

## Amendment No. 167

Assembly Amendment to Assembly Bill No. 377

(BDR 15-514)

Proposed by: Assembly 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         | <input type="checkbox"/> | Lost | <input type="checkbox"/> _____ | Adopted       | <input type="checkbox"/> | Lost | <input type="checkbox"/> _____ |
| Concurred In    | <input type="checkbox"/> | Not  | <input type="checkbox"/> _____ | Concurred In  | <input type="checkbox"/> | Not  | <input type="checkbox"/> _____ |
| Receded         | <input type="checkbox"/> | Not  | <input type="checkbox"/> _____ | Receded       | <input type="checkbox"/> | Not  | <input type="checkbox"/> _____ |

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.

SRT/BFG



Date: 4/9/2013

A.B. No. 377—Revises provisions governing the crime of sexual conduct between certain school employees or volunteers at a school and pupils.  
(BDR 15-514)



ASSEMBLY BILL NO. 377—ASSEMBLYMEN DONDERO LOOP, ~~FR~~  
FRIERSON; 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:**

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

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

**Section 1.** 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~~ :

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

1           (2) *With whom* the person ~~his employed or volunteering, has had contact~~  
2 *in the course of performing his or her duties as an employee or volunteer,*  
3           ↪ is guilty of a category C felony and shall be punished as provided in NRS  
4 193.130.

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

6           (a) Is 21 years of age or older;

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

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

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

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

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

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

21           (a) A teacher or instructor;

22           (b) An administrator;

23           (c) A head or assistant coach; or

24           (d) A teacher's aide or an auxiliary, nonprofessional employee who assists  
25 licensed personnel in the instruction or supervision of pupils pursuant to NRS  
26 391.100.

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

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