

ASSEMBLY BILL NO. 116—ASSEMBLYMEN BENITEZ-THOMPSON;
AND ELLIOT ANDERSON

FEBRUARY 14, 2013

Referred to Committee on Judiciary

SUMMARY—Revises certain provisions concerning accessories to certain crimes. (BDR 15-135)

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; revising certain provisions concerning accessories to certain crimes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that anyone who is not the husband or wife, brother or sister, parent or grandparent, child or grandchild of an offender and who harbors, conceals or aids the offender after the commission of a crime is an accessory to the crime. (NRS 195.030) **Section 1** of this bill removes every person other than the husband and wife or a domestic partner from that exception if the crime is a felony. **Section 1** also revises the acts which constitute being an accessory to a crime after the commission of the crime by specifically stating that a person acts as such an accessory if he or she destroys or conceals, or aids in the destruction or concealment of, material evidence, or harbors or conceals the offender.

Existing law provides that an accessory to a felony is guilty of a category C felony. (NRS 195.040) **Section 2** of this bill revises this penalty to provide that a person who harbors, conceals or aids the offender after the commission of a felony and who is the brother or sister, parent or grandparent, child or grandchild of the offender is guilty of a gross misdemeanor.

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

Section 1. NRS 195.030 is hereby amended to read as follows:
195.030 **1.** Every person not standing in the relation of husband or wife ~~to brother or sister, parent or grandparent, child or grandchild,~~ *or domestic partner* to the offender, who ~~is~~



1 ~~1. After~~ , after the commission of a felony , *destroys or*
2 *conceals, or aids in the destruction or concealment of, material*
3 *evidence, or* harbors ~~1~~ or conceals ~~for aids~~ such offender with
4 intent that the offender may avoid or escape from arrest, trial,
5 conviction or punishment, having knowledge that such offender has
6 committed a felony or is liable to arrest, is an accessory to the
7 felony.

8 2. ~~After~~ *Every person not standing in the relation of*
9 *husband or wife, domestic partner, brother or sister, parent or*
10 *grandparent, child or grandchild to the offender, who, after the*
11 *commission of a gross misdemeanor , destroys or conceals, or aids*
12 *in the destruction or concealment of, material evidence, or* harbors
13 ~~1~~ or conceals ~~for aids~~ such offender with intent that the offender
14 may avoid or escape from arrest, trial, conviction or punishment,
15 having knowledge that such offender has committed a gross
16 misdemeanor or is liable to arrest, is an accessory to the gross
17 misdemeanor.

18 3. *As used in this section, "domestic partner" means a person*
19 *who is in a domestic partnership that is registered pursuant to*
20 *chapter 122A of NRS, and that has not been terminated pursuant*
21 *to that chapter.*

22 Sec. 2. NRS 195.040 is hereby amended to read as follows:

23 195.040 1. An accessory to a felony may be indicted, tried
24 and convicted either in the county where he or she became an
25 accessory, or where the principal felony was committed, whether the
26 principal offender has or has not been convicted, or is or is not
27 amenable to justice, or has been pardoned or otherwise discharged
28 after conviction. Except *as otherwise provided in this subsection*
29 *and except* where a different punishment is specially provided by
30 law, the accessory is guilty of a category C felony and shall be
31 punished as provided in NRS 193.130. *An accessory to a felony*
32 *who is standing in the relation of brother or sister, parent or*
33 *grandparent, child or grandchild to the principal offender and*
34 *who is an accessory to a felony pursuant to subsection 1 of NRS*
35 *195.030 is guilty of a gross misdemeanor.*

36 2. An accessory to a gross misdemeanor may be indicted, tried
37 and convicted in the manner provided for an accessory to a felony
38 and, except where a different punishment is specially provided by
39 law, shall be punished by imprisonment in the county jail for not
40 less than 30 days nor more than 6 months, or by a fine of not less
41 than \$100 nor more than \$500, or by both fine and imprisonment.

