

ASSEMBLY BILL NO. 60—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED NOVEMBER 19, 2018

Referred to Committee on Judiciary

SUMMARY—Revises provisions related to domestic violence.
(BDR 3-425)

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 ~~for omitted material~~ is material to be omitted.

AN ACT relating to domestic violence; revising the definition of domestic violence; providing a legislative declaration concerning stalking; increasing certain penalties relating to battery which constitutes domestic violence; imposing an administrative assessment on certain unlawful acts that constitute domestic violence; requiring such administrative assessments to be deposited into the Account for Programs Related to Domestic Violence; revising the definition of stalking; increasing certain penalties related to stalking; revising the duties and quorum requirements of the Committee on Domestic Violence; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain unlawful acts that constitute domestic violence when committed against certain persons. (NRS 33.018) **Section 1** of this bill revises the unlawful acts that constitute domestic violence to include coercion, burglary, home invasion and pandering.

Existing law prohibits certain conduct which is defined as the crime of stalking. (NRS 200.575) **Section 9** of this bill provides a legislative declaration concerning certain findings regarding stalking.

Existing law provides that during the penalty hearing of a defendant who has been found guilty or guilty but mentally ill of murder of the first degree, the State generally may introduce evidence of certain additional aggravating circumstances.



The jury may only impose a sentence of death if it finds at least one aggravating circumstance and finds that no mitigating circumstances exist which are sufficient to outweigh any aggravating circumstance that is found. (NRS 175.552, 175.554) Existing law sets forth the circumstances by which murder of the first degree may be aggravated. (NRS 200.033) **Section 10** of this bill adds an additional circumstance where the murder involved an act that constitutes domestic violence, the victim was pregnant at the time of the murder and the defendant knew or should have known that the victim was pregnant.

When a person is convicted of battery that constitutes domestic violence, existing law requires the court to order the person to pay an administrative assessment of \$35 to be deposited in the Account for Programs Related to Domestic Violence. (NRS 200.485) **Sections 12-14, 17, 19 and 23-35** of this bill require the court to order such an administrative assessment be paid if a person is convicted of certain unlawful acts that constitute domestic violence, including, sexual assault, false imprisonment, assault, stalking, pandering, burglary, home invasion, coercion, trespassing and certain provisions related to arson and larceny and unlawful acts related to injuring or killing an animal. **Section 40** of this bill requires such administrative assessments to be deposited with the State Controller for credit to the Account.

Under existing law, a person convicted of a battery which constitutes domestic violence, for the first offense, is guilty of a misdemeanor and shall be punished by: (1) imprisonment in a city or county jail or detention center for not less than 2 days, but not more than 6 months; (2) community service; and (3) a fine of not less than \$200 and not more than \$1,000. Existing law authorizes a court to impose the term of imprisonment intermittently, except that each period of confinement cannot last less than 4 consecutive hours and cannot be served when the person is required to be at his or her place of employment. (NRS 200.485) **Section 15** of this bill increases the fine to \$400 and requires the court to impose intermittent confinement of not less than 2 consecutive days regardless of whether the person is required to be at his or her place of employment for the first offense of such an act.

Additionally, under existing law, a person convicted for his or her second offense of battery which constitutes domestic violence is guilty of a misdemeanor and is required to be imprisoned in a city or county jail or detention facility for not less than 10 days and not more than 6 months and pay a fine of \$500. (NRS 200.485) **Section 15** increases the minimum term of imprisonment to 30 days and increases the fine to \$750.

Under existing law, a person convicted for his or her third or any subsequent offense of battery which constitutes domestic violence is guilty of a category C felony. (NRS 200.485) **Section 15** increases the penalty for such an act to a category B felony.

Under existing law, a person convicted of battery which constitutes domestic violence where the battery was committed by strangulation is guilty of a category C felony and a fine of not more than \$15,000, if authorized by the court. (NRS 200.485) **Section 15** increases the penalty to a category B felony and authorizes a court to impose a fine of not less than \$1,000 and not more than \$15,000.

Section 15 also provides a penalty for a battery which constitutes domestic violence where the act was committed against a victim who was pregnant at the time of such a battery. Under **section 15**, a person who commits such a battery: (1) for the first or second offense is guilty of a gross misdemeanor; and (2) for the third or any subsequent offense is guilty of a category B felony and authorizes the court to impose a minimum fine of not less than \$1,000 and not more than \$15,000. **Section 6** of this bill also authorizes a court to impose an additional penalty of a minimum term of imprisonment of 1 year and a maximum term of 10 years on any person who commits a third or any subsequent offense.



Section 15 also provides that if a person is convicted of a battery which constitutes domestic violence, where such a battery causes substantial bodily harm to the victim, the person: (1) is guilty of a category B felony; and (2) the court is authorized to impose a fine of \$1,000 to \$15,000. **Section 15** further requires a court to consider the presence of a child during the commission of a battery that constitutes domestic violence as an aggravating factor in determining the sentence of such a person.

Existing law provides that a person who, without lawful authority, willfully or maliciously engages in conduct that would cause a reasonable person to feel terrorized, frightened, intimidated, harassed or fearful for the immediate safety of a family or household member, and the conduct actually causes the victim to feel such emotions, is guilty of the crime of stalking. Existing law makes such a crime punishable as a misdemeanor for the first offense, and as a gross misdemeanor for any subsequent offense. (NRS 200.575) **Section 17** of this bill revises the definition of stalking to: (1) provide that the course of conduct must be directed at the victim; and (2) clarify that the conduct would cause the victim to be fearful of his or her immediate safety. **Section 17** also increases the penalty for a third or any subsequent offense of stalking to a category C felony and authorizes a court to impose a fine of not more than \$5,000.

Existing law requires the Attorney General to appoint a Committee on Domestic Violence whose duties include, among other things: (1) increasing awareness of domestic violence within the State; and (2) reviewing certain programs related to the treatment of persons who commit domestic violence and making recommendations concerning those programs to the Division of Public and Behavioral Health of the Department of Health and Human Services. Existing law also requires a quorum of six members of the Committee for voting purposes. (NRS 228.470) **Section 41** of this bill: (1) eliminates the duty to review and make recommendations concerning such treatment programs; (2) requires a quorum of six members for all purposes; and (3) authorizes the Committee to adopt regulations necessary to carry out its duties.

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

Section 1. NRS 33.018 is hereby amended to read as follows:

33.018 1. Domestic violence occurs when a person commits one of the following acts against or upon the person's spouse or former spouse, any other person to whom the person is related by blood or marriage, any other person with whom the person has had or is having a dating relationship, any other person with whom the person has a child in common, the minor child of any of those persons, the person's minor child or any other person who has been appointed the custodian or legal guardian for the person's minor child:

(a) A battery.

(b) An assault.

(c) ~~[Compelling the other person by force or threat of force to perform an act from which the other person has the right to refrain or to refrain from an act which the other person has the right to perform.]~~ *Coercion pursuant to NRS 207.190.*



- 1 (d) A sexual assault.
- 2 (e) A knowing, purposeful or reckless course of conduct
- 3 intended to harass the other person. Such conduct may include, but
- 4 is not limited to:
- 5 (1) Stalking.
- 6 (2) Arson.
- 7 (3) Trespassing.
- 8 (4) Larceny.
- 9 (5) Destruction of private property.
- 10 (6) Carrying a concealed weapon without a permit.
- 11 (7) Injuring or killing an animal.
- 12 (8) *Burglary.*
- 13 (9) *An invasion of the home.*
- 14 (f) A false imprisonment.
- 15 (g) ~~[Unlawful entry of the other person's residence, or forcible~~
- 16 ~~entry against the other person's will if there is a reasonably~~
- 17 ~~foreseeable risk of harm to the other person from the entry.]~~
- 18 *Pandering.*
- 19 2. As used in this section, "dating relationship" means
- 20 frequent, intimate associations primarily characterized by the
- 21 expectation of affectional or sexual involvement. The term does not
- 22 include a casual relationship or an ordinary association between
- 23 persons in a business or social context.
- 24 **Sec. 2.** NRS 174.227 is hereby amended to read as follows:
- 25 174.227 1. A court on its own motion or on the motion of the
- 26 district attorney may, for good cause shown, order the taking of a
- 27 videotaped deposition of:
- 28 (a) A victim of sexual abuse as that term is defined in
- 29 NRS 432B.100;
- 30 (b) A prospective witness in any criminal prosecution if the
- 31 witness is less than 14 years of age; or
- 32 (c) A victim of sex trafficking as that term is defined in
- 33 subsection ~~f2~~ 3 of NRS 201.300. There is a rebuttable presumption
- 34 that good cause exists where the district attorney seeks to take the
- 35 deposition of a person alleged to be the victim of sex trafficking.
- 36 ➤ The court may specify the time and place for taking the
- 37 deposition and the persons who may be present when it is taken.
- 38 2. The district attorney shall give every other party reasonable
- 39 written notice of the time and place for taking the deposition. The
- 40 notice must include the name of the person to be examined. On the
- 41 motion of a party upon whom the notice is served, the court:
- 42 (a) For good cause shown may release the address of the person
- 43 to be examined; and
- 44 (b) For cause shown may extend or shorten the time.



3. If at the time such a deposition is taken, the district attorney anticipates using the deposition at trial, the court shall so state in the order for the deposition and the accused must be given the opportunity to cross-examine the deponent in the same manner as permitted at trial.

4. Except as limited by NRS 174.228, the court may allow the videotaped deposition to be used at any proceeding in addition to or in lieu of the direct testimony of the deponent. It may also be used by any party to contradict or impeach the testimony of the deponent as a witness. If only a part of the deposition is offered in evidence by a party, an adverse party may require the party to offer all of it which is relevant to the part offered and any party may offer other parts.

Sec. 3. NRS 174.228 is hereby amended to read as follows:

174.228 A court may allow a videotaped deposition to be used instead of the deponent's testimony at trial only if:

1. In the case of a victim of sexual abuse, as that term is defined in NRS 432B.100:

(a) Before the deposition is taken, a hearing is held by a justice of the peace or district judge who finds that:

(1) The use of the videotaped deposition in lieu of testimony at trial is necessary to protect the welfare of the victim; and

(2) The presence of the accused at trial would inflict trauma, more than minimal in degree, upon the victim; and

(b) At the time a party seeks to use the deposition, the court determines that the conditions set forth in subparagraphs (1) and (2) of paragraph (a) continue to exist. The court may hold a hearing before the use of the deposition to make its determination.

2. In the case of a victim of sex trafficking as that term is defined in subsection ~~1~~ 3 of NRS 201.300:

(a) Before the deposition is taken, a hearing is held by a justice of the peace or district judge and the justice or judge finds that cause exists pursuant to paragraph (c) of subsection 1 of NRS 174.227; and

(b) Before allowing the videotaped deposition to be used at trial, the court finds that the victim is unavailable as a witness.

