

Amendment No. 200

Assembly Amendment to Assembly Bill No. 349	(BDR 15-1003)
Proposed by: Assembly Committee on Judiciary	
Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No 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.

MNM/BAW



Date: 4/9/2019

A.B. No. 349—Prohibits sexual conduct between a law enforcement officer and a person whom the law enforcement officer has detained or arrested. (BDR 15-1003)



ASSEMBLY BILL NO. 349—ASSEMBLYMAN FRIERSON

MARCH 18, 2019

Referred to Committee on Judiciary

SUMMARY—Prohibits sexual conduct between a law enforcement officer and a person ~~{whom the}~~ who is under arrest or is currently detained by any law enforcement officer ~~;~~ ~~{has detained or arrested}~~ (BDR 15-1003)

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

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

AN ACT relating to crimes; prohibiting sexual conduct between a law enforcement officer and a person ~~{whom the}~~ who is under arrest or is currently detained by any law enforcement officer ~~;~~ ~~{has detained or arrested}~~ providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a person from voluntarily engaging in sexual conduct with a prisoner who is in lawful custody or confinement and provides that any person who violates such a prohibition is guilty of a category D felony. (NRS 212.187) This bill provides that if a law enforcement officer voluntarily engages in sexual conduct with a person ~~{whom}~~ who is under arrest or is currently detained by the law enforcement officer ~~{has detained}~~ or ~~{arrested}~~ any other law enforcement officer, the law enforcement officer is guilty of a category D felony. This bill also provides that the consent of a person who was under arrest or detained ~~{or arrested}~~ by ~~{a}~~ any law enforcement officer to any sexual conduct with ~~{the}~~ a law enforcement officer is not a defense to a prosecution for such unlawful sexual conduct.

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

Section 1. Chapter 201 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Unless an act committed in violation of this section constitutes sexual assault pursuant to NRS 200.366, a law enforcement officer who voluntarily engages in sexual conduct with a person ~~{whom}~~ who is under arrest or is currently detained by the law enforcement officer ~~{has detained}~~ or ~~{arrested}~~ any other law enforcement officer is guilty of a category D felony and shall be punished as provided in NRS 193.130.

1 2. The consent of a person who was under arrest or detained ~~for arrested~~
2 by ~~for~~ any law enforcement officer to any sexual conduct with a law enforcement
3 officer is not a defense to a prosecution for any act prohibited by this section.

4 3. As used in this section, "sexual conduct":

5 (a) Includes acts of masturbation, sexual penetration or physical contact
6 with another person's clothed or unclothed genitals or pubic area to arouse,
7 appeal to or gratify the sexual desires of a person.

8 (b) Does not include acts of a law enforcement officer that are performed to
9 carry out the necessary duties of the law enforcement officer.