

Amendment No. 150

Assembly Amendment to Assembly Bill No. 55 (BDR 15-337)

Proposed by: Assembly Committee on Judiciary

Amends: Summary: Yes 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.

VMS/BAW



Date: 4/9/2013

A.B. No. 55—Imposes an additional penalty for an attempt or conspiracy to commit certain crimes against older or vulnerable persons.
(BDR 15-337)



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 ~~an attempt or conspiracy~~
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:

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

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

Section 1. NRS 193.167 is hereby amended to read as follows:
193.167 1. Except as otherwise provided in NRS 193.169, any person who
commits the crime of:
(a) Murder;
(b) Attempted murder;
(c) Assault;
(d) Battery;
(e) Kidnapping;
(f) Robbery;
(g) Sexual assault;

1 (h) Embezzlement of , or attempting or conspiring to embezzle, money or
2 property of a value of \$650 or more;

3 (i) Obtaining , or attempting or conspiring to obtain, money or property of a
4 value of \$650 or more by false pretenses; or

5 (j) Taking money or property from the person of another ~~, or~~

6 ~~(k) Attempting or conspiring to commit an offense listed in paragraphs (a) to~~
7 ~~(j), inclusive,~~

8 ➤ against any person who is 60 years of age or older or against a vulnerable person
9 shall, in addition to the term of imprisonment prescribed by statute for the crime, be
10 punished, if the crime is a misdemeanor or gross misdemeanor, by imprisonment in
11 the county jail for a term equal to the term of imprisonment prescribed by statute
12 for the crime, and, if the crime is a felony, by imprisonment in the state prison for a
13 minimum term of not less than 1 year and a maximum term of not more than 20
14 years.

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

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

- 26 (a) The facts and circumstances of the crime or criminal violation;
27 (b) The criminal history of the person;
28 (c) The impact of the crime or criminal violation on any victim;
29 (d) Any mitigating factors presented by the person; and
30 (e) Any other relevant information.

31 ➤ The court shall state on the record that it has considered the information
32 described in paragraphs (a) to (e), inclusive, in determining the length of the
33 additional penalty imposed.

34 4. The sentence prescribed by this section must run consecutively with the
35 sentence prescribed by statute for the crime or criminal violation.

36 5. This section does not create any separate offense but provides an additional
37 penalty for the primary offense, whose imposition is contingent upon the finding of
38 the prescribed fact.

39 6. As used in this section, "vulnerable person" has the meaning ascribed to it
40 in subsection 7 of NRS 200.5092.