

Amendment No. 334

Senate Amendment to Senate Bill No. 103

(BDR 14-177)

Proposed by: Senate Committee on Judiciary

Amends: Summary: Yes Title: Yes 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: 4/15/2013

S.B. No. 103—Removes the period of limitation for crimes relating to the sexual abuse of a child. (BDR 14-177)



SENATE BILL NO. 103--SENATOR KIECKHEFER

FEBRUARY 11, 2013

Referred to Committee on Judiciary

SUMMARY—~~Removes~~ **Revises** the period of limitation for crimes relating to the sexual abuse of a child. (BDR 14-177)

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; ~~removing~~ **revising** the period of limitation for crimes relating to the sexual abuse of a child; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes certain periods of limitation for crimes relating to the sexual abuse of a child. ~~1. (NRS 171.085, 171.090, 171.095) This bill removes all periods of limitation for crimes relating to the sexual abuse of a child, which require that an indictment be found or an information or complaint be filed before the victim of the sexual abuse of a child is: (1) 21 years old if the victim discovers or reasonably should have discovered that he or she was a victim of the sexual abuse by the date on which the victim reaches 21 years of age; or (2) 28 years old if the victim does not discover and reasonably should not have discovered that he or she was a victim of the sexual abuse by the date on which the victim reaches 21 years of age. (NRS 171.095) This bill provides that an indictment must be found or an information or complaint must be filed before the victim of the sexual abuse of a child is: (1) 36 years old if the victim discovers or reasonably should have discovered that he or she was a victim of the sexual abuse by the date on which the victim reaches 36 years of age; or (2) 43 years old if the victim does not discover and reasonably should not have discovered that he or she was a victim of the sexual abuse by the date on which the victim reaches 36 years of age.~~

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

Section 1. ~~NRS 171.080 is hereby amended to read as follows:~~
~~171.080 There is no limitation of the time within which a prosecution for:~~
~~1. Murder must be commenced. It may be commenced at any time after the death of the person killed.~~
~~2. A violation of NRS 202.445 must be commenced. It may be commenced at any time after the violation is committed.~~
~~3. Sexual abuse of a child, as defined in NRS 132B.100, must be commenced. It may be commenced at any time after the violation has occurred.~~
(Deleted by amendment.)

1 **Sec. 2.** ~~NRS 171.090 is hereby amended to read as follows:~~
2 ~~171.090 Except as otherwise provided in NRS ~~171.080~~, 171.095, 202.885 and~~
3 ~~624.800, an indictment for:~~

4 ~~1. A gross misdemeanor must be found, or an information or complaint filed,~~
5 ~~within 2 years after the commission of the offense.~~

6 ~~2. Any other misdemeanor must be found, or an information or complaint~~
7 ~~filed, within 1 year after the commission of the offense.~~ **(Deleted by amendment.)**

8 **Sec. 3.** NRS 171.095 is hereby amended to read as follows:

9 171.095 1. Except as otherwise provided in subsection 2 and NRS 171.083
10 and 171.084:

11 (a) If a felony, gross misdemeanor or misdemeanor is committed in a secret
12 manner, an indictment for the offense must be found, or an information or
13 complaint filed, within the periods of limitation prescribed in NRS 171.085,
14 171.090 and 624.800 after the discovery of the offense, unless a longer period is
15 allowed by paragraph (b) or (c) or the provisions of NRS 202.885.

16 (b) An indictment must be found, or an information or complaint filed, for any
17 offense constituting sexual abuse of a child, as defined in NRS 432B.100, before
18 the victim of the sexual abuse is:

19 (1) ~~Twenty-one~~ **Thirty-six** years old if the victim discovers or reasonably
20 should have discovered that he or she was a victim of the sexual abuse by the date
21 on which the victim reaches that age; or

22 (2) ~~Twenty-eight~~ **Forty-three** years old if the victim does not discover
23 and reasonably should not have discovered that he or she was a victim of the sexual
24 abuse by the date on which the victim reaches ~~24~~ **36** years of age.

25 (c) If a felony is committed pursuant to NRS 205.461 to 205.4657, inclusive,
26 against a victim who is less than 18 years of age at the time of the commission of
27 the offense, an indictment for the offense must be found, or an information or
28 complaint filed, within 4 years after the victim discovers or reasonably should have
29 discovered the offense.

30 2. If any indictment found, or an information or complaint filed, within the
31 time prescribed in subsection 1 is defective so that no judgment can be given
32 thereon, another prosecution may be instituted for the same offense within 6
33 months after the first is abandoned.

34 **Sec. 4.** The amendatory provisions of this act apply to a person who:

35 1. Committed the sexual abuse of a child, as defined in NRS 432B.100,
36 before October 1, 2013, if the applicable period of limitation has commenced but
37 has not yet expired on October 1, 2013.

38 2. Commits the sexual abuse of a child, as defined in NRS 432B.100, on or
39 after October 1, 2013.