3. In all cases:

(a) A justice of the peace or district judge presides over the taking of the deposition;

(b) The accused is able to hear and see the proceedings;

(c) The accused is represented by counsel who, if physically separated from the accused, is able to communicate orally with the accused by electronic means;



(d) The accused is given an adequate opportunity to cross-examine the deponent subject to the protection of the deponent deemed necessary by the court; and

(e) The deponent testifies under oath.

Sec. 4. NRS 176A.413 is hereby amended to read as follows:

176A.413 1. Except as otherwise provided in subsection 2, if a defendant is convicted of stalking with the use of an Internet or network site, electronic mail, text messaging or any other similar means of communication pursuant to subsection ~~3~~ 4 of NRS 200.575, an offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive, or luring a child or a person with mental illness through the use of a computer, system or network pursuant to paragraph (a) or (b) of subsection 4 of NRS 201.560 and the court grants probation or suspends the sentence, the court shall, in addition to any other condition ordered pursuant to NRS 176A.400, order as a condition of probation or suspension that the defendant not own or use a computer, including, without limitation, use electronic mail, a chat room or the Internet.

2. The court is not required to impose a condition of probation or suspension of sentence set forth in subsection 1 if the court finds that:

(a) The use of a computer by the defendant will assist a law enforcement agency or officer in a criminal investigation;

(b) The defendant will use the computer to provide technological training concerning technology of which the defendant has a unique knowledge; or

(c) The use of the computer by the defendant will assist companies that require the use of the specific technological knowledge of the defendant that is unique and is otherwise unavailable to the company.

3. Except as otherwise provided in subsection 1, if a defendant is convicted of an offense that involved the use of a computer, system or network and the court grants probation or suspends the sentence, the court may, in addition to any other condition ordered pursuant to NRS 176A.400, order as a condition of probation or suspension that the defendant not own or use a computer, including, without limitation, use electronic mail, a chat room or the Internet.

4. As used in this section:

(a) "Computer" has the meaning ascribed to it in NRS 205.4735.

(b) "Network" has the meaning ascribed to it in NRS 205.4745.

(c) "System" has the meaning ascribed to it in NRS 205.476.

(d) "Text messaging" has the meaning ascribed to it in NRS 200.575.



Sec. 5. NRS 179D.0357 is hereby amended to read as follows:

179D.0357 "Crime against a child" means any of the following offenses if the victim of the offense was less than 18 years of age when the offense was committed:

1. Kidnapping pursuant to NRS 200.310 to 200.340, inclusive, unless the offender is the parent or guardian of the victim.

2. False imprisonment pursuant to NRS 200.460, unless the offender is the parent or guardian of the victim.

3. Involuntary servitude of a child pursuant to NRS 200.4631, unless the offender is the parent or guardian of the victim.

4. An offense involving sex trafficking pursuant to subsection ~~2~~ 3 of NRS 201.300 or prostitution pursuant to NRS 201.320.

5. An attempt to commit an offense listed in this section.

6. An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this section. This subsection includes, without limitation, an offense prosecuted in:

(a) A tribal court.

(b) A court of the United States or the Armed Forces of the United States.

7. An offense against a child committed in another jurisdiction, whether or not the offense would be an offense listed in this section, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as an offender who has committed a crime against a child because of the offense. This subsection includes, without limitation, an offense prosecuted in:

(a) A tribal court.

(b) A court of the United States or the Armed Forces of the United States.

(c) A court having jurisdiction over juveniles.

Sec. 6. 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 commits a crime of battery that constitutes domestic violence pursuant to NRS 33.018 against a victim who was pregnant at the time of the battery and the person knew or should have known that the victim was pregnant, shall, in addition to the term of imprisonment prescribe 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 10 years.

2. In determining the length of the additional penalty imposed pursuant to this section, 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; and*

(d) *Any other relevant information.*

3. *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.*

4. *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.*

Sec. 7. NRS 193.1675 is hereby amended to read as follows:

193.1675 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 to 200.465, inclusive, paragraph (b) of subsection 2 of NRS 200.471, NRS 200.481 which is punishable as a felony, NRS 200.508, 200.5099, subsection ~~2~~ 3 of NRS 200.575, NRS 205.010 to 205.025, inclusive, 205.060, 205.067, 205.075, NRS 205.0832 which is punishable as a felony, NRS 205.220, 205.226, 205.228, 205.270, 206.150, NRS 206.330 which is punishable as a felony or NRS 207.190 because the actual or perceived race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression of the victim was different from that characteristic of the perpetrator 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.



Sec. 8. NRS 193.169 is hereby amended to read as follows:

193.169 1. A person who is sentenced to an additional term of imprisonment pursuant to the provisions of subsection 1 of NRS 193.161, NRS 193.162, 193.163, 193.165, 193.166, 193.167, 193.1675, 193.1677, 193.168, subsection 1 of NRS 193.1685, NRS 453.3335, 453.3345, 453.3351 or subsection 1 of NRS 453.3353 *or section 6 of this act* must not be sentenced to an additional term of imprisonment pursuant to any of the other listed sections 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.

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 6 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. 9. Chapter 200 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Legislature hereby finds and declares that stalking:

(a) Is a serious problem in this State and nationwide.

(b) Involves severe intrusions on the personal privacy and autonomy of its victims.

(c) Is a crime that causes a long-lasting impact on the quality of life of the victim, and creates risks to the security and safety of the victim and others, even in the absence of express threats of physical harm.

(d) Often becomes increasingly violent over time.

2. It is therefore within the public interest that the Legislature enact provisions to:

(a) Recognize the dangerous nature of stalking as well as the strong connections between stalking and sexual assault.



(b) *Encourage effective intervention by the criminal justice system before stalking escalates into behavior that has serious or lethal consequences.*

(c) *Permit the criminal justice system to hold perpetrators of stalking accountable for a wide range of acts, communications and conduct.*

(d) *Recognize that stalking includes, without limitation, a pattern of following, observing or monitoring the victim or committing violent or intimidating acts against the victim, regardless of the means.*

Sec. 10. NRS 200.033 is hereby amended to read as follows:

200.033 The only circumstances by which murder of the first degree may be aggravated are:

1. The murder was committed by a person under sentence of imprisonment.

2. The murder was committed by a person who, at any time before a penalty hearing is conducted for the murder pursuant to NRS 175.552, is or has been convicted of:

(a) Another murder and the provisions of subsection 12 do not otherwise apply to that other murder; or

(b) A felony involving the use or threat of violence to the person of another and the provisions of subsection 4 do not otherwise apply to that felony.

➤ For the purposes of this subsection, a person shall be deemed to have been convicted at the time the jury verdict of guilt is rendered or upon pronouncement of guilt by a judge or judges sitting without a jury.

3. The murder was committed by a person who knowingly created a great risk of death to more than one person by means of a weapon, device or course of action which would normally be hazardous to the lives of more than one person.

4. The murder was committed while the person was engaged, alone or with others, in the commission of, or an attempt to commit or flight after committing or attempting to commit, any robbery, arson in the first degree, burglary, invasion of the home or kidnapping in the first degree, and the person charged:

(a) Killed or attempted to kill the person murdered; or

(b) Knew or had reason to know that life would be taken or lethal force used.

5. The murder was committed to avoid or prevent a lawful arrest or to effect an escape from custody.

6. The murder was committed by a person, for himself or herself or another, to receive money or any other thing of monetary value.



7. The murder was committed upon a peace officer or firefighter who was killed while engaged in the performance of his or her official duty or because of an act performed in his or her official capacity, and the defendant knew or reasonably should have known that the victim was a peace officer or firefighter. For the purposes of this subsection, "peace officer" means:

(a) An employee of the Department of Corrections who does not exercise general control over offenders imprisoned within the institutions and facilities of the Department, but whose normal duties require the employee to come into contact with those offenders when carrying out the duties prescribed by the Director of the Department.

(b) Any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive, when carrying out those powers.

8. The murder involved torture or the mutilation of the victim.

9. The murder was committed upon one or more persons at random and without apparent motive.

10. The murder was committed upon a person less than 14 years of age.

11. The murder was committed upon a person because of the actual or perceived race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression of that person.

12. The defendant has, in the immediate proceeding, been convicted of more than one offense of murder in the first or second degree. For the purposes of this subsection, a person shall be deemed to have been convicted of a murder at the time the jury verdict of guilt is rendered or upon pronouncement of guilt by a judge or judges sitting without a jury.

13. The person, alone or with others, subjected or attempted to subject the victim of the murder to nonconsensual sexual penetration immediately before, during or immediately after the commission of the murder. For the purposes of this subsection:

(a) "Nonconsensual" means against the victim's will or under conditions in which the person knows or reasonably should know that the victim is mentally or physically incapable of resisting, consenting or understanding the nature of his or her conduct, including, but not limited to, conditions in which the person knows or reasonably should know that the victim is dead.

(b) "Sexual penetration" means cunnilingus, fellatio or any intrusion, however slight, of any part of the victim's body or any object manipulated or inserted by a person, alone or with others, into the genital or anal openings of the body of the victim, whether or not the victim is alive. The term includes, but is not limited to, anal



intercourse and sexual intercourse in what would be its ordinary meaning.

14. The murder was committed on the property of a public or private school, at an activity sponsored by a public or private school or on a school bus while the bus was engaged in its official duties by a person who intended to create a great risk of death or substantial bodily harm to more than one person by means of a weapon, device or course of action that would normally be hazardous to the lives of more than one person. For the purposes of this subsection, "school bus" has the meaning ascribed to it in NRS 483.160.

15. The murder was committed with the intent to commit, cause, aid, further or conceal an act of terrorism. For the purposes of this subsection, "act of terrorism" has the meaning ascribed to it in NRS 202.4415.

16. The murder involved an act that constitutes domestic violence pursuant to NRS 33.018 and:

(a) The victim was pregnant at the time of the murder; and

(b) The defendant knew or should have known that the victim was pregnant.

Sec. 11. NRS 200.364 is hereby amended to read as follows:

200.364 As used in NRS 200.364 to 200.3788, inclusive, unless the context otherwise requires:

1. "Forensic laboratory" has the meaning ascribed to it in NRS 176.09117.

2. "Forensic medical examination" has the meaning ascribed to it in NRS 217.300.

3. "Genetic marker analysis" has the meaning ascribed to it in NRS 176.09118.

4. "Offense involving a pupil or child" means any of the following offenses:

(a) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.

(b) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.

(c) Sexual conduct between certain employees or contractors of or volunteers for an entity which provides services to children and a person under the care, custody, control or supervision of the entity pursuant to NRS 201.555.

5. "Perpetrator" means a person who commits a sexual offense, an offense involving a pupil or child or sex trafficking.

6. "Sex trafficking" means a violation of subsection ~~2~~ 3 of NRS 201.300.

