

EMERGENCY REQUEST OF SENATE MAJORITY LEADER

SENATE BILL NO. 541—SENATORS FORD, DENIS, PARKS,
SPEARMAN, ATKINSON; CANCELA, CANNIZZARO, FARLEY,
MANENDO, RATTI, SEGERBLOM AND WOODHOUSE

MAY 18, 2017

JOINT SPONSORS: ASSEMBLYMEN ELLISON AND FRIERSON

Referred to Committee on Judiciary

SUMMARY—Enhances the criminal penalty for certain crimes
committed against first responders. (BDR 15-1219)

FISCAL NOTE: Effect on Local Government: No.
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; enhancing the criminal penalty for
certain crimes committed against first responders; and
providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 **Section 1** of this bill provides that any person who willfully commits certain
2 crimes because of the fact that the victim is a first responder, which **section 1**
3 defines as any peace officer, firefighter or emergency medical provider acting in the
4 normal course of duty, may, in addition to the term of imprisonment prescribed by
5 statute for the crime, be punished by imprisonment in the state prison for a
6 minimum term of not less than 1 year and a maximum term of not more than 20
7 years.

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

1 **Section 1.** Chapter 193 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *1. Except as otherwise provided in NRS 193.169, any person*
4 *who willfully violates any provision of NRS 200.030, 200.050,*



1 200.280, 200.310, 200.366, 200.380, 200.400, 200.460,
2 NRS 200.471 which is punishable as a felony, NRS 200.481 which
3 is punishable as a felony, NRS 205.0832 which is punishable as a
4 felony, NRS 205.220, 205.226, 205.228, 205.270 or 206.150
5 because of the fact that the victim is a first responder may, in
6 addition to the term of imprisonment prescribed by statute for the
7 crime, be punished by imprisonment in the state prison for a
8 minimum term of not less than 1 year and a maximum term of not
9 more than 20 years. In determining the length of any additional
10 penalty imposed, the court shall consider the following
11 information:

- 12 (a) The facts and circumstances of the crime;
- 13 (b) The criminal history of the person;
- 14 (c) The impact of the crime on any victim;
- 15 (d) Any mitigating factors presented by the person; and
- 16 (e) Any other relevant information.

17 ➔ The court shall state on the record that it has considered the
18 information described in paragraphs (a) to (e), inclusive, in
19 determining the length of any additional penalty imposed.

20 2. A sentence imposed pursuant to this section:

- 21 (a) Must not exceed the sentence imposed for the crime; and
- 22 (b) Runs consecutively with the sentence prescribed by statute
23 for the crime.

24 3. This section does not create a separate offense but provides
25 an additional penalty for the primary offense, whose imposition is
26 contingent upon the finding of the prescribed fact.

27 4. As used in this section, "first responder" means any peace
28 officer, firefighter or emergency medical provider acting in the
29 normal course of duty. As used in this subsection:

30 (a) "Emergency medical provider" has the meaning ascribed
31 to it in NRS 450B.199.

32 (b) "Firefighter" has the meaning ascribed to it in
33 NRS 450B.071.

34 (c) "Peace officer" has the meaning ascribed to it in
35 NRS 169.125.

36 **Sec. 2.** NRS 193.169 is hereby amended to read as follows:

37 193.169 1. A person who is sentenced to an additional term
38 of imprisonment pursuant to the provisions of subsection 1 of NRS
39 193.161, NRS 193.162, 193.163, 193.165, 193.166, 193.167,
40 193.1675, 193.168, subsection 1 of NRS 193.1685, NRS 453.3335,
41 453.3345, 453.3351 or subsection 1 of NRS 453.3353 **or section 1**
42 **of this act** must not be sentenced to an additional term of
43 imprisonment pursuant to any of the other listed sections even if the
44 person's conduct satisfies the requirements for imposing an



1 additional term of imprisonment pursuant to another one or more of
2 those sections.

3 2. A person who is sentenced to an alternative term of
4 imprisonment pursuant to subsection 3 of NRS 193.161, subsection
5 3 of NRS 193.1685 or subsection 2 of NRS 453.3353 must not be
6 sentenced to an additional term of imprisonment pursuant to
7 subsection 1 of NRS 193.161, NRS 193.162, 193.163, 193.165,
8 193.166, 193.167, 193.1675, 193.168, 453.3335, 453.3345
9 or 453.3351 *or section 1 of this act* even if the person's conduct
10 satisfies the requirements for imposing an additional term of
11 imprisonment pursuant to another one or more of those sections.

12 3. This section does not:

13 (a) Affect other penalties or limitations upon probation or
14 suspension of a sentence contained in the sections listed in
15 subsection 1 or 2.

16 (b) Prohibit alleging in the alternative in the indictment or
17 information that the person's conduct satisfies the requirements of
18 more than one of the sections listed in subsection 1 or 2 and
19 introducing evidence to prove the alternative allegations.

20 **Sec. 3.** The amendatory provisions of this act apply to an
21 offense committed on or after October 1, 2017.

