
ASSEMBLY BILL NO. 168—ASSEMBLYMEN WHEELER, ELLISON,
DICKMAN, O'NEILL, TITUS; HANSEN AND MATTHEWS

FEBRUARY 23, 2021

JOINT SPONSORS: SENATORS GOICOECHEA,
SETTELMAYER; HANSEN, HARDY AND PICKARD

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to riots. (BDR 15-518)

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.

~

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

AN ACT relating to crimes; increasing the penalties for certain crimes committed during a riot; increasing the penalty for harassment if committed during a riot under certain circumstances; making it unlawful to provide material support for certain assemblies, a rout or riot under certain circumstances; increasing the penalties when seven or more persons assemble for certain purposes or commit a rout or riot; making it unlawful to engage in racketeering activity in furtherance of certain assemblies, a rout or riot; limiting the civil liability for injuries or death resulting from certain activities related to certain assemblies, a rout or riot; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law provides that a person is guilty of: (1) a gross misdemeanor if the
2 person, other than a prisoner, commits an assault upon an officer; and (2) a
3 category B felony if the person commits an assault upon an officer with the use of a
4 deadly weapon or the present ability to use a deadly weapon. (NRS 200.471)
5 **Section 1** of this bill increases the penalty from a gross misdemeanor to a category
6 E felony if the assault is committed upon an officer during a riot.



7 Existing law also provides that a person is guilty of: (1) a misdemeanor if the
8 person commits a battery other than child abuse, the battery is not committed with a
9 deadly weapon and there is no substantial bodily harm to the victim; (2) a category
10 B felony if the person commits a battery upon an officer which causes substantial
11 bodily harm or is committed by strangulation; and (3) a gross misdemeanor if the
12 person commits a battery upon an officer and the person knew or should have
13 known that the victim was an officer. (NRS 200.481) **Section 2** of this bill
14 increases the penalties: (1) from a misdemeanor to a gross misdemeanor if the
15 battery is committed during a riot; and (2) from a gross misdemeanor to a category
16 E felony if the battery is committed during a riot upon an officer who is performing
17 his or her duty and the person charged knew or should have known that the victim
18 was an officer.

19 Existing law provides that a person who, without lawful authority, knowingly
20 threatens certain actions against another person and the person receiving such a
21 threat has reasonable fear that the threat will be carried out, is guilty of the crime of
22 harassment. Existing law makes harassment punishable as a misdemeanor for the
23 first offense and as a gross misdemeanor for any subsequent offense. (NRS
24 200.571) **Section 3** of this bill makes the crime of harassment punishable as a
25 category E felony if the crime occurs: (1) during a riot; and (2) at a public
26 accommodation, which includes certain establishments that provide transient
27 lodging and restaurants, among other places.

28 Existing law makes it unlawful to knowingly or intentionally provide certain
29 material support with the intent that such support be used to commit, cause, aid,
30 further or conceal an act of terrorism. (NRS 202.445) **Section 4** of this bill makes it
31 unlawful to knowingly or intentionally provide certain material support with the
32 intent that such support be used to: (1) assemble for certain unlawful purposes; or
33 (2) commit a rout or riot.

34 Existing law makes it a misdemeanor for two or more persons to assemble for
35 the purpose of disturbing the public peace, or committing any unlawful act, if the
36 persons do not disperse under certain circumstances. (NRS 203.020) **Section 5** of
37 this bill makes it a category E felony for seven or more persons to assemble for
38 such purposes, without dispersing, under certain circumstances.

39 Existing law makes it a misdemeanor for two or more persons to assemble
40 together to commit an unlawful act, but who separate without committing or
41 advancing toward the act. (NRS 203.060) **Section 6** of this bill makes it a category
42 E felony for seven or more persons to assemble together for such purposes.

43 Existing law also makes it: (1) a rout, punishable as a misdemeanor, for two or
44 more persons to meet to commit an unlawful act, upon a common cause of quarrel,
45 and to advance toward the act; and (2) a riot, punishable as a misdemeanor, for two
46 or more persons to commit an unlawful act of violence, either with or without a
47 common cause of quarrel, or to commit a lawful act, in a violent, tumultuous and
48 illegal manner. (NRS 203.070) **Section 7** of this bill makes it a category E felony
49 for seven or more persons to commit a rout or riot.

50 Existing law makes it unlawful, proportionate to the value of the property, for
51 any persons unlawfully assembled to pull down, damage or destroy certain
52 property. (NRS 206.010) **Section 8** of this bill makes it a category E felony for any
53 persons to commit such acts during a riot.

54 Existing law makes it a gross misdemeanor to vandalize, place graffiti on,
55 deface or otherwise damage: (1) a place of religious worship; (2) a facility used for
56 the purpose of burial or memorializing the dead; or (3) a school, educational
57 facility, transportation facility, public transportation vehicle or community center.
58 (NRS 206.125) **Section 9** of this bill makes it a category E felony to vandalize,
59 place graffiti on, deface or otherwise damage such property during a riot.



60 Existing law establishes various crimes relating to racketeering activity. (NRS
61 207.400) **Section 10** of this bill makes it unlawful to engage in racketeering activity
62 in furtherance of certain unlawful assemblies, a rout or riot.

63 Existing law provides immunity from civil liability to certain persons for a
64 bodily injury or death resulting under certain circumstances. (Chapter 41 of NRS)
65 **Section 11** of this bill creates immunity from civil liability for certain persons who
66 are driving a motor vehicle and cause bodily injury or death to another person who
67 is unlawfully obstructing any road, street or alley during certain unlawful
68 assemblies, a rout or riot. **Section 13** of this bill provides that **section 11** does not
69 apply to a cause of action or claim arising from an injury or death that occurs
70 before October 1, 2021.