7. "Sexual assault forensic evidence kit" means the forensic evidence obtained from a forensic medical examination.

8. "Sexual offense" means any of the following offenses:



(a) Sexual assault pursuant to NRS 200.366.

(b) Statutory sexual seduction pursuant to NRS 200.368.

9. "Sexual penetration" means cunnilingus, fellatio, or any intrusion, however slight, of any part of a person's body or any object manipulated or inserted by a person into the genital or anal openings of the body of another, including sexual intercourse in its ordinary meaning. The term does not include any such conduct for medical purposes.

10. "Statutory sexual seduction" means ordinary sexual intercourse, anal intercourse or sexual penetration committed by a person 18 years of age or older with a person who is 14 or 15 years of age and who is at least 4 years younger than the perpetrator.

11. "Victim" means a person who is a victim of a sexual offense, an offense involving a pupil or child or sex trafficking.

12. "Victim of sexual assault" has the meaning ascribed to it in NRS 217.280.

Sec. 12. NRS 200.366 is hereby amended to read as follows:

200.366 1. A person is guilty of sexual assault if he or she:

(a) Subjects another person to sexual penetration, or forces another person to make a sexual penetration on himself or herself or another, or on a beast, against the will of the victim or under conditions in which the perpetrator knows or should know that the victim is mentally or physically incapable of resisting or understanding the nature of his or her conduct; or

(b) Commits a sexual penetration upon a child under the age of 14 years or causes a child under the age of 14 years to make a sexual penetration on himself or herself or another, or on a beast.

2. Except as otherwise provided in subsections 3 and 4, a person who commits a sexual assault is guilty of a category A felony and shall be punished:

(a) If substantial bodily harm to the victim results from the actions of the defendant committed in connection with or as a part of the sexual assault, by imprisonment in the state prison:

(1) For life without the possibility of parole; or

(2) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 15 years has been served.

(b) If no substantial bodily harm to the victim results, by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served.

3. Except as otherwise provided in subsection 4, a person who commits a sexual assault against a child under the age of 16 years is guilty of a category A felony and shall be punished:



(a) If the crime results in substantial bodily harm to the child, by imprisonment in the state prison for life without the possibility of parole.

(b) Except as otherwise provided in paragraph (c), if the crime does not result in substantial bodily harm to the child, by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 25 years has been served.

(c) If the crime is committed against a child under the age of 14 years and does not result in substantial bodily harm to the child, by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 35 years has been served.

4. A person who commits a sexual assault against a child under the age of 16 years and who has been previously convicted of:

(a) A sexual assault pursuant to this section or any other sexual offense against a child; or

(b) An offense committed in another jurisdiction that, if committed in this State, would constitute a sexual assault pursuant to this section or any other sexual offense against a child,

is guilty of a category A felony and shall be punished by imprisonment in the state prison for life without the possibility of parole.

5. The provisions of this section do not apply to a person who is less than 18 years of age and who commits any of the acts described in paragraph (b) of subsection 1 if the person is not more than 2 years older than the person upon whom the act was committed unless:

(a) The person committing the act uses force or threatens the use of force; or

(b) The person committing the act knows or should know that the victim is mentally or physically incapable of resisting or understanding the nature of his or her conduct.

6. *In addition to any other fine or penalty, if the court finds that a person convicted of sexual assault pursuant to this section committed the crime against a person listed in subsection 1 of NRS 33.018, the court shall order the convicted person to pay an administrative assessment of \$35. Any money so collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Account for Programs Related to Domestic Violence established pursuant to NRS 228.460.*

7. For the purpose of this section, "other sexual offense against a child" means any act committed by an adult upon a child constituting:



- (a) Incest pursuant to NRS 201.180;
- (b) Lewdness with a child pursuant to NRS 201.230;
- (c) Sado-masochistic abuse pursuant to NRS 201.262; or
- (d) Luring a child using a computer, system or network pursuant to NRS 201.560, if punished as a felony.

Sec. 13. NRS 200.460 is hereby amended to read as follows:

200.460 1. False imprisonment is an unlawful violation of the personal liberty of another, and consists in confinement or detention without sufficient legal authority.

2. A person convicted of false imprisonment shall pay all damages sustained by the person so imprisoned, and, except as otherwise provided in this section, is guilty of a gross misdemeanor.

3. Unless a greater penalty is provided pursuant to subsection 4, if the false imprisonment is committed:

(a) By a prisoner in a penal institution without a deadly weapon; or

(b) By any other person with the use of a deadly weapon, ➤ the person convicted of such a false imprisonment 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.

4. Unless a greater penalty is provided pursuant to subsection 5, if the false imprisonment is committed by using the person so imprisoned as a shield or to avoid arrest, the person convicted of such a false imprisonment 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 15 years.

5. If the false imprisonment is committed by a prisoner who is in lawful custody or confinement with the use of a deadly weapon, the person convicted of such a false imprisonment 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 20 years.

6. In addition to any other fine or penalty, if the court finds that a person convicted of false imprisonment pursuant to this section committed the crime against a person listed in subsection 1 of NRS 33.018, the court shall order the convicted person to pay an administrative assessment of \$35. Any money so collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Account for Programs Related to Domestic Violence established pursuant to NRS 228.460.

Sec. 14. 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) “Fire-fighting agency” has the meaning ascribed to it in NRS 239B.020.

(c) “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;

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

(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;

(8) A civilian employee or a volunteer of a fire-fighting agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to fire fighting or fire prevention; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the fire-fighting agency; or

(9) A civilian employee or volunteer of this State or a political subdivision of this State whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to code enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for this State or a political subdivision of this State.



(d) "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 pharmacy student, an intern pharmacist, an attendant on an ambulance or air ambulance, a psychologist, a social worker, a marriage and family therapist, a marriage and family therapist intern, a clinical professional counselor, a clinical professional counselor intern, a licensed dietitian, an emergency medical technician, an advanced emergency medical technician and a paramedic.

(e) "School employee" means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 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) "Taxicab" has the meaning ascribed to it in NRS 706.8816.

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

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

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

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

(b) If the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, 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, or by a fine of not more than \$5,000, or by both fine and imprisonment.

(c) If paragraph (d) does not apply to the circumstances of the crime and if the assault is committed upon an officer, a provider of health care, a school employee, a taxicab driver or a 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



1 person charged knew or should have known that the victim was an
2 officer, a provider of health care, a school employee, a taxicab
3 driver, a transit operator or a sports official, for a gross
4 misdemeanor, unless the assault is made with the use of a deadly
5 weapon or the present ability to use a deadly weapon, then for a
6 category B felony 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 6 years, or by a fine of not more than \$5,000, or by both
9 fine and imprisonment.

10 (d) If the assault is committed upon an officer, a provider of
11 health care, a school employee, a taxicab driver or a transit operator
12 who is performing his or her duty or upon a sports official based on
13 the performance of his or her duties at a sporting event by a
14 probationer, a prisoner who is in lawful custody or confinement or a
15 parolee, and the probationer, prisoner or parolee charged knew or
16 should have known that the victim was an officer, a provider of
17 health care, a school employee, a taxicab driver, a transit operator or
18 a sports official, for a category D felony as provided in NRS
19 193.130, unless the assault is made with the use of a deadly weapon
20 or the present ability to use a deadly weapon, then for a category B
21 felony by imprisonment in the state prison for a minimum term of
22 not less than 1 year and a maximum term of not more than 6 years,
23 or by a fine of not more than \$5,000, or by both fine and
24 imprisonment.

25 *3. In addition to any other fine or penalty, if the court finds*
26 *that a person convicted of assault pursuant to this section*
27 *committed the crime against a person listed in subsection 1 of*
28 *NRS 33.018, the court shall order the convicted person to pay an*
29 *administrative assessment of \$35. Any money so collected must be*
30 *paid by the clerk of the court to the State Controller on or before*
31 *the fifth day of each month for the preceding month for credit to*
32 *the Account for Programs Related to Domestic Violence*
33 *established pursuant to NRS 228.460.*

34 **Sec. 15.** NRS 200.485 is hereby amended to read as follows:

35 200.485 1. Unless a greater penalty is provided pursuant to
36 ~~[subsection]~~ *subsections 2 [or 3] to 5, inclusive*, or NRS 200.481, a
37 person convicted of a battery which constitutes domestic violence
38 pursuant to NRS 33.018:

39 (a) For the first offense within 7 years, is guilty of a
40 misdemeanor and shall be sentenced to:

41 (1) Imprisonment in the city or county jail or detention
42 facility for not less than 2 days, but not more than 6 months; and

43 (2) Perform not less than 48 hours, but not more than 120
44 hours, of community service.



1 ➤ The person shall be further punished by a fine of not less than
2 ~~[\$200,]~~ **\$400**, but not more than \$1,000. A term of imprisonment
3 imposed pursuant to this paragraph may be served intermittently at
4 the discretion of the judge or justice of the peace, except that each
5 period of confinement must be not less than ~~[4]~~ **2** consecutive ~~[hours~~
6 ~~and must occur at a time when the person is not required to be at his~~
7 ~~or her place of employment or on a weekend.]~~ **days**.

8 (b) For the second offense within 7 years, is guilty of a
9 misdemeanor and shall be sentenced to:

10 (1) Imprisonment in the city or county jail or detention
11 facility for not less than ~~[10]~~ **30** days, but not more than 6 months;
12 and

13 (2) Perform not less than 100 hours, but not more than 200
14 hours, of community service.

15 ➤ The person shall be further punished by a fine of not less than
16 ~~[\$500,]~~ **\$750**, but not more than \$1,000.

17 (c) For the third offense within 7 years, is guilty of a category
18 ~~[C]~~ **B** felony and shall be punished ~~[as provided in NRS 193.130.]~~
19 *by imprisonment in the state prison for a minimum term of not*
20 *less than 1 year and a maximum term of not more than 10 years,*
21 *and may be further punished by a fine of not less than \$1,000, but*
22 *not more than \$15,000.*

23 2. Unless a greater penalty is provided pursuant to subsection 3
24 or NRS 200.481, a person convicted of a battery which constitutes
25 domestic violence pursuant to NRS 33.018, if the battery is
26 committed by strangulation as described in NRS 200.481, is guilty
27 of a category ~~[C]~~ **B** felony and shall be punished ~~[as provided in~~
28 ~~NRS 193.130]~~ *by imprisonment in the state prison of a minimum*
29 *term of not less than 1 year and a maximum term of not more than*
30 *10 years, and may be further punished* by a fine of not *less than*
31 *\$1,000, but not* more than \$15,000. *If the battery by strangulation*
32 *results in substantial bodily harm to an unborn child of the victim,*
33 *the court shall consider this fact as an aggravating factor in*
34 *determining the sentence of the defendant.*

35 3. Unless a greater penalty is provided pursuant to NRS
36 200.481, a person who has been previously convicted of:

37 (a) A battery which constitutes domestic violence pursuant to
38 NRS 33.018 that is punishable as a felony pursuant to paragraph (c)
39 of subsection 1 or subsection 2 ~~[3]~~ **or 5**; or

40 (b) A violation of the law of any other jurisdiction that prohibits
41 the same or similar conduct set forth in paragraph (a),

42 ➤ and who commits a battery which constitutes domestic violence
43 pursuant to NRS 33.018 is guilty of a category B felony and shall be
44 punished by imprisonment in the state prison for a minimum term of
45 not less than 2 years and a maximum term of not more than 15



years, and shall be further punished by a fine of not less than \$2,000, but not more than \$5,000.

