

ASSEMBLY BILL NO. 330—ASSEMBLYWOMAN MILLER

MARCH 18, 2019

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to certain crimes.
(BDR 15-931)

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; making it unlawful for a person to commit certain acts involving an electronic communication device; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides that it is unlawful for a person to isolate an older person or vulnerable person. (NRS 200.5099) Existing law defines “isolation” as: (1) intentionally preventing an older person or vulnerable person from receiving visitors, mail or telephone calls under certain circumstances; (2) physically restraining an older person or vulnerable person in order to prevent the person from meeting with a visitor; or (3) permitting another to conduct such unlawful acts against an older person or vulnerable person. (NRS 200.5092) **Section 1** of this bill expands the definition of “isolation” to include intentionally preventing an older person or vulnerable person from using an electronic communication device to communicate with another person.

Existing law makes it unlawful for a person to willfully make a telephone call: (1) addressing the person receiving the call with any obscene language, representation or suggestion about that person; (2) threatening to inflict injury on that person, the property of that person or the family of that person; or (3) with the intent to annoy another. (NRS 201.255) **Section 2** of this bill prohibits a person from willfully making a communication through the use of an electronic communication device in such an obscene, threatening or annoying manner.

Existing law makes it unlawful to use the mail, written note, telephone, telegraph, radio broadcast or other means of communication to make a bomb threat under certain circumstances. (NRS 202.840) **Section 3** of this bill also makes it unlawful to make a bomb threat through the use of an electronic communication device.

Existing law makes it unlawful to send or deliver any letter or writing containing certain threats, obscene language or content under certain circumstances. (NRS 207.180) **Section 4** of this bill prohibits a person from making a



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26 communication that contains such a threat, obscene language or content through the
27 use of an electronic communication device.

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

1 **Section 1.** NRS 200.5092 is hereby amended to read as
2 follows:

3 200.5092 As used in NRS 200.5091 to 200.50995, inclusive,
4 unless the context otherwise requires:

5 1. "Abandonment" means:

6 (a) Desertion of an older person or a vulnerable person in an
7 unsafe manner by a caretaker or other person with a legal duty of
8 care; or

9 (b) Withdrawal of necessary assistance owed to an older person
10 or a vulnerable person by a caretaker or other person with an
11 obligation to provide services to the older person or vulnerable
12 person.

13 2. "Abuse" means willful:

14 (a) Infliction of pain or injury on an older person or a vulnerable
15 person;

16 (b) Deprivation of food, shelter, clothing or services which are
17 necessary to maintain the physical or mental health of an older
18 person or a vulnerable person;

19 (c) Infliction of psychological or emotional anguish, pain or
20 distress on an older person or a vulnerable person through any act,
21 including, without limitation:

22 (1) Threatening, controlling or socially isolating the older
23 person or vulnerable person;

24 (2) Disregarding the needs of the older person or vulnerable
25 person; or

26 (3) Harming, damaging or destroying any property of the
27 older person or vulnerable person, including, without limitation,
28 pets;

29 (d) Nonconsensual sexual contact with an older person or a
30 vulnerable person, including, without limitation:

31 (1) An act that the older person or vulnerable person is
32 unable to understand or to which the older person or vulnerable
33 person is unable to communicate his or her objection; or

34 (2) Intentional touching, either directly or through the
35 clothing, of the genitalia, anus, groin, breast, inner thigh or buttocks
36 of the older person or vulnerable person; or

37 (e) Permitting any of the acts described in paragraphs (a) to (d),
38 inclusive, to be committed against an older person or a vulnerable
39 person.



3. "Exploitation" means any act taken by a person who has the trust and confidence of an older person or a vulnerable person or any use of the power of attorney or guardianship of an older person or a vulnerable person to:

(a) Obtain control, through deception, intimidation or undue influence, over the older person's or vulnerable person's money, assets or property with the intention of permanently depriving the older person or vulnerable person of the ownership, use, benefit or possession of his or her money, assets or property; or

(b) Convert money, assets or property of the older person or vulnerable person with the intention of permanently depriving the older person or vulnerable person of the ownership, use, benefit or possession of his or her money, assets or property.

As used in this subsection, "undue influence" means the improper use of power or trust in a way that deprives a person of his or her free will and substitutes the objectives of another person. The term does not include the normal influence that one member of a family has over another.

4. "Isolation" means preventing an older person or a vulnerable person from having contact with another person by:

(a) Intentionally preventing the older person or vulnerable person from receiving visitors, mail or telephone calls, including, without limitation, communicating to a person who comes to visit the older person or vulnerable person or a person who telephones the older person or vulnerable person that the older person or vulnerable person is not present or does not want to meet with or talk to the visitor or caller knowing that the statement is false, contrary to the express wishes of the older person or vulnerable person and intended to prevent the older person or vulnerable person from having contact with the visitor;

(b) *Intentionally preventing the older person or vulnerable person from communicating with another person through the use of an electronic communication device, including, without limitation, any electronic device that is capable of transmitting or distributing data or an image, including, without limitation, a cellular phone, personal digital assistant, computer, computer network or computer system;*

(c) Physically restraining the older person or vulnerable person to prevent the older person or vulnerable person from meeting with a person who comes to visit the older person or vulnerable person; or

~~[(e)]~~ (d) Permitting any of the acts described in paragraphs (a) , ~~[(a)]~~ (b) and (c) to be committed against an older person or a vulnerable person.



