

Amendment No. 637

Senate Amendment to Assembly Bill No. 116 First Reprint (BDR 15-135)

Proposed by: Senate Committee on Judiciary

Amends: Summary: No Title: No 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.

BFG/BAW



Date: 5/19/2013

A.B. No. 116—Revises certain provisions concerning accessories to certain crimes.
(BDR 15-135)



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.

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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 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~~ **spouse** or ~~the~~ 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~~ **felony** after the commission of the ~~crime~~ **felony** by specifically stating that a person acts as ~~such~~ an accessory **to a felony** 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 **who is** not ~~standing in the relation of husband or wife~~ ~~the~~ ~~brother or sister, parent or grandparent, child or grandchild,~~ **the spouse or domestic partner** ~~of~~ of the offender ~~and~~ who ~~is~~ ~~After~~, **after** the commission of a felony, **destroys or conceals, or aids in the destruction or concealment of, material evidence, or** harbors ~~or~~ conceals ~~or~~ aids such offender with intent that the offender may avoid or escape from arrest, trial, conviction or punishment, having knowledge that such offender has committed a felony or is liable to arrest, is an accessory to the felony.

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

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

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

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

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