4. *Unless a greater penalty is provided pursuant to NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, if the battery is committed against a victim who was pregnant at the time of the battery and the person knew or should have known that the victim was pregnant:*

(a) *For the first or second offense, is guilty of a gross misdemeanor.*

(b) *For the third or any subsequent offense, is guilty of a category B felony and shall be punished by imprisonment in the state prison of a minimum term of not less than 1 year and a maximum term of not more than 10 years, and may be further punished by a fine of not less than \$1,000, but not more than \$15,000.*

5. *Unless a greater penalty is provided pursuant to subsection 2 or 3 or NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, if the battery causes substantial bodily harm, is guilty of a category B felony and shall be punished by imprisonment in the state prison of a minimum term of not less than 1 year and a maximum term of not more than 10 years, and may be further punished by a fine of not less than \$1,000, but not more than \$15,000.*

6. *If a battery pursuant to this section was committed in the presence of a child under 18 years of age, the court shall consider this fact as an aggravated factor in determining the sentence of the defendant.*

7. In addition to any other penalty, if a person is convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, the court shall:

(a) For the first offense within 7 years, require the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 6 months, but not more than 12 months, at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 439.258.

(b) For the second offense within 7 years, require the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for 12 months, at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 439.258.

➤ If the person resides in this State but the nearest location at which counseling services are available is in another state, the court may allow the person to participate in counseling in the other state in a



program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 439.258.

~~[5]~~ 8. Except as otherwise provided in this subsection, an offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section:

(a) When evidenced by a conviction; or

(b) If the offense is conditionally dismissed pursuant to NRS 176A.290 or dismissed in connection with successful completion of a diversionary program or specialty court program,

without regard to the sequence of the offenses and convictions. An offense which is listed in paragraph (a) or (b) of subsection 3 that occurred on any date preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard to the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

~~[6]~~ 9. In addition to any other fine or penalty, the court shall order such a person to pay an administrative assessment of \$35. Any money so collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Account for Programs Related to Domestic Violence established pursuant to NRS 228.460.

~~[7]~~ 10. In addition to any other penalty, the court may require such a person to participate, at his or her expense, in a program of treatment for the abuse of alcohol or drugs that has been certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

~~[8]~~ 11. If it appears from information presented to the court that a child under the age of 18 years may need counseling as a result of the commission of a battery which constitutes domestic violence pursuant to NRS 33.018, the court may refer the child to an agency which provides child welfare services. If the court refers a child to an agency which provides child welfare services, the court shall require the person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018 to reimburse the agency for the costs of any services provided, to the extent of the convicted person's ability to pay.

~~[9]~~ 12. If a person is charged with committing a battery which constitutes domestic violence pursuant to NRS 33.018, a prosecuting attorney shall not dismiss such a charge in exchange for



1 a plea of guilty, guilty but mentally ill or nolo contendere to a lesser
2 charge or for any other reason unless the prosecuting attorney
3 knows, or it is obvious, that the charge is not supported by probable
4 cause or cannot be proved at the time of trial. Except as otherwise
5 provided in this subsection, a court shall not grant probation to or
6 suspend the sentence of such a person. A court may grant probation
7 to or suspend the sentence of such a person:

8 (a) As set forth in NRS 4.373 and 5.055; or

9 (b) To assign the person to a program for the treatment of
10 veterans and members of the military pursuant to NRS 176A.290 if
11 the charge is for a first offense punishable as a misdemeanor.

12 ~~10.1~~ **13.** In every judgment of conviction or admonishment of
13 rights issued pursuant to this section, the court shall:

14 (a) Inform the person convicted that he or she is prohibited from
15 owning, possessing or having under his or her custody or control
16 any firearm pursuant to NRS 202.360; and

17 (b) Order the person convicted to permanently surrender, sell or
18 transfer any firearm that he or she owns or that is in his or her
19 possession or under his or her custody or control in the manner set
20 forth in NRS 202.361.

21 ~~11.1~~ **14.** A person who violates any provision included in a
22 judgment of conviction or admonishment of rights issued pursuant
23 to this section concerning the surrender, sale, transfer, ownership,
24 possession, custody or control of a firearm is guilty of a category B
25 felony and shall be punished by imprisonment in the state prison for
26 a minimum term of not less than 1 year and a maximum term of not
27 more than 6 years, and may be further punished by a fine of not
28 more than \$5,000. The court must include in the judgment of
29 conviction or admonishment of rights a statement that a violation of
30 such a provision in the judgment or admonishment is a category B
31 felony and shall be punished by imprisonment in the state prison for
32 a minimum term of not less than 1 year and a maximum term of not
33 more than 6 years, and may be further punished by a fine of not
34 more than \$5,000.

35 ~~12.1~~ **15.** As used in this section:

36 (a) "Agency which provides child welfare services" has the
37 meaning ascribed to it in NRS 432B.030.

38 (b) "Battery" has the meaning ascribed to it in paragraph (a) of
39 subsection 1 of NRS 200.481.

40 (c) "Offense" includes a battery which constitutes domestic
41 violence pursuant to NRS 33.018 or a violation of the law of any
42 other jurisdiction that prohibits the same or similar conduct.

43 **Sec. 16.** NRS 200.571 is hereby amended to read as follows:
44 200.571 1. A person is guilty of harassment if:

45 (a) Without lawful authority, the person knowingly threatens:



(1) To cause bodily injury in the future to the person threatened or to any other person;

(2) To cause physical damage to the property of another person;

(3) To subject the person threatened or any other person to physical confinement or restraint; or

(4) To do any act which is intended to substantially harm the person threatened or any other person with respect to his or her physical or mental health or safety; and

(b) The person by words or conduct places the person receiving the threat in reasonable fear that the threat will be carried out.

2. Except where the provisions of subsection 2, ~~for~~ 3 or 4 of NRS 200.575 are applicable, a person who is guilty of harassment:

(a) For the first offense, is guilty of a misdemeanor.

(b) For the second or any subsequent offense, is guilty of a gross misdemeanor.

3. The penalties provided in this section do not preclude the victim from seeking any other legal remedy available.

Sec. 17. NRS 200.575 is hereby amended to read as follows:

200.575 1. A person who, without lawful authority, willfully or maliciously engages in a course of conduct *directed towards a victim* that would cause a reasonable person to feel terrorized, frightened, intimidated, harassed or fearful for *his or her immediate safety or* the immediate safety of a family or household member, and that actually causes the victim to feel terrorized, frightened, intimidated, harassed or fearful for *his or her immediate safety or* the immediate safety of a family or household member, commits the crime of stalking. Except where the provisions of subsection 2, ~~for~~ 3 or 4 are applicable, a person who commits the crime of stalking:

(a) For the first offense, is guilty of a misdemeanor.

(b) For ~~any subsequent~~ *the second* offense, is guilty of a gross misdemeanor.

(c) For the third or any subsequent offense, is guilty of a category C felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 5 years, and may be further punished by a fine of not more than \$5,000.

2. *Except as otherwise provided in subsection 3 or 4 and unless a more severe penalty is prescribed by law, a person who commits the crime of stalking where the victim is under the age of 16:*

(a) For the first offense, is guilty of a gross misdemeanor.

(b) For the second offense, is guilty of a category C felony and shall be punished by imprisonment in the state prison of a minimum term of not less than 2 years and a maximum term of



not more than 5 years, and may be further punished by a fine of not more than \$5,000.

(c) For the third or any subsequent offense, is guilty of category B felony and shall be punished 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 \$5,000.

3. A person who commits the crime of stalking and in conjunction therewith threatens the person with the intent to cause the person to be placed in reasonable fear of death or substantial bodily harm commits the crime of aggravated stalking. A person who commits the crime of aggravated stalking shall be punished 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 \$5,000.

~~[3.]~~ 4. A person who commits the crime of stalking with the use of an Internet or network site, electronic mail, text messaging or any other similar means of communication to publish, display or distribute information in a manner that substantially increases the risk of harm or violence to the victim shall be punished for a category C felony as provided in NRS 193.130.

5. *It is not a defense to a prosecution for any acts described in this section that the person who commits the crime of stalking:*

(a) Was not given actual notice that the course of conduct was unwanted; or

(b) Did not intend to cause the victim to feel terrorized, frightened, intimidated, harassed or fearful for his or her immediate safety or the immediate safety of a family or household member.

6. *If any act engaged in by a person was part of the course of conduct that constitutes the crime of stalking and was initiated or had an effect on the victim in this State, the person may be prosecuted in this State.*

~~[4.]~~ 7. Except as otherwise provided in subsection 2 of NRS 200.571, a criminal penalty provided for in this section may be imposed in addition to any penalty that may be imposed for any other criminal offense arising from the same conduct or for any contempt of court arising from the same conduct.

~~[5.]~~ 8. *In addition to any other fine or penalty, if the court finds that a person convicted of the crime of stalking pursuant to this section committed the crime against a person listed in subsection 1 of NRS 33.018, the court shall order the convicted person to pay an administrative assessment of \$35. Any money so collected must be paid by the clerk of the court to the State*



Controller on or before the fifth day of each month for the preceding month for credit to the Account for Programs Related to Domestic Violence established pursuant to NRS 228.460.

9. If the court finds that a person convicted of stalking pursuant to this section committed the crime against a person listed in subsection 1 of NRS 33.018 and that the victim has an ongoing, reasonable fear of physical harm, the court shall enter the finding in its judgment of conviction or admonishment of rights.

~~{6-}~~ 10. If the court includes such a finding in a judgment of conviction or admonishment of rights issued pursuant to this section, the court shall:

(a) Inform the person convicted that he or she is prohibited from owning, possessing or having under his or her control or custody any firearm pursuant to NRS 202.360; and

(b) Order the person convicted to permanently surrender, sell or transfer any firearm that he or she owns or that is in his or her possession or under his or her custody or control in the manner set forth in NRS 202.361.

~~{7-}~~ 11. A person who violates any provision included in a judgment of conviction or admonishment of rights issued pursuant to this section concerning the surrender, sale, transfer, ownership, possession, custody or control of a firearm 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. The court must include in the judgment of conviction or admonishment of rights a statement that a violation of such a provision in the judgment or admonishment is 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.

