

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; removing the crime of voluntary manslaughter from the crimes for which an enhanced criminal penalty may be imposed when committed against a first responder; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law provides that any person who willfully commits certain crimes because of the fact that the victim is a first responder, which is defined as any peace officer, firefighter or emergency medical provider acting in the normal course of duty, may, in addition to the term of imprisonment prescribed by statute for the crime, be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years. (NRS 193.1677) **Section 1.3** of this bill removes the crime of voluntary manslaughter from the crimes for which such an enhanced criminal penalty may be imposed. **Section 1** of this bill extends such an enhanced criminal penalty to the same crimes set forth in **section 1.3** that are knowingly and willfully committed against the spouse of a first responder or the child of any age of a first responder. For the purposes of the enhanced criminal penalty imposed pursuant to **section 1**, the term "first responder" is defined as any peace officer, firefighter or emergency medical provider.



\* A B 1 0 2 R 1 \*

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

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

*1. Except as otherwise provided in NRS 193.169, any person who knowingly and willfully violates any provision of NRS 200.030, 200.280, 200.310, 200.366, 200.380, 200.400, 200.460, NRS 200.471 which is punishable as a felony or NRS 200.481 which is punishable as a felony because of the fact that the victim is the spouse of a first responder or the child of any age of a first responder may, in addition to the term of imprisonment prescribed by statute for the crime, be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years. In determining the length of any additional penalty imposed, the court shall consider the following information:*

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

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

*2. A sentence imposed pursuant to this section:*

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

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

*4. As used in this section, "first responder" means any peace officer, firefighter or emergency medical provider. As used in this subsection:*

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

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

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

**Sec. 1.3.** NRS 193.1677 is hereby amended to read as follows:

193.1677 1. Except as otherwise provided in NRS 193.169, any person who willfully violates any provision of NRS 200.030, ~~200.050,~~ 200.280, 200.310, 200.366, 200.380, 200.400, 200.460,



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

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

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

18 2. A sentence imposed pursuant to this section:

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

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

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

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

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

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

34 **Sec. 1.7.** NRS 193.169 is hereby amended to read as follows:

35 193.169 1. A person who is sentenced to an additional term  
36 of imprisonment pursuant to the provisions of subsection 1 of NRS  
37 193.161, NRS 193.162, 193.163, 193.165, 193.166, 193.167,  
38 193.1675, 193.1677, 193.168, subsection 1 of NRS 193.1685, NRS  
39 453.3335, 453.3345, 453.3351 or subsection 1 of NRS 453.3353 **or**  
40 **section 1 of this act** must not be sentenced to an additional term of  
41 imprisonment pursuant to any of the other listed sections even if the  
42 person's conduct satisfies the requirements for imposing an  
43 additional term of imprisonment pursuant to another one or more of  
44 those sections.



2. A person who is sentenced to an alternative term of imprisonment pursuant to subsection 3 of NRS 193.161, subsection 3 of NRS 193.1685 or subsection 2 of NRS 453.3353 must not be sentenced to an additional term of imprisonment pursuant to subsection 1 of NRS 193.161, NRS 193.162, 193.163, 193.165, 193.166, 193.167, 193.1675, 193.1677, 193.168, 453.3335, 453.3345 or 453.3351 *or section 1 of this act* even if the person's conduct satisfies the requirements for imposing an additional term of imprisonment pursuant to another one or more of those sections.

3. This section does not:

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

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

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