1 ➤ The term does not include an act intended to protect the property
2 or physical or mental welfare of the older person or vulnerable
3 person or an act performed pursuant to the instructions of a
4 physician of the older person or vulnerable person.

5 5. "Neglect" means the failure of a person or a manager of a
6 facility who has assumed legal responsibility or a contractual
7 obligation for caring for an older person or a vulnerable person or
8 who has voluntarily assumed responsibility for his or her care to
9 provide food, shelter, clothing or services which are necessary to
10 maintain the physical or mental health of the older person or
11 vulnerable person.

12 6. "Older person" means a person who is 60 years of age or
13 older.

14 7. "Protective services" means services the purpose of which is
15 to prevent and remedy the abuse, neglect, exploitation, isolation and
16 abandonment of older persons. The services may include:

17 (a) The investigation, evaluation, counseling, arrangement and
18 referral for other services and assistance; and

19 (b) Services provided to an older person or a vulnerable person
20 who is unable to provide for his or her own needs.

21 8. "Vulnerable person" means a person 18 years of age or older
22 who:

23 (a) Suffers from a condition of physical or mental incapacitation
24 because of a developmental disability, organic brain damage or
25 mental illness; or

26 (b) Has one or more physical or mental limitations that restrict
27 the ability of the person to perform the normal activities of daily
28 living.

29 **Sec. 2.** NRS 201.255 is hereby amended to read as follows:

30 201.255 1. Any person who willfully makes a telephone call
31 *or a communication through the use of an electronic*
32 *communication device* and addresses any obscene language,
33 representation or suggestion to or about any person receiving such
34 call *or communication* or addresses to such other person any threat
35 to inflict injury to the person or property of the person addressed or
36 any member of the person's family is guilty of a misdemeanor.

37 2. Every person who makes a telephone call *or a*
38 *communication through the use of an electronic communication*
39 *device* with intent to annoy another is, whether or not conversation
40 ensues from making the telephone call  *or communication*, guilty
41 of a misdemeanor.

42 3. Any violation of subsections 1 and 2 is committed at the
43 place at which the telephone call or calls *or communication or*
44 *communications* were made and at the place where the telephone



call or calls *or communication or communications* were received, and may be prosecuted at either place.

4. *As used in this section, “electronic communication device” means any electronic device that is capable of transmitting or distributing data or an image, including, without limitation, a cellular phone, personal digital assistant, computer, computer network or computer system.*

Sec. 3. NRS 202.840 is hereby amended to read as follows:

202.840 **1.** A person who through the use of the mail, written note, telephone, telegraph, radio broadcast, *electronic communication device* or other means of communication, willfully makes any threat, or maliciously conveys false information knowing it to be false, concerning an attempt or alleged attempt being made, or to be made, to kill, injure or intimidate any person or unlawfully to damage or destroy any building, vehicle, aircraft or other real or personal property by means of any explosive, bomb, spring trap or mechanism known or commonly thought to be dangerous to human life, limb or safety is guilty of a category B felony and shall 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 6 years, and may be further punished by a fine of not more than \$5,000.

2. *As used in this section, “electronic communication device” has the meaning ascribed to it in NRS 201.255.*

Sec. 4. NRS 207.180 is hereby amended to read as follows:

207.180 **1.** Any person who knowingly sends or delivers any letter or writing ~~for~~ *or makes any communication through the use of an electronic communication device:*

(a) Threatening to accuse another of a crime or misdemeanor, or to expose or publish any of the other person’s infirmities or failings, with intent to extort money, goods, chattels or other valuable thing; or

(b) Threatening to maim, wound, kill or murder, or to burn or destroy the house or other property of another person, or to accuse another of a crime or misdemeanor, or expose or publish any of the other person’s infirmities, though no money, goods, chattels or other valuable thing be demanded,

➤ is guilty of a misdemeanor.

2. Any person who:

(a) Writes and sends, or writes and delivers, either through the mail, express, by private parties or otherwise, any anonymous letter, or any letter bearing a fictitious name, charging any person with crime; ~~for~~

(b) Writes and sends any anonymous letter or letters bearing a fictitious name, containing vulgar or threatening language, obscene



1 pictures, or containing reflections upon his or her standing in society
2 or in the community **H**; or

3 *(c) Through the use of an electronic communication device*
4 *makes a communication anonymously or with a fictitious name*
5 *that:*

6 *(1) Charges a person with a crime;*

7 *(2) Contains vulgar or threatening language, obscene*
8 *pictures or contains reflections upon the standing of the person in*
9 *society or the community,*

10 **↪** is guilty of a misdemeanor.

11 *3. As used in this section, “electronic communication device”*
12 *has the meaning ascribed to it in NRS 201.255.*