~~{8-}~~ 12. The penalties provided in this section do not preclude the victim from seeking any other legal remedy available.

~~{9-}~~ 13. As used in this section:

(a) "Course of conduct" means a pattern of conduct which consists of ~~{a series of}~~ *two or more* acts over *a period of time, however short*, that evidences a continuity of purpose directed at a specific person.

(b) "Family or household member" means a spouse, a former spouse, a parent or other person who is related by blood or marriage or is or was actually residing with the person.

(c) "Internet or network site" has the meaning ascribed to it in NRS 205.4744.

(d) "Network" has the meaning ascribed to it in NRS 205.4745.



(e) *“Reasonable person” means a reasonable person under like circumstances to the victim.*

(f) “Text messaging” means a communication in the form of electronic text or one or more electronic images sent from a telephone or computer to another person’s telephone or computer by addressing the communication to the recipient’s telephone number.

~~(f)~~ (g) “Without lawful authority” includes acts which are initiated or continued without the victim’s consent. The term does not include acts which are otherwise protected or authorized by constitutional or statutory law, regulation or order of a court of competent jurisdiction, including, but not limited to:

(1) Picketing which occurs during a strike, work stoppage or any other labor dispute.

(2) The activities of a reporter, photographer, camera operator or other person while gathering information for communication to the public if that person is employed or engaged by or has contracted with a newspaper, periodical, press association or radio or television station and is acting solely within that professional capacity.

(3) The activities of a person that are carried out in the normal course of his or her lawful employment.

(4) Any activities carried out in the exercise of the constitutionally protected rights of freedom of speech and assembly.

Sec. 18. NRS 201.230 is hereby amended to read as follows:

201.230 1. A person is guilty of lewdness with a child if he or she:

(a) Is 18 years of age or older and willfully and lewdly commits any lewd or lascivious act, other than acts constituting the crime of sexual assault, upon or with the body, or any part or member thereof, of a child under the age of 16 years, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of that person or of that child; or

(b) Is under the age of 18 years and willfully and lewdly commits any lewd or lascivious act, other than acts constituting the crime of sexual assault, upon or with the body, or any part or member thereof, of a child under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of that person or of that child.

2. Except as otherwise provided in subsections 4 and 5, a person who commits lewdness with a child under the age of 14 years is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served, and may be further punished by a fine of not more than \$10,000.



3. Except as otherwise provided in subsection 4, a person who commits lewdness with a child who is 14 or 15 years of age 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 10 years and may be further punished by a fine of not more than \$10,000.

4. Except as otherwise provided in subsection 5, a person who commits lewdness with a child and who has been previously convicted of:

(a) Lewdness with a child pursuant to this section or any other sexual offense against a child; or

(b) An offense committed in another jurisdiction that, if committed in this State, would constitute lewdness with a child pursuant to this section or any other sexual offense against a child, ➤ is guilty of a category A felony and shall be punished by imprisonment in the state prison for life without the possibility of parole.

5. A person who is under the age of 18 years and who commits lewdness with a child under the age of 14 years commits a delinquent act.

6. For the purpose of this section, "other sexual offense against a child" has the meaning ascribed to it in subsection ~~6~~ 7 of NRS 200.366.

Sec. 19. NRS 201.300 is hereby amended to read as follows:

201.300 1. A person who without physical force or the immediate threat of physical force, induces an adult to unlawfully become a prostitute or to continue to engage in prostitution, or to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution is guilty of pandering which is a category C felony and shall be punished as provided in NRS 193.130. This subsection does not apply to the customer of a prostitute.

2. *In addition to any other fine or penalty, if the court finds that a person convicted of pandering pursuant to subsection 1 committed the crime against a person listed in subsection 1 of NRS 33.018, the court shall order the convicted person to pay an administrative assessment of \$35. Any money so collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Account for Programs Related to Domestic Violence established pursuant to NRS 228.460.*

3. A person:

(a) Is guilty of sex trafficking if the person:

(1) Induces, causes, recruits, harbors, transports, provides, obtains or maintains a child to engage in prostitution, or to enter any



1 place within this State in which prostitution is practiced, encouraged
2 or allowed for the purpose of sexual conduct or prostitution;

3 (2) Induces, recruits, harbors, transports, provides, obtains or
4 maintains a person by any means, knowing, or in reckless disregard
5 of the fact, that threats, violence, force, intimidation, fraud, duress
6 or coercion will be used to cause the person to engage in
7 prostitution, or to enter any place within this State in which
8 prostitution is practiced, encouraged or allowed for the purpose of
9 sexual conduct or prostitution;

10 (3) By threats, violence, force, intimidation, fraud, duress,
11 coercion, by any device or scheme, or by abuse of any position of
12 confidence or authority, or having legal charge, takes, places,
13 harbors, induces, causes, compels or procures a person to engage in
14 prostitution, or to enter any place within this State in which
15 prostitution is practiced, encouraged or allowed for the purpose of
16 sexual conduct or prostitution; or

17 (4) Takes or detains a person with the intent to compel the
18 person by force, violence, threats or duress to marry him or her or
19 any other person.

20 (b) Who is found guilty of sex trafficking:

21 (1) An adult is guilty of a category B felony and shall be
22 punished by imprisonment in the state prison for a minimum term of
23 not less than 3 years and a maximum term of not more than 10
24 years, and may be further punished by a fine of not more than
25 \$10,000.

26 (2) A child:

27 (I) If the child is less than 14 years of age when the
28 offense is committed, is guilty of a category A felony and shall be
29 punished by imprisonment in the state prison for life with the
30 possibility of parole, with eligibility for parole beginning when a
31 minimum of 15 years has been served, and may be further punished
32 by a fine of not more than \$20,000.

33 (II) If the child is at least 14 years of age but less than 16
34 years of age when the offense is committed, is guilty of a category
35 A felony and shall be punished by imprisonment in the state prison
36 for life with the possibility of parole, with eligibility for parole
37 beginning when a minimum of 10 years has been served, and may
38 be further punished by a fine of not more than \$10,000.

39 (III) If the child is at least 16 years of age but less than 18
40 years of age when the offense is committed, is guilty of a category
41 A felony and shall be punished by imprisonment in the state prison
42 for life with the possibility of parole, with eligibility for parole
43 beginning when a minimum of 5 years has been served, and may be
44 further punished by a fine of not more than \$10,000.



~~[3.]~~ 4. A court shall not grant probation to or suspend the sentence of a person convicted of sex trafficking a child pursuant to subsection ~~[2.]~~ 3.

~~[4.]~~ 5. Consent of a victim of pandering or sex trafficking to an act of prostitution is not a defense to a prosecution for any of the acts prohibited by this section.

~~[5.]~~ 6. In a prosecution for sex trafficking a child pursuant to subsection ~~[2.]~~ 3, it is not a defense that the defendant did not have knowledge of the victim's age, nor is reasonable mistake of age a valid defense to a prosecution conducted pursuant to subsection ~~[2.]~~ 3.

Sec. 20. NRS 201.301 is hereby amended to read as follows:

201.301 1. A person is guilty of facilitating sex trafficking if the person:

(a) Facilitates, arranges, provides or pays for the transportation of a person to or within this State with the intent of:

(1) Inducing the person to engage in prostitution in violation of subparagraph (1), (2) or (3) of paragraph (a) of subsection ~~[2.]~~ 3 of NRS 201.300;

(2) Inducing the person to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution in violation of subparagraph (1), (2) or (3) of paragraph (a) of subsection ~~[2.]~~ 3 of NRS 201.300; or

(3) If the person is a child, using the person for any act that is prohibited by NRS 200.710 or 200.720;

(b) Sells travel services that facilitate the travel of another person to this State with the knowledge that the other person is traveling to this State for the purpose of:

(1) Engaging in sexual conduct with a person who has been induced to engage in sexual conduct or prostitution in violation of subparagraph (1), (2) or (3) of paragraph (a) of subsection ~~[2.]~~ 3 of NRS 201.300;

(2) Soliciting a child who has been induced to engage in sexual conduct or prostitution in violation of subparagraph (1), (2) or (3) of paragraph (a) of subsection ~~[2.]~~ 3 of NRS 201.300; or

(3) Engaging in any act involving a child that is prohibited by NRS 200.710 or 200.720; or

(c) Travels to or within this State by any means with the intent of engaging in:

(1) Sexual conduct with a person who has been induced to engage in sexual conduct or prostitution in violation of subparagraph (1), (2) or (3) of paragraph (a) of subsection ~~[2.]~~ 3 of NRS 201.300, with the knowledge that such a person has been induced to engage in such sexual conduct or prostitution; or



(2) Any act involving a child that is prohibited by NRS 200.710 or 200.720.

2. A person who is found guilty of facilitating sex trafficking is guilty of a category B felony and:

(a) If the victim is 18 years of age or older, 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.

(b) If the victim is less than 18 years of age, shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 10 years.

Sec. 21. NRS 201.352 is hereby amended to read as follows:

201.352 1. If a person is convicted of a violation of subsection ~~2~~ 3 of NRS 201.300 or NRS 201.320, the victim of the violation is a child when the offense is committed and physical force or violence or the immediate threat of physical force or violence is used upon the child, the court may, in addition to the term of imprisonment prescribed by statute for the offense and any fine imposed pursuant to subsection 2, impose a fine of not more than \$500,000.

2. If a person is convicted of a violation of subsection ~~2~~ 3 of NRS 201.300 or NRS 201.320, the victim of the offense is a child when the offense is committed and the offense also involves a conspiracy to commit a violation of subsection ~~2~~ 3 of NRS 201.300 or NRS 201.320, the court may, in addition to the punishment prescribed by statute for the offense of a provision of subsection ~~2~~ 3 of NRS 201.300 or NRS 201.320 and any fine imposed pursuant to subsection 1, impose a fine of not more than \$500,000.

3. The provisions of subsections 1 and 2 do not create a separate offense but provide an additional penalty for the primary offense, the imposition of which is contingent upon the finding of the prescribed fact.

Sec. 22. NRS 202.360 is hereby amended to read as follows:

202.360 1. A person shall not own or have in his or her possession or under his or her custody or control any firearm if the person:

(a) Has been convicted in this State or any other state of a misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921(a)(33);

(b) Has been convicted of a felony in this State or any other state, or in any political subdivision thereof, or of a felony in violation of the laws of the United States of America, unless the person has received a pardon and the pardon does not restrict his or her right to bear arms;



(c) Has been convicted of a violation of NRS 200.575 or a law of any other state that prohibits the same or substantially similar conduct and the court entered a finding in the judgment of conviction or admonishment of rights pursuant to subsection ~~5~~ 9 of NRS 200.575;

(d) Except as otherwise provided in NRS 33.031, is currently subject to:

(1) An extended order for protection against domestic violence pursuant to NRS 33.017 to 33.100, inclusive, which includes a statement that the adverse party is prohibited from possessing or having under his or her custody or control any firearm while the order is in effect; or

(2) An equivalent order in any other state;

(e) Is a fugitive from justice;

(f) Is an unlawful user of, or addicted to, any controlled substance; or

(g) Is otherwise prohibited by federal law from having a firearm in his or her possession or under his or her custody or control.

