

SENATE BILL NO. 103—SENATOR KIECKHEFER

FEBRUARY 11, 2013

Referred to Committee on Judiciary

SUMMARY—Removes 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.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to crimes; removing 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:

1 Existing law establishes certain periods of limitation for crimes relating to the
2 sexual abuse of a child. (NRS 171.085, 171.090, 171.095) This bill removes all
3 periods of limitation for crimes relating to the sexual abuse of a child.

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

1 **Section 1.** NRS 171.080 is hereby amended to read as follows:
2 171.080 There is no limitation of the time within which a
3 prosecution for:

4 1. Murder must be commenced. It may be commenced at any
5 time after the death of the person killed.

6 2. A violation of NRS 202.445 must be commenced. It may be
7 commenced at any time after the violation is committed.

8 ***3. Sexual abuse of a child, as defined in NRS 432B.100, must***
9 ***be commenced. It may be commenced at any time after the***
10 ***violation has occurred.***

11 **Sec. 2.** NRS 171.090 is hereby amended to read as follows:

12 171.090 Except as otherwise provided in NRS ***171.080,***
13 171.095, 202.885 and 624.800, an indictment for:

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



* S B 1 0 3 *

2. Any other misdemeanor must be found, or an information or complaint filed, within 1 year after the commission of the offense.

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

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

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

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

~~—— (1) Twenty one 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 that age; or~~

~~—— (2) Twenty eight 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.~~

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

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

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

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

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

