

ASSEMBLY BILL NO. 55—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE DEPARTMENT OF
PUBLIC SAFETY, DIRECTOR'S OFFICE)

PREFILED DECEMBER 20, 2012

Referred to Committee on Judiciary

SUMMARY—Imposes an additional penalty for attempting or conspiring to commit certain crimes against older or vulnerable persons. (BDR 15-337)

FISCAL NOTE: Effect on Local Government: Increases or Newly
Provides for Term of Imprisonment in County or City
Jail or Detention Facility.
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; imposing an additional penalty for attempting or conspiring to commit certain crimes against certain older or vulnerable persons; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law provides for additional penalties to be imposed for certain crimes
2 that are committed against persons 60 years of age or older or against vulnerable
3 persons. The term "vulnerable persons" is defined for the purposes of this section to
4 mean adults with certain physical or mental limitations. (NRS 193.167) This bill
5 adds an attempt or conspiracy to commit certain crimes to that list.

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

- 1 **Section 1.** NRS 193.167 is hereby amended to read as follows:
2 193.167 1. Except as otherwise provided in NRS 193.169,
3 any person who commits the crime of:
4 (a) Murder;
5 (b) Attempted murder;
6 (c) Assault;



- 1 (d) Battery;
- 2 (e) Kidnapping;
- 3 (f) Robbery;
- 4 (g) Sexual assault;
- 5 (h) Embezzlement of , *or attempting or conspiring to embezzle,*
- 6 money or property of a value of \$650 or more;
- 7 (i) Obtaining , *or attempting or conspiring to obtain,* money or
- 8 property of a value of \$650 or more by false pretenses; or
- 9 (j) Taking money or property from the person of another,
- 10 ➔ against any person who is 60 years of age or older or against a
- 11 vulnerable person shall, in addition to the term of imprisonment
- 12 prescribed by statute for the crime, be punished, if the crime is a
- 13 misdemeanor or gross misdemeanor, by imprisonment in the county
- 14 jail for a term equal to the term of imprisonment prescribed by
- 15 statute for the crime, and, if the crime is a felony, by imprisonment
- 16 in the state prison for a minimum term of not less than 1 year and a
- 17 maximum term of not more than 20 years.

18 2. Except as otherwise provided in NRS 193.169, any person
19 who commits a criminal violation of the provisions of chapter 90 or
20 91 of NRS against any person who is 60 years of age or older or
21 against a vulnerable person shall, in addition to the term of
22 imprisonment prescribed by statute for the criminal violation, be
23 punished, if the criminal violation is a misdemeanor or gross
24 misdemeanor, by imprisonment in the county jail for a term equal to
25 the term of imprisonment prescribed by statute for the criminal
26 violation, and, if the criminal violation is a felony, by imprisonment
27 in the state prison for a minimum term of not less than 1 year and a
28 maximum term of not more than 20 years.

29 3. In determining the length of the additional penalty imposed
30 pursuant to this section, the court shall consider the following
31 information:

- 32 (a) The facts and circumstances of the crime or criminal
- 33 violation;
- 34 (b) The criminal history of the person;
- 35 (c) The impact of the crime or criminal violation on any victim;
- 36 (d) Any mitigating factors presented by the person; and
- 37 (e) Any other relevant information.

38 ➔ The court shall state on the record that it has considered the
39 information described in paragraphs (a) to (e), inclusive, in
40 determining the length of the additional penalty imposed.

41 4. The sentence prescribed by this section must run
42 consecutively with the sentence prescribed by statute for the crime
43 or criminal violation.



* A B 5 5 R 1 *

- 1 5. This section does not create any separate offense but
- 2 provides an additional penalty for the primary offense, whose
- 3 imposition is contingent upon the finding of the prescribed fact.
- 4 6. As used in this section, “vulnerable person” has the meaning
- 5 ascribed to it in subsection 7 of NRS 200.5092.