➤ A person who violates the provisions of this subsection 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. A person shall not own or have in his or her possession or under his or her custody or control any firearm if the person:

(a) Has been adjudicated as mentally ill or has been committed to any mental health facility by a court of this State, any other state or the United States;

(b) Has entered a plea of guilty but mentally ill in a court of this State, any other state or the United States;

(c) Has been found guilty but mentally ill in a court of this State, any other state or the United States;

(d) Has been acquitted by reason of insanity in a court of this State, any other state or the United States; or

(e) Is illegally or unlawfully in the United States.

➤ A person who violates the provisions of this subsection is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. As used in this section:

(a) "Controlled substance" has the meaning ascribed to it in 21 U.S.C. § 802(6).

(b) "Firearm" includes any firearm that is loaded or unloaded and operable or inoperable.



Sec. 23. NRS 205.010 is hereby amended to read as follows:

205.010 **1.** A person who willfully and maliciously sets fire to or burns or causes to be burned, or who aids, counsels or procures the burning of any:

~~(1.)~~ **(a)** Dwelling house or other structure or mobile home, whether occupied or vacant; or

~~(2.)~~ **(b)** Personal property which is occupied by one or more persons,

↳ whether the property of the person or of another, is guilty of arson in the first degree which is a category B felony and shall be punished by imprisonment 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 \$15,000.

2. *In addition to any other fine or penalty, if the court finds that a person convicted of arson pursuant to this section committed the crime as provided in NRS 33.018, the court shall order the convicted person to pay an administrative assessment of \$35. Any money so collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Account for Programs Related to Domestic Violence established pursuant to NRS 228.460.*

Sec. 24. NRS 205.015 is hereby amended to read as follows:

205.015 **1.** A person who willfully and maliciously sets fire to or burns or causes to be burned, or who aids, counsels or procures the burning of any abandoned building or structure, whether the property of the person or of another, is guilty of arson in the second degree which is 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 10 years, and may be further punished by a fine of not more than \$10,000.

2. *In addition to any other fine or penalty, if the court finds that a person convicted of arson pursuant to this section committed the crime as provided in NRS 33.018, the court shall order such a person to pay an administrative assessment of \$35. Any money so collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Account for Programs Related to Domestic Violence established pursuant to NRS 228.460.*

Sec. 25. NRS 205.020 is hereby amended to read as follows:

205.020 **1.** A person who willfully and maliciously sets fire to or burns or causes to be burned, or who aids, counsels or procures the burning of:



~~14.1~~ (a) Any unoccupied personal property of another which has the value of \$25 or more;

~~14.2~~ (b) Any unoccupied personal property owned by him or her in which another person has a legal interest; or

~~14.3~~ (c) Any timber, forest, shrubbery, crops, grass, vegetation or other flammable material not his or her own,

is guilty of arson in the third degree which is a category D felony and shall be punished as provided in NRS 193.130.

2. In addition to any other fine or penalty, if the court finds that a person convicted of arson pursuant to this section committed the crime as provided in NRS 33.018, the court shall order such a person to pay an administrative assessment of \$35. Any money so collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Account for Programs Related to Domestic Violence established pursuant to NRS 228.460.

Sec. 26. NRS 205.025 is hereby amended to read as follows:

205.025 1. A person who willfully and maliciously attempts to set fire to or attempts to burn or to aid, counsel or procure the burning of any of the buildings or property mentioned in NRS 205.010, 205.015 and 205.020, or who commits any act preliminary thereto or in furtherance thereof, is guilty of arson in the fourth degree which is a category D felony and shall be punished as provided in NRS 193.130, and may be further punished by a fine of not more than \$5,000.

2. In addition to any other fine or penalty, if the court finds that a person convicted of arson pursuant to this section committed the crime as provided in NRS 33.018, the court shall order such a person to pay an administrative assessment of \$35. Any money so collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Account for Programs Related to Domestic Violence established pursuant to NRS 228.460.

3. In any prosecution under this section the placing or distributing of any inflammable, explosive or combustible material or substance, or any device in any building or property mentioned in NRS 205.010, 205.015 and 205.020, in an arrangement or preparation eventually to set fire to or burn the building or property, or to procure the setting fire to or burning of the building or property, is prima facie evidence of a willful attempt to burn or set on fire the property.



Sec. 27. NRS 205.060 is hereby amended to read as follows:

205.060 1. Except as otherwise provided in subsection ~~5.1~~ 6, a person who, by day or night, enters any house, room, apartment, tenement, shop, warehouse, store, mill, barn, stable, outhouse or other building, tent, vessel, vehicle, vehicle trailer, semitrailer or house trailer, airplane, glider, boat or railroad car, with the intent to commit grand or petit larceny, assault or battery on any person or any felony, or to obtain money or property by false pretenses, is guilty of burglary.

2. Except as otherwise provided in this section, a person convicted of burglary 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 10 years, and may be further punished by a fine of not more than \$10,000. A person who is convicted of burglary and who has previously been convicted of burglary or another crime involving the forcible entry or invasion of a dwelling must not be released on probation or granted a suspension of sentence.

3. Whenever a burglary is committed on a vessel, vehicle, vehicle trailer, semitrailer, house trailer, airplane, glider, boat or railroad car, in motion or in rest, in this State, and it cannot with reasonable certainty be ascertained in what county the crime was committed, the offender may be arrested and tried in any county through which the vessel, vehicle, vehicle trailer, semitrailer, house trailer, airplane, glider, boat or railroad car traveled during the time the burglary was committed.

4. A person convicted of burglary who has in his or her possession or gains possession of any firearm or deadly weapon at any time during the commission of the crime, at any time before leaving the structure or upon leaving the structure, 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 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.

5. *In addition to any other fine or penalty, if the court finds that a person convicted of burglary pursuant to this section committed the crime as provided in NRS 33.018, the court shall order such a person to pay an administrative assessment of \$35. Any money so collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Account for Programs Related to Domestic Violence established pursuant to NRS 228.460.*

6. The crime of burglary does not include the act of entering a commercial establishment during business hours with the intent to



1 commit petit larceny unless the person has previously been
2 convicted:

3 (a) Two or more times for committing petit larceny within the
4 immediately preceding 7 years; or

5 (b) Of a felony.

6 **Sec. 28.** NRS 205.067 is hereby amended to read as follows:

7 205.067 1. A person who, by day or night, forcibly enters an
8 inhabited dwelling without permission of the owner, resident or
9 lawful occupant, whether or not a person is present at the time of the
10 entry, is guilty of invasion of the home.

11 2. A person convicted of invasion of the home is guilty of a
12 category B felony and shall be punished by imprisonment in the
13 state prison for a minimum term of not less than 1 year and a
14 maximum term of not more than 10 years, and may be further
15 punished by a fine of not more than \$10,000. A person who is
16 convicted of invasion of the home and who has previously been
17 convicted of burglary or invasion of the home must not be released
18 on probation or granted a suspension of sentence.

19 3. Whenever an invasion of the home is committed on a vessel,
20 vehicle, vehicle trailer, semitrailer, house trailer, airplane, glider,
21 boat or railroad car, in motion or in rest, in this State, and it cannot
22 with reasonable certainty be ascertained in what county the crime
23 was committed, the offender may be arrested and tried in any county
24 through which the conveyance, vessel, boat, vehicle, house trailer,
25 travel trailer, motor home or railroad car traveled during the time the
26 invasion was committed.

27 4. A person convicted of invasion of the home who has in his
28 or her possession or gains possession of any firearm or deadly
29 weapon at any time during the commission of the crime, at any time
30 before leaving the structure or upon leaving the structure, is guilty
31 of a category B felony and shall be punished by imprisonment in the
32 state prison for a minimum term of not less than 2 years and a
33 maximum term of not more than 15 years, and may be further
34 punished by a fine of not more than \$10,000.

35 5. *In addition to any other fine or penalty, if the court finds*
36 *that a person convicted of an invasion of the home pursuant to*
37 *this section committed the crime as provided in NRS 33.018, the*
38 *court shall order such a person to pay an administrative*
39 *assessment of \$35. Any money so collected must be paid by the*
40 *clerk of the court to the State Controller on or before the fifth day*
41 *of each month for the preceding month for credit to the Account*
42 *for Programs Related to Domestic Violence established pursuant*
43 *to NRS 228.460.*

44 6. As used in this section:



(a) "Forcibly enters" means the entry of an inhabited dwelling involving any act of physical force resulting in damage to the structure.

(b) "Inhabited dwelling" means any structure, building, house, room, apartment, tenement, tent, conveyance, vessel, boat, vehicle, house trailer, travel trailer, motor home or railroad car in which the owner or other lawful occupant resides.

Sec. 29. NRS 205.222 is hereby amended to read as follows:

205.222 1. Unless a greater penalty is imposed by a specific statute, a person who commits grand larceny in violation of NRS 205.220 shall be punished pursuant to the provisions of this section.

2. If the value of the property involved in the grand larceny is less than \$3,500, the person who committed the grand larceny is guilty of a category C felony and shall be punished as provided in NRS 193.130.

3. If the value of the property involved in the grand larceny is \$3,500 or more, the person who committed the grand larceny 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 10 years, and by a fine of not more than \$10,000.

4. *In addition to any other fine or penalty, if the court finds that a person who committed grand larceny pursuant to NRS 205.220 committed the crime as provided in NRS 33.018, the court shall order such a person to pay an administrative assessment of \$35. Any money so collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Account for Programs Related to Domestic Violence established pursuant to NRS 228.460.*

5. In addition to any other penalty, the court shall order the person who committed the grand larceny to pay restitution.

~~5.1~~ 6. If the grand larceny involved a sale in violation of subsection 3 or 4 of NRS 205.220, all proceeds from the sale are subject to forfeiture.

Sec. 30. NRS 205.226 is hereby amended to read as follows:

205.226 1. A person who intentionally steals, takes and carries away a firearm owned by another person commits grand larceny of a firearm.

2. A person who commits grand larceny of a firearm 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 10 years, and by a fine of not more than \$10,000.



3. *In addition to any other fine or penalty, if the court finds that a person convicted of grand larceny of a firearm pursuant to this section committed the crime as provided in NRS 33.018, the court shall order such a person to pay an administrative assessment of \$35. Any money so collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Account for Programs Related to Domestic Violence established pursuant to NRS 228.460.*

4. In addition to any other penalty, the court shall order the person who committed the grand larceny of the firearm to pay restitution.

