

Amendment No. 364

Assembly Amendment to Assembly Bill No. 212	(BDR 14-1062)
<b>Proposed by:</b> Assembly Committee on Judiciary	
<b>Amends:</b> Summary: Yes Title: Yes 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) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

WBD/NCA



Date: 4/13/2015

A.B. No. 212—Eliminates the statute of limitations for sexual assault.  
(BDR 14-1062)



ASSEMBLY BILL NO. 212—ASSEMBLYWOMAN  
BUSTAMANTE ADAMS (BY REQUEST)

MARCH 2, 2015

Referred to Committee on Judiciary

SUMMARY—~~[Eliminates]~~ **Increases** the statute of limitations for sexual assault.  
(BDR 14-1062)

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; ~~[eliminating]~~ **increasing** the statute of limitations for sexual assault; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires that criminal proceedings for sexual assault must commence, by way of indictment, criminal information or complaint, within 4 years after the commission of the offense. (NRS 171.085) This bill ~~[eliminates that limitation and]~~ provides that ~~[there is no limitation of time within which]~~ a prosecution for sexual assault must be commenced **within 20 years after the commission of the offense.**

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 assault must be commenced. It may be commenced at any time after the commission of the offense.] (Deleted by amendment.)~~

**Sec. 2.** ~~[NRS 171.082 is hereby amended to read as follows:~~

~~171.082 1. If, at any time during the period of limitation prescribed in NRS 171.085 and 171.095, [a victim of a sexual assault, a person authorized to act on behalf of a victim of a sexual assault, or] a victim of sex trafficking or a person authorized to act on behalf of a victim of sex trafficking [,] files with a law enforcement officer a written report concerning the [sexual assault or] sex trafficking, the period of limitation prescribed in NRS 171.085 and 171.095 is removed and there is no limitation of the time within which a prosecution for the [sexual assault or] sex trafficking must be commenced.~~

1 ~~2. If a written report is filed with a law enforcement officer pursuant to~~  
2 ~~subsection 1, the law enforcement officer shall provide a copy of the written report~~  
3 ~~to the victim or the person authorized to act on behalf of the victim.~~

4 ~~3. If a victim of [a sexual assault or] sex trafficking is under a disability~~  
5 ~~during any part of the period of limitation prescribed in NRS 171.085 and 171.095~~  
6 ~~and a written report concerning the [sexual assault or] sex trafficking is not~~  
7 ~~otherwise filed pursuant to subsection 1, the period during which the victim is~~  
8 ~~under the disability must be excluded from any calculation of the period of~~  
9 ~~limitation prescribed in NRS 171.085 and 171.095.~~

10 ~~4. For the purposes of this section, a victim of [a sexual assault or] sex~~  
11 ~~trafficking is under a disability if the victim is insane, intellectually disabled,~~  
12 ~~mentally incompetent or in a medically comatose or vegetative state.~~

13 ~~5. As used in this section, "law enforcement officer" means:~~

14 ~~(a) A prosecuting attorney;~~

15 ~~(b) A sheriff of a county or the sheriff's deputy;~~

16 ~~(c) An officer of a metropolitan police department or a police department of an~~  
17 ~~incorporated city; or~~

18 ~~(d) Any other person upon whom some or all of the powers of a peace officer~~  
19 ~~are conferred pursuant to NRS 289.150 to 289.360, inclusive. (Deleted by~~  
20 ~~amendment.)~~

21 **Sec. 3.** NRS 171.085 is hereby amended to read as follows:

22 171.085 Except as otherwise provided in NRS 171.080, 171.083, 171.084 and  
23 171.095, an indictment for:

24 1. Theft, robbery, burglary, forgery, arson, ~~[sexual assault,]~~ sex trafficking, a  
25 violation of NRS 90.570, a violation punishable pursuant to paragraph (c) of  
26 subsection 3 of NRS 598.0999 or a violation of NRS 205.377 must be found, or an  
27 information or complaint filed, within 4 years after the commission of the offense.

28 2. **Sexual assault must be found, or an information or complaint filed,**  
29 **within 20 years after the commission of the offense.**

30 3. Any felony other than the felonies listed in ~~[subsection]~~ **subsections 1 and**  
31 **2** must be found, or an information or complaint filed, within 3 years after the  
32 commission of the offense.

33 **Sec. 4.** ~~[NRS 171.095 is hereby amended to read as follows:~~

34 ~~171.095 1. Except as otherwise provided in subsection 2 and NRS 171.080,~~  
35 ~~171.083 and 171.084:~~

36 ~~(a) If a felony, gross misdemeanor or misdemeanor is committed in a secret~~  
37 ~~manner, an indictment for the offense must be found, or an information or~~  
38 ~~complaint filed, within the periods of limitation prescribed in NRS 171.085,~~  
39 ~~171.090 and 624.800 after the discovery of the offense, unless a longer period is~~  
40 ~~allowed by paragraph (b) or (c) or the provisions of NRS 202.885.~~

41 ~~(b) An indictment must be found, or an information or complaint filed, for any~~  
42 ~~offense constituting sexual abuse of a child as defined in NRS 432B.100 or sex~~  
43 ~~trafficking of a child as defined in NRS 201.300, before the victim is:~~

44 ~~(1) Thirty six years old if the victim discovers or reasonably should have~~  
45 ~~discovered that he or she was a victim of the sexual abuse or sex trafficking by the~~  
46 ~~date on which the victim reaches that age; or~~

47 ~~(2) Forty three years old if the victim does not discover and reasonably~~  
48 ~~should not have discovered that he or she was a victim of the sexual abuse or sex~~  
49 ~~trafficking by the date on which the victim reaches 36 years of age.~~

50 ~~(c) If a felony is committed pursuant to NRS 205.461 to 205.4657, inclusive,~~  
51 ~~against a victim who is less than 18 years of age at the time of the commission of~~  
52 ~~the offense, an indictment for the offense must be found, or an information or~~

1 ~~complaint filed, within 4 years after the victim discovers or reasonably should have~~  
2 ~~discovered the offense.~~

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

7 **Sec. 5.** The amendatory provisions of this act apply to a person who:

8 1. Committed sexual assault, as defined in NRS 200.366, before October 1,  
9 2015, if the applicable statute of limitations has commenced but has not yet expired  
10 on October 1, 2015.

11 2. Commits sexual assault, as defined in NRS 200.366, on or after October 1,  
12 2015.