

ASSEMBLY BILL NO. 377—ASSEMBLYMEN DONDERO LOOP;
AIZLEY, CARRILLO, DIAZ, EISEN AND SPIEGEL

MARCH 18, 2013

JOINT SPONSOR: SENATOR WOODHOUSE

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing the crime of sexual conduct between certain school employees or volunteers at a school and pupils. (BDR 15-514)

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

Legislative Counsel's Digest:

1 Existing law prohibits a person who is employed in a position of authority or
2 who volunteers in a position of authority at a public or private school from
3 engaging in sexual conduct with a pupil who is enrolled in or attending the public
4 school or private school at which the person is employed or volunteering. (NRS
5 201.540) This bill expands this provision by prohibiting a person who is employed
6 in a position of authority or who volunteers in a position of authority at a public
7 school or private school from engaging in sexual conduct with a pupil with whom
8 the person has had contact in the course of performing his or her duties as an
9 employee or volunteer.

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

1 **Section 1.** NRS 201.540 is hereby amended to read as follows:
2 201.540 1. Except as otherwise provided in subsection 4, a
3 person who:
4 (a) Is 21 years of age or older;



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

(c) Engages in sexual conduct with a pupil ~~{who}~~ :

(1) Who is 16 or 17 years of age ; and ~~{who is enrolled in or attending the public school or private school at which}~~

(2) With whom the person ~~{is employed or volunteering,}~~ has had contact in the course of performing his or her duties as an employee or volunteer,

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 employed in a position of authority by a public school or private school or volunteering in a position of authority at a public or private school; and

(c) Engages in sexual conduct with a pupil ~~{who}~~ :

(1) Who is 14 or 15 years of age ; and ~~{who is enrolled in or attending the public school or private school at which}~~

(2) With whom the person ~~{is employed or volunteering,}~~ has had contact in the course of performing his or her duties as an employee or volunteer,

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

3. For the purposes of subsections 1 and 2, a person shall be deemed to be employed in a position of authority by a public school or private school or deemed to be volunteering in a position of authority at a public or private school if the person is employed or volunteering as:

(a) A teacher or instructor;

(b) An administrator;

(c) A head or assistant coach; or

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

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

Sec. 2. This act becomes effective on July 1, 2013.

