

ASSEMBLY BILL NO. 102—ASSEMBLYMAN ELLISON

PREFILED JANUARY 28, 2019

Referred to Committee on Judiciary

SUMMARY—Enhances the criminal penalty for certain crimes committed against certain family members of first responders. (BDR 15-48)

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 certain family members of first responders; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law provides that any person who willfully commits certain crimes
2 because of the fact that the victim is a first responder, which is defined as any peace
3 officer, firefighter or emergency medical provider acting in the normal course of
4 duty, may, in addition to the term of imprisonment prescribed by statute for the
5 crime, be punished by imprisonment in the state prison for a minimum term of not
6 less than 1 year and a maximum term of not more than 20 years. (NRS 193.1677)
7 This bill extends this enhanced criminal penalty to such crimes committed against
8 the spouse of a first responder or the child of any age of a first responder.

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

1 **Section 1.** NRS 193.1677 is hereby amended to read as
2 follows:

3 193.1677 1. Except as otherwise provided in NRS 193.169,
4 any person who willfully violates any provision of NRS 200.030,
5 200.050, 200.280, 200.310, 200.366, 200.380, 200.400, 200.460,
6 NRS 200.471 which is punishable as a felony, NRS 200.481 which
7 is punishable as a felony, NRS 205.0832 which is punishable as a
8 felony, NRS 205.220, 205.226, 205.228, 205.270 or 206.150



1 because of the fact that the victim is a first responder , *the spouse of*
2 *a first responder or the child of any age of a first responder* may,
3 in addition to the term of imprisonment prescribed by statute for the
4 crime, be punished by imprisonment in the state prison for a
5 minimum term of not less than 1 year and a maximum term of not
6 more than 20 years. In determining the length of any additional
7 penalty imposed, the court shall consider the following information:

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

13 ➤ The court shall state on the record that it has considered the
14 information described in paragraphs (a) to (e), inclusive, in
15 determining the length of any additional penalty imposed.

16 2. A sentence imposed pursuant to this section:

- 17 (a) Must not exceed the sentence imposed for the crime; and
- 18 (b) Runs consecutively with the sentence prescribed by statute
19 for the crime.

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

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

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

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

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

32 **Sec. 2.** The amendatory provisions of this act apply to an
33 offense committed on or after October 1, 2019.

