

Amendment No. 390

Assembly Amendment to Assembly Bill No. 142	(BDR 14-175)
Proposed by: Assembly Committee on Judiciary	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: Yes Digest: Yes	

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

IK/EGO



Date: 4/16/2019

A.B. No. 142—Eliminates the statute of limitations for the prosecution of sexual assault in certain circumstances. (BDR 14-175)



ASSEMBLY BILL NO. 142—ASSEMBLYWOMEN KRASNER; BACKUS, BILBRAY-AXELROD, COHEN, DURAN, GORELOW, HARDY, MARTINEZ, MONROE-MORENO, MUNK, NEAL, SPIEGEL, ~~AND~~ TITUS AND YEAGER

FEBRUARY 14, 2019

JOINT ~~[SPONSOR: SENATOR]~~ SPONSORS: SENATORS SPEARMAN ; CANCELA, D. HARRIS AND SEEVERS GANSERT

Referred to Committee on Judiciary

SUMMARY—Eliminates the statute of limitations for the prosecution of sexual assault in certain circumstances. (BDR 14-175)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

~

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

AN ACT relating to criminal procedure; eliminating the statute of limitations for the prosecution of sexual assault if the identity of the person accused of committing the crime is established by DNA evidence; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law generally requires an indictment for sexual assault to be found, or an information or complaint to be filed, within 20 years after the commission of the offense. (NRS 171.085) Existing law also provides that there is no limitation of time within which a prosecution for sexual assault is required to be commenced if, during the 20-year period of limitation, the victim of the sexual assault or a person authorized to act on behalf of the victim files with a law enforcement officer a written report concerning the sexual assault. (NRS 171.083)

Section 1 of this bill additionally provides that there is no limitation of time within which a prosecution for sexual assault is required to be commenced if the identity of a person who is accused of committing the sexual assault is established by DNA evidence. **Section 4** of this bill provides that such an exception applies to a person who: (1) committed a sexual assault before ~~[October]~~ July 1, 2019, if the statute of limitations has not expired on ~~[October]~~ July 1, 2019; or (2) commits a sexual assault on or after ~~[October]~~ July 1, 2019.

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

Section 1. Chapter 171 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the identity of a person who is accused of committing a sexual assault is established by conducting a genetic marker analysis of a biological specimen and obtaining a DNA profile, the period of limitation prescribed in NRS 171.085 is removed and there is no limitation of the time within which a prosecution for the sexual assault must be commenced.

2. As used in this section:

(a) "Biological specimen" has the meaning ascribed to it in NRS 176.09112.

(b) "DNA profile" has the meaning ascribed to it in NRS 176.09115.

(c) "Genetic marker analysis" has the meaning ascribed to it in NRS 176.09118.

Sec. 2. NRS 171.085 is hereby amended to read as follows:

171.085 Except as otherwise provided in NRS 171.080, 171.083, 171.084 and 171.095, *and section 1 of this act*, an indictment for:

1. Theft, robbery, burglary, forgery, arson, sex trafficking, a violation of NRS 90.570, a violation punishable pursuant to paragraph (c) of subsection 3 of NRS 598.0999 or a violation of NRS 205.377 must be found, or an information or complaint filed, within 4 years after the commission of the offense.

2. Sexual assault must be found, or an information or complaint filed, within 20 years after the commission of the offense.

3. Any felony other than the felonies listed in subsections 1 and 2 must be found, or an information or complaint filed, within 3 years after the commission of the offense.

Sec. 3. NRS 171.095 is hereby amended to read as follows:

171.095 1. Except as otherwise provided in subsection 2 and NRS 171.083 and 171.084 ~~and~~ *and section 1 of this act*:

(a) If a felony, gross misdemeanor or misdemeanor is committed in a secret manner, an indictment for the offense must be found, or an information or complaint filed, within the periods of limitation prescribed in NRS 171.085, 171.090 and 624.800 after the discovery of the offense, unless a longer period is allowed by paragraph (b) or (c) or the provisions of NRS 202.885.

(b) An indictment must be found, or an information or complaint filed, for any offense constituting sexual abuse of a child as defined in NRS 432B.100 or sex trafficking of a child as defined in NRS 201.300, before the victim is:

(1) Thirty-six years old if the victim discovers or reasonably should have discovered that he or she was a victim of the sexual abuse or sex trafficking by the date on which the victim reaches that age; or

(2) Forty-three years old if the victim does not discover and reasonably should not have discovered that he or she was a victim of the sexual abuse or sex trafficking by the date on which the victim reaches 36 years of age.

(c) If a felony is committed pursuant to NRS 205.461 to 205.4657, inclusive, against a victim who is less than 18 years of age at the time of the commission of the offense, an indictment for the offense must be found, or an information or complaint filed, within 4 years after the victim discovers or reasonably should have discovered the offense.

2. If any indictment found, or an information or complaint filed, within the time prescribed in subsection 1 is defective so that no judgment can be given

1 thereon, another prosecution may be instituted for the same offense within 6
2 months after the first is abandoned.

3 **Sec. 4.** The amendatory provisions of this act apply to a person who:

4 1. Committed a sexual assault before ~~October~~ July 1, 2019, if the applicable
5 statute of limitations has commenced but has not yet expired on ~~October~~ July 1,
6 2019; or

7 2. Commits a sexual assault on or after ~~October~~ July 1, 2019.

8 **Sec. 5.** This act becomes effective on July 1, 2019.