

ASSEMBLY BILL NO. 261—ASSEMBLYMAN FRIERSON

MARCH 15, 2013

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing the crime of sexual conduct between certain school employees or volunteers at a school and a pupil. (BDR 15-521)

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

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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 provisions governing the crime of sexual conduct between certain school employees or volunteers and a pupil to include former school employees, volunteers and pupils; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law, a school employee or volunteer who is employed or
2 volunteering in a position of authority is prohibited from engaging in sexual
3 conduct with a pupil who is currently enrolled in or attending the school at which
4 he or she is employed or volunteering. (NRS 201.540) This bill expands that
5 provision to include former employees, former volunteers and former pupils who
6 are under 17 years of age.

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

1 **Section 1.** NRS 200.364 is hereby amended to read as follows:
2 200.364 As used in NRS 200.364 to 200.3784, inclusive,
3 unless the context otherwise requires:
4 1. "Offense involving a pupil" means any of the following
5 offenses:
6 (a) Sexual conduct between certain *current and former*
7 employees of a school or volunteers at a school and a pupil pursuant
8 to NRS 201.540.



(b) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.

2. "Perpetrator" means a person who commits a sexual offense or an offense involving a pupil.

3. "Sexual offense" means any of the following offenses:

(a) Sexual assault pursuant to NRS 200.366.

(b) Statutory sexual seduction pursuant to NRS 200.368.

4. "Sexual penetration" means cunnilingus, fellatio, or any intrusion, however slight, of any part of a person's body or any object manipulated or inserted by a person into the genital or anal openings of the body of another, including sexual intercourse in its ordinary meaning.

5. "Statutory sexual seduction" means:

(a) Ordinary sexual intercourse, anal intercourse, cunnilingus or fellatio committed by a person 18 years of age or older with a person under the age of 16 years; or

(b) Any other sexual penetration committed by a person 18 years of age or older with a person under the age of 16 years with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of either of the persons.

6. "Victim" means a person who is a victim of a sexual offense or an offense involving a pupil.

Sec. 2. NRS 201.540 is hereby amended to read as follows:

201.540 1. Except as otherwise provided in subsection 4, a person who:

(a) Is 21 years of age or older;

(b) Is *or was* employed in a position of authority by a public school or private school or *is or was* volunteering in a position of authority at a public or private school; and

(c) Engages in sexual conduct with a pupil who is 16 or 17 years of age and who is *or was* enrolled in or *who is or was* attending the public school or private school at *any time during* which the person is *or was* employed or volunteering,

➔ is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2. Except as otherwise provided in subsection 4, a person who:

(a) Is 21 years of age or older;

(b) Is *or was* employed in a position of authority by a public school or private school or *is or was* volunteering in a position of authority at a public or private school; and

(c) Engages in sexual conduct with a pupil who is 14 or 15 years of age and who is *or was* enrolled in or *is or was* attending the public school or private school at *any time during* which the person is *or was* employed or volunteering,



1 ➤ is guilty of a category B felony and shall be punished by
2 imprisonment in the state prison for a minimum term of not less
3 than 1 year and a maximum term of not more than 6 years, and may
4 be further punished by a fine of not more than \$5,000.

5 3. For the purposes of subsections 1 and 2, a person shall be
6 deemed to be *or have been* employed in a position of authority by a
7 public school or private school or deemed to be *or have been*
8 volunteering in a position of authority at a public or private school if
9 the person is *or was* employed or volunteering as:

10 (a) A teacher or instructor;

11 (b) An administrator;

12 (c) A head or assistant coach; or

13 (d) A teacher's aide or an auxiliary, nonprofessional employee
14 who assists licensed personnel in the instruction or supervision of
15 pupils pursuant to NRS 391.100.

16 4. The provisions of this section do not apply to a person who
17 is married to the pupil.

18 **Sec. 3.** This act becomes effective on July 1, 2013.