Sec. 31. NRS 205.228 is hereby amended to read as follows:

205.228 1. A person who intentionally steals, takes and carries away, drives away or otherwise removes a motor vehicle owned by another person commits grand larceny of a motor vehicle.

2. Except as otherwise provided in subsection 3, a person who commits grand larceny of a motor vehicle is guilty of a category C felony and shall be punished as provided in NRS 193.130.

3. If the prosecuting attorney proves that the value of the motor vehicle involved in the grand larceny is \$3,500 or more, the person who committed the grand larceny of the motor vehicle 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 10 years, and by a fine of not more than \$10,000.

4. *In addition to any other fine or penalty, if the court finds that a person convicted of grand larceny of a motor vehicle pursuant to this section committed the crime as provided in NRS 33.018, the court shall order such a person to pay an administrative assessment of \$35. Any money so collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Account for Programs Related to Domestic Violence established pursuant to NRS 228.460.*

5. In addition to any other penalty, the court shall order the person who committed the grand larceny of the motor vehicle to pay restitution.

Sec. 32. NRS 205.240 is hereby amended to read as follows:

205.240 1. Except as otherwise provided in NRS 205.220, 205.226, 205.228, 475.105 and 501.3765, a person commits petit larceny if the person:

(a) Intentionally steals, takes and carries away, leads away or drives away:



(1) Personal goods or property, with a value of less than \$650, owned by another person;

(2) Bedding, furniture or other property, with a value of less than \$650, which the person, as a lodger, is to use in or with his or her lodging and which is owned by another person; or

(3) Real property, with a value of less than \$650, that the person has converted into personal property by severing it from real property owned by another person.

(b) Intentionally steals, takes and carries away, leads away, drives away or entices away one or more domesticated animals or domesticated birds, with an aggregate value of less than \$650, owned by another person.

2. Unless a greater penalty is provided pursuant to NRS 205.267, a person who commits petit larceny is guilty of a misdemeanor. In addition to any other penalty, the court shall order the person to pay restitution.

3. In addition to any other fine or penalty, if the court finds that a person convicted of petit larceny pursuant to this section committed the crime as provided in NRS 33.018, the court shall order such a person to pay an administrative assessment of \$35. Any money so collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Account for Programs Related to Domestic Violence established pursuant to NRS 228.460.

Sec. 33. NRS 206.150 is hereby amended to read as follows:

206.150 1. Except as otherwise provided in subsections ~~2~~ 3 and ~~3~~ 4, any person who willfully and maliciously kills, maims or disfigures any animal belonging to another, or exposes any poison or noxious substance with intent that it should be taken by the animal is guilty of a category D felony and shall be punished as provided in NRS 193.130, and may be further punished by a fine of not more than \$10,000.

2. *In addition to any other fine or penalty, if the court finds that a person convicted pursuant to this section committed the crime as provided in NRS 33.018, the court shall order such a person to pay an administrative assessment of \$35. Any money so collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Account for Programs Related to Domestic Violence established pursuant to NRS 228.460.*

3. Except as otherwise provided in NRS 205.220, a person who willfully and maliciously kills an estray or one or more head of livestock, without the authority to do so, is guilty of a category C felony and shall be punished as provided in NRS 193.130.



~~13.1~~ 4. The provisions of subsection 1 do not apply to any person who kills a dog pursuant to NRS 575.020.

Sec. 34. NRS 207.190 is hereby amended to read as follows:

207.190 1. It is unlawful for a person, with the intent to compel another to do or abstain from doing an act which the other person has a right to do or abstain from doing, to:

(a) Use violence or inflict injury upon the other person or any of the other person's family, or upon the other person's property, or threaten such violence or injury;

(b) Deprive the person of any tool, implement or clothing, or hinder the person in the use thereof; or

(c) Attempt to intimidate the person by threats or force.

2. A person who violates the provisions of subsection 1 shall be punished:

(a) Where physical force or the immediate threat of physical force is used, 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, and may be further punished by a fine of not more than \$5,000.

(b) Where no physical force or immediate threat of physical force is used, for a misdemeanor.

3. In addition to any other fine or penalty, if the court finds that a person who violated the provisions of subsection 1 committed the crime against a person listed in subsection 1 of NRS 33.018, the court shall order the person who violated the provisions of subsection 1 to pay an administrative assessment of \$35. Any money so collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Account for Programs Related to Domestic Violence established pursuant to NRS 228.460.

Sec. 35. NRS 207.200 is hereby amended to read as follows:

207.200 1. Unless a greater penalty is provided pursuant to NRS 200.603, any person who, under circumstances not amounting to a burglary:

(a) Goes upon the land or into any building of another with intent to vex or annoy the owner or occupant thereof, or to commit any unlawful act; or

(b) Willfully goes or remains upon any land or in any building after having been warned by the owner or occupant thereof not to trespass,

is guilty of a misdemeanor. The meaning of this subsection is not limited by subsections ~~2~~ 3 and ~~4~~ 5.

2. *In addition to any other fine or penalty, if the court finds that a person convicted of trespassing pursuant to this section*



committed the crime as provided in NRS 33.018, the court shall order such a person to pay an administrative assessment of \$35. Any money so collected must be paid by the clerk of the court to the State Controller on or before the fifth day of each month for the preceding month for credit to the Account for Programs Related to Domestic Violence established pursuant to NRS 228.460.

3. A sufficient warning against trespassing, within the meaning of this section, is given by any of the following methods:

(a) If the land is used for agricultural purposes or for herding or grazing livestock, by painting with fluorescent orange paint:

(1) Not less than 50 square inches of the exterior portion of a structure or natural object or the top 12 inches of the exterior portion of a post, whether made of wood, metal or other material, at:

(I) Intervals of such a distance as is necessary to ensure that at least one such structure, natural object or post would be within the direct line of sight of a person standing next to another such structure, natural object or post, but at intervals of not more than 1,000 feet; and

(II) Each corner of the land, upon or near the boundary; and

(2) Each side of all gates, cattle guards and openings that are designed to allow human ingress to the area;

(b) If the land is not used in the manner specified in paragraph (a), by painting with fluorescent orange paint not less than 50 square inches of the exterior portion of a structure or natural object or the top 12 inches of the exterior portion of a post, whether made of wood, metal or other material, at:

(1) Intervals of such a distance as is necessary to ensure that at least one such structure, natural object or post would be within the direct line of sight of a person standing next to another such structure, natural object or post, but at intervals of not more than 200 feet; and

(2) Each corner of the land, upon or near the boundary;

(c) Fencing the area; or

(d) By the owner or occupant of the land or building making an oral or written demand to any guest to vacate the land or building.

~~3-~~ 4. It is prima facie evidence of trespass for any person to be found on private or public property which is posted or fenced as provided in subsection ~~2-~~ 3 without lawful business with the owner or occupant of the property.

~~4-~~ 5. An entryman on land under the laws of the United States is an owner within the meaning of this section.

~~5-~~ 6. As used in this section:



(a) "Fence" means a barrier sufficient to indicate an intent to restrict the area to human ingress, including, but not limited to, a wall, hedge or chain link or wire mesh fence. The term does not include a barrier made of barbed wire.

(b) "Guest" means any person entertained or to whom hospitality is extended, including, but not limited to, any person who stays overnight. The term does not include a tenant as defined in NRS 118A.170.

Sec. 36. NRS 207.205 is hereby amended to read as follows:

207.205 1. It is unlawful for any person to post such land within the meaning of subsection ~~2~~ 3 of NRS 207.200 unless the person has:

(a) Obtained written authorization from the owner or occupant of the land, or any building thereon, to do so unless the person is the owner or occupant.

(b) Placed the name and address of the owner or occupant on each sign.

2. Any person violating any of the provisions of subsection 1 is guilty of a misdemeanor.

Sec. 37. NRS 213.1258 is hereby amended to read as follows:

213.1258 1. Except as otherwise provided in subsection 2, if the Board releases on parole a prisoner convicted of stalking with the use of an Internet or network site, electronic mail, text messaging or any other similar means of communication pursuant to subsection ~~3~~ 4 of NRS 200.575, an offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive, or luring a child or a person with mental illness through the use of a computer, system or network pursuant to paragraph (a) or (b) of subsection 4 of NRS 201.560, the Board shall, in addition to any other condition of parole, require as a condition of parole that the parolee not own or use a computer, including, without limitation, use electronic mail, a chat room or the Internet.

2. The Board is not required to impose a condition of parole set forth in subsection 1 if the Board finds that:

(a) The use of a computer by the parolee will assist a law enforcement agency or officer in a criminal investigation;

(b) The parolee will use the computer to provide technological training concerning technology of which the defendant has a unique knowledge; or

(c) The use of the computer by the parolee will assist companies that require the use of the specific technological knowledge of the parolee that is unique and is otherwise unavailable to the company.

3. Except as otherwise provided in subsection 1, if the Board releases on parole a prisoner convicted of an offense that involved the use of a computer, system or network, the Board may, in



1 addition to any other condition of parole, require as a condition of
2 parole that the parolee not own or use a computer, including,
3 without limitation, use electronic mail, a chat room or the Internet.

4 4. As used in this section:

5 (a) “Computer” has the meaning ascribed to it in NRS 205.4735.

6 (b) “Network” has the meaning ascribed to it in NRS 205.4745.

7 (c) “System” has the meaning ascribed to it in NRS 205.476.

8 (d) “Text messaging” has the meaning ascribed to it in
9 NRS 200.575.

10 **Sec. 38.** NRS 217.070 is hereby amended to read as follows:

11 217.070 1. “Victim” means:

12 (a) A person who is physically injured or killed as the direct
13 result of a criminal act;

14 (b) A minor who was involved in the production of pornography
15 in violation of NRS 200.710, 200.720, 200.725 or 200.730;

16 (c) A minor who was sexually abused, as “sexual abuse” is
17 defined in NRS 432B.100;

18 (d) A person who is physically injured or killed as the direct
19 result of a violation of NRS 484C.110 or any act or neglect of duty
20 punishable pursuant to NRS 484C.430 or 484C.440;

21 (e) A pedestrian who is physically injured or killed as the direct
22 result of a driver of a motor vehicle who failed to stop at the scene
23 of a crash involving the driver and the pedestrian in violation of
24 NRS 484E.010;

25 (f) An older person who is abused, neglected, exploited, isolated
26 or abandoned in violation of NRS 200.5099 or 200.50995;

27 (g) A person who is physically injured or killed as the direct
28 result of an act of international terrorism as defined in 18 U.S.C. §
29 2331(1); or

30 (h) A person who is trafficked in violation of subsection ~~2~~ 3 of
31 NRS 201.300.

