

SENATE BILL NO. 143—SENATORS
D. HARRIS; AND SPEARMAN

FEBRUARY 23, 2021

JOINT SPONSORS: ASSEMBLYWOMEN
HANSEN; AND KRASNER

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to the care of children.
(BDR 15-721)

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

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

AN ACT relating to children; revising provisions relating to the abuse, neglect and endangerment of a child; revising provisions relating to the negligent treatment or maltreatment of a child; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits certain persons who are responsible for the safety or welfare of a child from permitting or allowing the child to be placed in a situation where the child may suffer physical pain or mental suffering as the result of abuse or neglect. Depending on certain factors such as the age of the child, whether substantial bodily or mental harm results to the child and whether the person has previously been convicted of certain violations of law, a person who violates such a provision is generally guilty of either a category A, B or C felony or a gross misdemeanor. (NRS 200.508) **Section 1** of this bill prohibits certain persons who are responsible for the safety or welfare of a child from permitting or allowing the child to be placed in a situation where the child is likely to, rather than may, suffer physical pain or mental suffering as the result of abuse or neglect.

Existing law establishes the circumstances in which negligent treatment or maltreatment of a child occurs. (NRS 432B.140) **Section 2** of this bill revises such circumstances and additionally provides that negligent treatment or maltreatment of a child occurs if a child has received neglectful supervision by the person responsible for the welfare of the child as a result of the neglect or refusal of the person to provide necessary care or control when able to do so. **Section 2** defines the term "neglectful supervision" and provides that the term does not include



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allowing a child who is of sufficient maturity, physical condition and mental ability to avoid substantial risk of physical harm to engage in independent activities alone or with other children, including: (1) traveling to and from school or nearby commercial or recreational facilities; (2) engaging in outdoor play; and (3) remaining at home unattended in certain circumstances. **Section 1** provides that a person does not commit abuse, neglect or endangerment of a child solely by allowing a child to engage in any such independent activities that do not constitute neglectful supervision.

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

Section 1. NRS 200.508 is hereby amended to read as follows:

200.508 1. A person who willfully causes a child who is less than 18 years of age to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect or to be placed in a situation where the child may suffer physical pain or mental suffering as the result of abuse or neglect:

(a) If substantial bodily or mental harm results to the child:

(1) If the child is less than 14 years of age and the harm is the result of sexual abuse or exploitation, 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 15 years has been served; or

(2) In all other such cases to which subparagraph (1) does not apply, 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 20 years; or

(b) If substantial bodily or mental harm does not result to the child:

(1) If the person has not previously been convicted of a violation of this section or of a violation of the law of any other jurisdiction that prohibits the same or similar conduct, 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; or

(2) If the person has previously been convicted of a violation of this section or of a violation of the law of any other jurisdiction that prohibits the same or similar conduct, 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,

↪ unless a more severe penalty is prescribed by law for an act or omission that brings about the abuse or neglect.

2. A person who is responsible for the safety or welfare of a child pursuant to NRS 432B.130 and who permits or allows that



child to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect or to be placed in a situation where the child ~~may~~ *is likely to* suffer physical pain or mental suffering as the result of abuse or neglect:

(a) If substantial bodily or mental harm results to the child:

(1) If the child is less than 14 years of age and the harm is the result of sexual abuse or exploitation, 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; or

(2) In all other such cases to which subparagraph (1) does not apply, 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 20 years; or

(b) If substantial bodily or mental harm does not result to the child:

(1) If the person has not previously been convicted of a violation of this section or of a violation of the law of any other jurisdiction that prohibits the same or similar conduct, is guilty of a gross misdemeanor; or

(2) If the person has previously been convicted of a violation of this section or of a violation of the law of any other jurisdiction that prohibits the same or similar conduct, is guilty of a category C felony and shall be punished as provided in NRS 193.130,

unless a more severe penalty is prescribed by law for an act or omission that brings about the abuse or neglect.

3. A person does not commit a violation of subsection 1 or 2 by virtue of the sole fact that the person ~~delivers~~ :

(a) *Delivers* or allows the delivery of a child to a provider of emergency services pursuant to NRS 432B.630 ~~;~~ *; or*

(b) *Allows a child to engage in any of the independent activities described in paragraph (b) of subsection 2 of NRS 432B.140 that do not constitute neglectful supervision.*

4. As used in this section:

(a) "Abuse or neglect" means physical or mental injury of a nonaccidental nature, sexual abuse, sexual exploitation, negligent treatment or maltreatment of a child under the age of 18 years, as set forth in paragraph ~~(d)~~ *(e)* and NRS 432B.070, 432B.100, 432B.110, 432B.140 and 432B.150, under circumstances which indicate that the child's health or welfare is harmed or threatened with harm.

(b) "Allow" means to do nothing to prevent or stop the abuse or neglect of a child in circumstances where the person knows or has reason to know that the child is abused or neglected.



(c) *“Neglectful supervision” has the meaning ascribed to it in paragraph (b) of subsection 2 of NRS 432B.140.*

(d) “Permit” means permission that a reasonable person would not grant and which amounts to a neglect of responsibility attending the care, custody and control of a minor child.

~~[(d)]~~ (e) “Physical injury” means:

(1) Permanent or temporary disfigurement; or

(2) Impairment of any bodily function or organ of the body.

~~[(e)]~~ (f) “Substantial mental harm” means an injury to the intellectual or psychological capacity or the emotional condition of a child as evidenced by an observable and substantial impairment of the ability of the child to function within his or her normal range of performance or behavior.

Sec. 2. NRS 432B.140 is hereby amended to read as follows:

432B.140 **1.** Negligent treatment or maltreatment of a child occurs if a child ~~[(has)]~~:

(a) *Has* been subjected to harmful behavior that is terrorizing, degrading, painful or emotionally traumatic ~~[(,has)]~~;

(b) *Has* been abandoned ~~[(,is)]~~; or

(c) *Is* without ~~[(proper)]~~ necessary care ~~[(,)]~~ or control ~~[(or supervision or lacks the)]~~, including, without limitation, subsistence, education, shelter, medical care or other care necessary for the well-being of the child ~~[(because of the faults or habits of)]~~, or *has received neglectful supervision by* the person responsible for the welfare of the child ~~[(or)]~~ *as a result of* the neglect or refusal of the person to provide ~~[(them)]~~ *necessary care or control* when able to do so.

2. *As used in this section:*

(a) *“Blatant disregard” means the failure of a parent or caretaker to protect a child from a situation in which a real, significant and imminent risk of grave harm would be so obvious to a reasonable parent or caretaker that it is unlikely that he or she would expose a child to such danger without exercising precautionary measures to protect the child from harm.*

(b) *“Neglectful supervision” means placing a child in or failing to remove a child from a situation which a reasonable person would realize requires judgment or actions beyond the maturity level, physical condition or mental ability of the child and which results in bodily injury or a substantial risk of immediate and grave harm to the child because of the blatant disregard of a parent or caretaker. The term does not include allowing a child who is of sufficient maturity, physical condition and mental ability to avoid substantial risk of physical harm to engage in independent activities alone or with other children, including, without limitation:*



1 (1) *Traveling to and from school or nearby commercial or*
2 *recreational facilities, including, without limitation, by walking,*
3 *running or bicycling;*

4 (2) *Engaging in outdoor play;*

5 (3) *Remaining at home unattended if the parent or*
6 *caregiver of the child;*

7 (I) *Gives the child permission to remain at home*
8 *unattended; and*

9 (II) *Makes provisions for any reasonably foreseeable*
10 *emergencies that could arise; or*

11 (4) *Engaging in a similar independent activity alone or with*
12 *other children.*

