

ASSEMBLY BILL NO. 132—ASSEMBLYMAN
ELLIOT ANDERSON

PREFILED FEBRUARY 10, 2017

Referred to Committee on Judiciary

SUMMARY—Provides for enhanced penalties for committing assault or battery against certain civilian employees and volunteers of law enforcement agencies. (BDR 15-111)

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; revising the definition of “officer” to include certain civilian employees and volunteers of law enforcement agencies for the purpose of enhancing the penalties for assault and battery against such a person; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law provides that a person is guilty of: (1) a category D felony if the
2 person commits an assault upon an officer; and (2) a category B felony if the person
3 commits an assault upon an officer with the use of a deadly weapon or the present
4 ability to use a deadly weapon. (NRS 200.471) Existing law also provides that a
5 person is guilty of: (1) a category B felony if the person commits a battery upon an
6 officer which causes substantial bodily harm or is committed by strangulation; and
7 (2) a gross misdemeanor if the person commits a battery upon an officer and the
8 person knew or should have known that the victim was an officer. (NRS 200.481)
9 This bill revises the definition of “officer” to include certain civilian employees and
10 volunteers of law enforcement agencies for the purpose of enhancing the penalties
11 for the crimes of assault and battery against such a person.



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

Section 1. NRS 200.471 is hereby amended to read as follows:
200.471 1. As used in this section:

(a) "Assault" means:

(1) Unlawfully attempting to use physical force against another person; or

(2) Intentionally placing another person in reasonable apprehension of immediate bodily harm.

(b) "Officer" means:

(1) A person who possesses some or all of the powers of a peace officer;

(2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;

(3) A member of a volunteer fire department;

(4) A jailer, guard or other correctional officer of a city or county jail;

(5) A justice of the Supreme Court, judge of the Court of Appeals, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master or referee, including a person acting pro tempore in a capacity listed in this subparagraph;

~~to:~~
(6) An employee of the State or a political subdivision of the State whose official duties require the employee to make home visits ~~to~~; or

(7) A civilian employee or a volunteer of a law enforcement agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to law enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the law enforcement agency.

(c) "Provider of health care" means a physician, a medical student, a perfusionist or a physician assistant licensed pursuant to chapter 630 of NRS, a practitioner of respiratory care, a homeopathic physician, an advanced practitioner of homeopathy, a homeopathic assistant, an osteopathic physician, a physician assistant licensed pursuant to chapter 633 of NRS, a podiatric physician, a podiatry hygienist, a physical therapist, a medical laboratory technician, an optometrist, a chiropractor, a chiropractor's assistant, a doctor of Oriental medicine, a nurse, a student nurse, a certified nursing assistant, a nursing assistant trainee, a medication aide - certified, a dentist, a dental student, a dental hygienist, a dental hygienist student, a pharmacist, a



1 pharmacy student, an intern pharmacist, an attendant on an
2 ambulance or air ambulance, a psychologist, a social worker, a
3 marriage and family therapist, a marriage and family therapist
4 intern, a clinical professional counselor, a clinical professional
5 counselor intern, a licensed dietitian, an emergency medical
6 technician, an advanced emergency medical technician and a
7 paramedic.

8 (d) "School employee" means a licensed or unlicensed person
9 employed by a board of trustees of a school district pursuant to NRS
10 391.100 or 391.281.

11 (e) "Sporting event" has the meaning ascribed to it in
12 NRS 41.630.

13 (f) "Sports official" has the meaning ascribed to it in
14 NRS 41.630.

15 (g) "Taxicab" has the meaning ascribed to it in NRS 706.8816.

16 (h) "Taxicab driver" means a person who operates a taxicab.

17 (i) "Transit operator" means a person who operates a bus or
18 other vehicle as part of a public mass transportation system.

19 2. A person convicted of an assault shall be punished:

20 (a) If paragraph (c) or (d) does not apply to the circumstances of
21 the crime and the assault is not made with the use of a deadly
22 weapon or the present ability to use a deadly weapon, for a
23 misdemeanor.

24 (b) If the assault is made with the use of a deadly weapon or the
25 present ability to use a deadly weapon, for a category B felony by
26 imprisonment in the state prison for a minimum term of not less
27 than 1 year and a maximum term of not more than 6 years, or by a
28 fine of not more than \$5,000, or by both fine and imprisonment.

29 (c) If paragraph (d) does not apply to the circumstances of the
30 crime and if the assault is committed upon an officer, a provider of
31 health care, a school employee, a taxicab driver or a transit operator
32 who is performing his or her duty or upon a sports official based on
33 the performance of his or her duties at a sporting event and the
34 person charged knew or should have known that the victim was an
35 officer, a provider of health care, a school employee, a taxicab
36 driver, a transit operator or a sports official, for a gross
37 misdemeanor, unless the assault is made with the use of a deadly
38 weapon or the present ability to use a deadly weapon, then for a
39 category B felony by imprisonment in the state prison for a
40 minimum term of not less than 1 year and a maximum term of not
41 more than 6 years, or by a fine of not more than \$5,000, or by both
42 fine and imprisonment.