32 2. The term includes any person who was harmed by an act
33 listed in subsection 1, regardless of whether:

34 (a) The person is a resident of this State, a citizen of the United
35 States or is lawfully entitled to reside in the United States; or

36 (b) The act was committed by an adult or a minor.

37 **Sec. 39.** NRS 217.180 is hereby amended to read as follows:

38 217.180 1. Except as otherwise provided in subsection 2, in
39 determining whether to make an order for compensation, the
40 compensation officer shall consider the provocation, consent or any
41 other behavior of the victim that directly or indirectly contributed to
42 the injury or death of the victim, the prior case or social history, if
43 any, of the victim, the need of the victim or the dependents of the
44 victim for financial aid and other relevant matters.



2. If the case involves a victim of domestic violence, sexual assault or sex trafficking, the compensation officer shall not consider the provocation, consent or any other behavior of the victim that directly or indirectly contributed to the injury or death of the victim.

3. If the applicant has received or is likely to receive an amount on account of the applicant's injury or the death of another from:

(a) The person who committed the crime that caused the victim's injury or from anyone paying on behalf of the offender;

(b) Insurance;

(c) The employer of the victim; or

(d) Another private or public source or program of assistance, the applicant shall report the amount received or that the applicant is likely to receive to the compensation officer. Any of those sources that are obligated to pay an amount after the award of compensation shall pay the Board the amount of compensation that has been paid to the applicant and pay the remainder of the amount due to the applicant. The compensation officer shall deduct the amounts that the applicant has received or is likely to receive from those sources from the applicant's total expenses.

4. An order for compensation may be made whether or not a person is prosecuted or convicted of an offense arising from the act on which the claim for compensation is based.

5. As used in this section:

(a) "Domestic violence" means an act described in NRS 33.018.

(b) "Public source or program of assistance" means:

(1) Public assistance, as defined in NRS 422A.065;

(2) Social services provided by a social service agency, as defined in NRS 430A.080; or

(3) Other assistance provided by a public entity.

(c) "Sex trafficking" means a violation of subsection ~~2~~ 3 of NRS 201.300.

(d) "Sexual assault" has the meaning ascribed to it in NRS 200.366.

Sec. 40. NRS 228.460 is hereby amended to read as follows:

228.460 1. The Account for Programs Related to Domestic Violence is hereby created in the State General Fund. Any administrative assessment imposed and collected pursuant to NRS ~~200.366, 200.460, 200.471, 200.485, 200.575, 201.300, 205.010, 205.015, 205.020, 205.025, 205.060, 205.067, 205.222, 205.226, 205.228, 205.240, 206.150, 207.190 and 207.200~~ must be deposited with the State Controller for credit to the Account.

2. The Ombudsman for Victims of Domestic Violence:

(a) Shall administer the Account for Programs Related to Domestic Violence; and



(b) May expend money in the Account only to pay for expenses related to:

- (1) The Committee;
- (2) Training law enforcement officers, attorneys and members of the judicial system about domestic violence;
- (3) Assisting victims of domestic violence and educating the public concerning domestic violence; and
- (4) Carrying out the duties and functions of his or her office.

3. All claims against the Account for Programs Related to Domestic Violence must be paid as other claims against the State are paid.

Sec. 41. NRS 228.470 is hereby amended to read as follows:

228.470 1. The Attorney General shall appoint a Committee on Domestic Violence comprised of the Attorney General or a designee of the Attorney General and:

- (a) One staff member of a program for victims of domestic violence;
- (b) One staff member of a program for the treatment of persons who commit domestic violence;
- (c) One representative from an office of the district attorney with experience in prosecuting criminal offenses;
- (d) One representative from an office of the city attorney with experience in prosecuting criminal offenses;
- (e) One law enforcement officer;
- (f) One provider of mental health care;
- (g) Two victims of domestic violence;
- (h) One justice of the peace or municipal judge; and
- (i) Any other person appointed by the Attorney General.

➔ Each appointed member serves a term of 2 years. Members may be reappointed for additional terms of 2 years. At least two members of the Committee must be residents of a county whose population is less than 100,000.

2. The Committee shall:

(a) Increase awareness of the existence and unacceptability of domestic violence in this State;

~~(b) [Review programs for the treatment of persons who commit domestic violence and make recommendations to the Division of Public and Behavioral Health of the Department of Health and Human Services for the certification of such programs pursuant to NRS 439.258;~~

~~—(c)—~~ Review and evaluate existing programs provided to peace officers for training related to domestic violence and make recommendations to the Peace Officers' Standards and Training Commission regarding such training;



~~[(d)]~~ (c) To the extent that money is available, provide financial support to programs for the prevention of domestic violence in this State;

~~[(e)]~~ (d) Study and review all appropriate issues related to the administration of the criminal justice system in rural Nevada with respect to offenses involving domestic violence, including, without limitation, the availability of counseling services; and

~~[(f)]~~ (e) Submit on or before March 1 of each odd-numbered year a report to the Director of the Legislative Counsel Bureau for distribution to the regular session of the Legislature. In preparing the report, the Committee shall solicit comments and recommendations from district judges, municipal judges and justices of the peace in rural Nevada. The report must include, without limitation:

(1) A summary of the work of the Committee and recommendations for any necessary legislation concerning domestic violence; and

(2) All comments and recommendations received by the Committee.

3. The Attorney General or the designee of the Attorney General is the Chair of the Committee.

4. The Committee shall annually elect a Vice Chair, Secretary and Treasurer from among its members.

5. The Committee shall meet regularly at least three times in each calendar year and may meet at other times upon the call of the Chair. Any six members of the Committee constitute a quorum. ~~For the purpose of voting,~~ A majority vote of the quorum is required to take action with respect to any matter.

6. At least one meeting in each calendar year must be held at a location within the Fourth Judicial District, Fifth Judicial District, Sixth Judicial District, Seventh Judicial District or Eleventh Judicial District.

7. The Attorney General shall provide the Committee with such staff as is necessary to carry out the duties of the Committee.

8. While engaged in the business of the Committee, each member and employee of the Committee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

9. The Committee may adopt regulations necessary to carry out its duties pursuant to NRS 228.470 to 228.497, inclusive.

Sec. 42. NRS 432.157 is hereby amended to read as follows:

432.157 1. The Office of Advocate for Missing or Exploited Children is hereby created within the Office of the Attorney General. The Advocate for Missing or Exploited Children may be known as the Children's Advocate.



2. The Attorney General shall appoint the Children's Advocate. The Children's Advocate is in the unclassified service of the State.

3. The Children's Advocate:

(a) Must be an attorney licensed to practice law in this state;

(b) Shall advise and represent the Clearinghouse on all matters concerning missing or exploited children in this state; and

(c) Shall advocate the best interests of missing or exploited children before any public or private body.

4. The Children's Advocate may:

(a) Appear as an amicus curiae on behalf of missing or exploited children in any court in this state;

(b) If requested, advise a political subdivision of this state concerning its duty to protect missing or exploited children;

(c) Recommend legislation concerning missing or exploited children; and

(d) Investigate and prosecute any alleged crime involving the exploitation of children, including, without limitation, sex trafficking in violation of subsection ~~2~~ 3 of NRS 201.300 or a violation of NRS 201.320.

5. Upon request by the Children's Advocate, a district attorney or local law enforcement agency in this state shall provide all information and assistance necessary to assist the Children's Advocate in carrying out the provisions of this section.

6. The Children's Advocate may apply for any available grants and accept gifts, grants, bequests, appropriations or donations to assist the Children's Advocate in carrying out his or her duties pursuant to this section. Any money received by the Children's Advocate must be deposited in the Special Account for the Support of the Office of Advocate for Missing or Exploited Children, which is hereby created in the State General Fund.

7. Interest and income earned on money in the Special Account must be credited to the Special Account.

8. Money in the Special Account may only be used for the support of the Office of Advocate for Missing or Exploited Children and its activities pursuant to subsection ~~2~~ 3 of NRS 201.300, NRS 201.320 and 432.150 to 432.220, inclusive.

9. Money in the Special Account must remain in the Special Account and must not revert to the State General Fund at the end of any fiscal year.

Sec. 43. NRS 432B.640 is hereby amended to read as follows:

432B.640 1. Upon receiving a referral from a court pursuant to subsection ~~1~~ 11 of NRS 200.485, an agency which provides child welfare services may, as appropriate, conduct an assessment to determine whether a psychological evaluation or counseling is needed by a child.



2. If an agency which provides child welfare services conducts an assessment pursuant to subsection 1 and determines that a psychological evaluation or counseling would benefit the child, the agency may, with the approval of the parent or legal guardian of the child:

(a) Conduct the evaluation or counseling; or

(b) Refer the child to a person that has entered into an agreement with the agency to provide those services.

Sec. 44. NRS 493.103 is hereby amended to read as follows:

493.103 1. Except as otherwise provided in subsection 2, a person who owns or lawfully occupies real property in this State may bring an action for trespass against the owner or operator of an unmanned aerial vehicle that is flown at a height of less than 250 feet over the property if:

(a) The owner or operator of the unmanned aerial vehicle has flown the unmanned aerial vehicle over the property at a height of less than 250 feet on at least one previous occasion; and

(b) The person who owns or occupies the real property notified the owner or operator of the unmanned aerial vehicle that the person did not authorize the flight of the unmanned aerial vehicle over the property at a height of less than 250 feet. For the purposes of this paragraph, a person may place the owner or operator of an unmanned aerial vehicle on notice in the manner prescribed in subsection ~~2~~ 3 of NRS 207.200.

2. A person may not bring an action pursuant to subsection 1 if:

(a) The unmanned aerial vehicle is lawfully in the flight path for landing at an airport, airfield or runway.

(b) The unmanned aerial vehicle is in the process of taking off or landing.

(c) The unmanned aerial vehicle was under the lawful operation of:

(1) A law enforcement agency in accordance with NRS 493.112.

(2) A public agency in accordance with NRS 493.115.

(d) The unmanned aerial vehicle was under the lawful operation of a business registered in this State or a land surveyor if:

(1) The operator is licensed or otherwise approved to operate the unmanned aerial vehicle by the Federal Aviation Administration;

(2) The unmanned aerial vehicle is being operated within the scope of the lawful activities of the business or surveyor; and

(3) The operation of the unmanned aerial vehicle does not unreasonably interfere with the existing use of the real property.



1 3. A plaintiff who prevails in an action for trespass brought
2 pursuant to subsection 1 is entitled to recover treble damages for any
3 injury to the person or the real property as the result of the trespass.
4 In addition to the recovery of damages pursuant to this subsection, a
5 plaintiff may be awarded reasonable attorney’s fees and costs and
6 injunctive relief.

7 **Sec. 45.** The amendatory provisions of sections 6 and 7 of this
8 act apply to an offense committed on or after July 1, 2019.

9 **Sec. 46.** This act becomes effective on July 1, 2019.

