree includes certain actions performed with the intent to keep a minor away from his or her parents, guardians or any person who has lawful custody of the minor, or with the intent to hold the minor to unlawful service, or perpetrate any unlawful act upon the minor. (NRS 200.310) This bill defines the term “minor” as used in those provisions of existing law as a person who is under 18 years of age.

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

Section 1. ~~{Chapter 193 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~{ Except as otherwise defined by specific statute, “minor” means a person who is under 18 years of age. }~~ **(Deleted by amendment.)**

1 **Sec. 2. ~~[NRS 193.010 is hereby amended to read as follows:~~**
2 ~~193.010 As used in this title, unless the context otherwise requires, the words~~
3 ~~and terms defined in NRS 193.011 to 193.0245, inclusive, and section 1 of this act~~
4 ~~have the meanings ascribed to them in those sections.] (Deleted by amendment.)~~

5 **Sec. 2.5. NRS 200.310 is hereby amended to read as follows:**

6 200.310 1. A person who willfully seizes, confines, inveigles, entices,
7 decoys, abducts, conceals, kidnaps or carries away a person by any means
8 whatsoever with the intent to hold or detain, or who holds or detains, the person for
9 ransom, or reward, or for the purpose of committing sexual assault, extortion or
10 robbery upon or from the person, or for the purpose of killing the person or
11 inflicting substantial bodily harm upon the person, or to exact from relatives,
12 friends, or any other person any money or valuable thing for the return or
13 disposition of the kidnapped person, and a person who leads, takes, entices, or
14 carries away or detains any minor with the intent to keep, imprison, or confine the
15 minor from his or her parents, guardians, or any other person having lawful custody
16 of the minor, or with the intent to hold the minor to unlawful service, or perpetrate
17 upon the person of the minor any unlawful act is guilty of kidnapping in the first
18 degree which is a category A felony.

19 2. A person who willfully and without authority of law seizes, inveigles,
20 takes, carries away or kidnaps another person with the intent to keep the person
21 secretly imprisoned within the State, or for the purpose of conveying the person out
22 of the State without authority of law, or in any manner held to service or detained
23 against the person's will, is guilty of kidnapping in the second degree which is a
24 category B felony.

25 3. As used in this section, "minor" means a person who is under 18 years of
26 age.

27 **Sec. 3.** This act becomes effective on July 1, 2011.