43 (d) If the assault is committed upon an officer, a provider of
44 health care, a school employee, a taxicab driver or a transit operator
45 who is performing his or her duty or upon a sports official based on



1 the performance of his or her duties at a sporting event by a
2 probationer, a prisoner who is in lawful custody or confinement or a
3 parolee, and the probationer, prisoner or parolee charged knew or
4 should have known that the victim was an officer, a provider of
5 health care, a school employee, a taxicab driver, a transit operator or
6 a sports official, for a category D felony as provided in NRS
7 193.130, unless the assault is made with the use of a deadly weapon
8 or the present ability to use a deadly weapon, then for a category B
9 felony by imprisonment in the state prison for a minimum term of
10 not less than 1 year and a maximum term of not more than 6 years,
11 or by a fine of not more than \$5,000, or by both fine and
12 imprisonment.

13 **Sec. 2.** NRS 200.481 is hereby amended to read as follows:

14 200.481 1. As used in this section:

15 (a) "Battery" means any willful and unlawful use of force or
16 violence upon the person of another.

17 (b) "Child" means a person less than 18 years of age.

18 (c) "Officer" means:

19 (1) A person who possesses some or all of the powers of a
20 peace officer;

21 (2) A person employed in a full-time salaried occupation of
22 fire fighting for the benefit or safety of the public;

23 (3) A member of a volunteer fire department;

24 (4) A jailer, guard, matron or other correctional officer of a
25 city or county jail or detention facility;

26 (5) A justice of the Supreme Court, judge of the Court of
27 Appeals, district judge, justice of the peace, municipal judge,
28 magistrate, court commissioner, master or referee, including,
29 without limitation, a person acting pro tempore in a capacity listed
30 in this subparagraph; ~~for~~

31 (6) An employee of the State or a political subdivision of the
32 State whose official duties require the employee to make home
33 visits ~~H~~; or

34 (7) *A civilian employee or a volunteer of a law enforcement
35 agency whose official duties require the employee or volunteer to:*

36 *(I) Interact with the public;*

37 *(II) Perform tasks related to law enforcement; and*

38 *(III) Wear identification, clothing or a uniform that
39 identifies the employee or volunteer as working or volunteering
40 for the law enforcement agency.*

41 (d) "Provider of health care" has the meaning ascribed to it in
42 NRS 200.471.

43 (e) "School employee" means a licensed or unlicensed person
44 employed by a board of trustees of a school district pursuant to NRS
45 391.100 or 391.281.



(f) "Sporting event" has the meaning ascribed to it in NRS 41.630.

(g) "Sports official" has the meaning ascribed to it in NRS 41.630.

(h) "Strangulation" means intentionally impeding the normal breathing or circulation of the blood by applying pressure on the throat or neck or by blocking the nose or mouth of another person in a manner that creates a risk of death or substantial bodily harm.

(i) "Taxicab" has the meaning ascribed to it in NRS 706.8816.

(j) "Taxicab driver" means a person who operates a taxicab.

(k) "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.

2. Except as otherwise provided in NRS 200.485, a person convicted of a battery, other than a battery committed by an adult upon a child which constitutes child abuse, shall be punished:

(a) If the battery is not committed with a deadly weapon, and no substantial bodily harm to the victim results, except under circumstances where a greater penalty is provided in this section or NRS 197.090, for a misdemeanor.

(b) If the battery is not committed with a deadly weapon, and either substantial bodily harm to the victim results or the battery is committed by strangulation, for a category C felony as provided in NRS 193.130.

(c) If:

(1) The battery is committed upon an officer, provider of health care, school employee, taxicab driver or transit operator who was performing his or her duty or upon a sports official based on the performance of his or her duties at a sporting event;

(2) The officer, provider of health care, school employee, taxicab driver, transit operator or sports official suffers substantial bodily harm or the battery is committed by strangulation; and

(3) The person charged knew or should have known that the victim was an officer, provider of health care, school employee, taxicab driver, transit operator or sports official,

➤ for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, or by a fine of not more than \$10,000, or by both fine and imprisonment.

(d) If the battery is committed upon an officer, provider of health care, school employee, taxicab driver or transit operator who is performing his or her duty or upon a sports official based on the performance of his or her duties at a sporting event and the person charged knew or should have known that the victim was an officer, provider of health care, school employee, taxicab driver, transit



operator or sports official, for a gross misdemeanor, except under circumstances where a greater penalty is provided in this section.

(e) If the battery is committed with the use of a deadly weapon, and:

(1) No substantial bodily harm to the victim results, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than \$10,000.

(2) Substantial bodily harm to the victim results or the battery is committed by strangulation, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than \$10,000.

(f) If the battery is committed by a probationer, a prisoner who is in lawful custody or confinement or a parolee, without the use of a deadly weapon, whether or not substantial bodily harm results and whether or not the battery is committed by strangulation, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

(g) If the battery is committed by a probationer, a prisoner who is in lawful custody or confinement or a parolee, with the use of a deadly weapon, and:

(1) No substantial bodily harm to the victim results, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years.

(2) Substantial bodily harm to the victim results or the battery is committed by strangulation, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years.

