

ASSEMBLY BILL NO. 212—ASSEMBLYWOMAN
BUSTAMANTE ADAMS (BY REQUEST)

MARCH 2, 2015

Referred to Committee on Judiciary

SUMMARY—Eliminates the statute of limitations for sexual assault. (BDR 14-1062)

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

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

AN ACT relating to crimes; eliminating the statute of limitations for sexual assault; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires that criminal proceedings for sexual assault must
2 commence, by way of indictment, criminal information or complaint, within 4
3 years after the commission of the offense. (NRS 171.085) This bill eliminates that
4 limitation and provides that there is no limitation of time within which a
5 prosecution for sexual assault must be commenced.

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

1 **Section 1.** NRS 171.080 is hereby amended to read as follows:
2 171.080 There is no limitation of the time within which a
3 prosecution for:

4 1. Murder must be commenced. It may be commenced at any
5 time after the death of the person killed.

6 2. A violation of NRS 202.445 must be commenced. It may be
7 commenced at any time after the violation is committed.

8 **3. *Sexual assault must be commenced. It may be commenced***
9 ***at any time after the commission of the offense.***

10 **Sec. 2.** NRS 171.083 is hereby amended to read as follows:

11 171.083 1. If, at any time during the period of limitation
12 prescribed in NRS 171.085 and 171.095, ~~fa victim of a sexual~~



1 ~~assault, a person authorized to act on behalf of a victim of a sexual~~
2 ~~assault, or~~ a victim of sex trafficking or a person authorized to act
3 on behalf of a victim of sex trafficking ~~[.]~~ files with a law
4 enforcement officer a written report concerning the ~~[sexual assault~~
5 ~~or]~~ sex trafficking, the period of limitation prescribed in NRS
6 171.085 and 171.095 is removed and there is no limitation of the
7 time within which a prosecution for the ~~[sexual assault or]~~ sex
8 trafficking must be commenced.

9 2. If a written report is filed with a law enforcement officer
10 pursuant to subsection 1, the law enforcement officer shall provide a
11 copy of the written report to the victim or the person authorized to
12 act on behalf of the victim.

13 3. If a victim of ~~[a sexual assault or]~~ sex trafficking is under a
14 disability during any part of the period of limitation prescribed in
15 NRS 171.085 and 171.095 and a written report concerning the
16 ~~[sexual assault or]~~ sex trafficking is not otherwise filed pursuant to
17 subsection 1, the period during which the victim is under the
18 disability must be excluded from any calculation of the period of
19 limitation prescribed in NRS 171.085 and 171.095.

20 4. For the purposes of this section, a victim of ~~[a sexual assault~~
21 ~~or]~~ sex trafficking is under a disability if the victim is insane,
22 intellectually disabled, mentally incompetent or in a medically
23 comatose or vegetative state.

24 5. As used in this section, "law enforcement officer" means:

- 25 (a) A prosecuting attorney;
- 26 (b) A sheriff of a county or the sheriff's deputy;
- 27 (c) An officer of a metropolitan police department or a police
28 department of an incorporated city; or
- 29 (d) Any other person upon whom some or all of the powers of a
30 peace officer are conferred pursuant to NRS 289.150 to 289.360,
31 inclusive.

32 **Sec. 3.** NRS 171.085 is hereby amended to read as follows:

33 171.085 Except as otherwise provided in NRS 171.080,
34 171.083, 171.084 and 171.095, an indictment for:

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

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

43 **Sec. 4.** NRS 171.095 is hereby amended to read as follows:

44 171.095 1. Except as otherwise provided in subsection 2 and
45 NRS **171.080**, 171.083 and 171.084:



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

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

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

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

19 (c) If a felony is committed pursuant to NRS 205.461 to
20 205.4657, inclusive, against a victim who is less than 18 years of
21 age at the time of the commission of the offense, an indictment for
22 the offense must be found, or an information or complaint filed,
23 within 4 years after the victim discovers or reasonably should have
24 discovered the offense.

25 2. If any indictment found, or an information or complaint
26 filed, within the time prescribed in subsection 1 is defective so that
27 no judgment can be given thereon, another prosecution may be
28 instituted for the same offense within 6 months after the first is
29 abandoned.

30 **Sec. 5.** The amendatory provisions of this act apply to a person
31 who:

32 1. Committed sexual assault, as defined in NRS 200.366,
33 before October 1, 2015, if the applicable statute of limitations has
34 commenced but has not yet expired on October 1, 2015.

35 2. Commits sexual assault, as defined in NRS 200.366, on or
36 after October 1, 2015.