71 Existing law prohibits a person from obstructing any road, street or alley and
72 makes such an offense punishable as a misdemeanor. (NRS 405.230) **Section 12** of
73 this bill increases the penalty to a category E felony, if a person obstructs any road,
74 street or alley during certain unlawful assemblies, a rout or riot.

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

1 **Section 1.** NRS 200.471 is hereby amended to read as follows:

2 200.471 1. As used in this section:

3 (a) "Assault" means:

4 (1) Unlawfully attempting to use physical force against
5 another person; or

6 (2) Intentionally placing another person in reasonable
7 apprehension of immediate bodily harm.

8 (b) "Fire-fighting agency" has the meaning ascribed to it in
9 NRS 239B.020.

10 (c) "Officer" means:

11 (1) A person who possesses some or all of the powers of a
12 peace officer;

13 (2) A person employed in a full-time salaried occupation of
14 fire fighting for the benefit or safety of the public;

15 (3) A member of a volunteer fire department;

16 (4) A jailer, guard or other correctional officer of a city or
17 county jail;

18 (5) A prosecuting attorney of an agency or political
19 subdivision of the United States or of this State;

20 (6) A justice of the Supreme Court, judge of the Court of
21 Appeals, district judge, justice of the peace, municipal judge,
22 magistrate, court commissioner, master or referee, including a
23 person acting pro tempore in a capacity listed in this subparagraph;

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

27 (8) A civilian employee or a volunteer of a law enforcement
28 agency whose official duties require the employee or volunteer to:



1 (I) Interact with the public;
2 (II) Perform tasks related to law enforcement; and
3 (III) Wear identification, clothing or a uniform that
4 identifies the employee or volunteer as working or volunteering for
5 the law enforcement agency;

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

8 (I) Interact with the public;
9 (II) Perform tasks related to fire fighting or fire
10 prevention; and

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

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

17 (I) Interact with the public;
18 (II) Perform tasks related to code enforcement; and
19 (III) Wear identification, clothing or a uniform that
20 identifies the employee or volunteer as working or volunteering for
21 this State or a political subdivision of this State.

22 (d) "Provider of health care" means a physician, a medical
23 student, a perfusionist or a physician assistant licensed pursuant to
24 chapter 630 of NRS, a practitioner of respiratory care, a
25 homeopathic physician, an advanced practitioner of homeopathy, a
26 homeopathic assistant, an osteopathic physician, a physician
27 assistant licensed pursuant to chapter 633 of NRS, a podiatric
28 physician, a podiatry hygienist, a physical therapist, a medical
29 laboratory technician, an optometrist, a chiropractor, a
30 chiropractor's assistant, a doctor of Oriental medicine, a nurse, a
31 student nurse, a certified nursing assistant, a nursing assistant
32 trainee, a medication aide - certified, a dentist, a dental student, a
33 dental hygienist, a dental hygienist student, a pharmacist, a
34 pharmacy student, an intern pharmacist, an attendant on an
35 ambulance or air ambulance, a psychologist, a social worker, a
36 marriage and family therapist, a marriage and family therapist
37 intern, a clinical professional counselor, a clinical professional
38 counselor intern, a licensed dietitian, the holder of a license or a
39 limited license issued under the provisions of chapter 653 of NRS,
40 an emergency medical technician, an advanced emergency medical
41 technician and a paramedic.

42 (e) "School employee" means a licensed or unlicensed person
43 employed by a board of trustees of a school district pursuant to NRS
44 391.100 or 391.281.



1 (f) "Sporting event" has the meaning ascribed to it in
2 NRS 41.630.

3 (g) "Sports official" has the meaning ascribed to it in
4 NRS 41.630.

5 (h) "Taxicab" has the meaning ascribed to it in NRS 706.8816.

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

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

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

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

14 (b) If the assault is made with the use of a deadly weapon or the
15 present ability to use a deadly weapon, for a category B felony by
16 imprisonment in the state prison for a minimum term of not less
17 than 1 year and a maximum term of not more than 6 years, or by a
18 fine of not more than \$5,000, or by both fine and imprisonment.

19 (c) If paragraph (d) does not apply to the circumstances of the
20 crime and if the assault is committed upon an officer, a provider of
21 health care, a school employee, a taxicab driver or a transit operator
22 who is performing his or her duty or upon a sports official based on
23 the performance of his or her duties at a sporting event and the
24 person charged knew or should have known that the victim was an
25 officer, a provider of health care, a school employee, a taxicab
26 driver, a transit operator or a sports official, for a gross
27 misdemeanor, unless ~~the~~:

28 (1) *The assault is committed upon an officer during a riot*
29 *as described in subsection 2 of NRS 203.070, for a category E*
30 *felony and shall be punished as provided in NRS 193.130; or*

31 (2) *The assault is made with the use of a deadly weapon or*
32 *the present ability to use a deadly weapon, then for a category B*
33 *felony by imprisonment in the state prison for a minimum term of*
34 *not less than 1 year and a maximum term of not more than 6 years,*
35 *or by a fine of not more than \$5,000, or by both fine and*
36 *imprisonment.*

37 (d) If the assault is committed upon an officer, a provider of
38 health care, a school employee, a taxicab driver or a transit operator
39 who is performing his or her duty or upon a sports official based on
40 the performance of his or her duties at a sporting event by a
41 probationer, a prisoner who is in lawful custody or confinement or a
42 parolee, and the probationer, prisoner or parolee charged knew or
43 should have known that the victim was an officer, a provider of
44 health care, a school employee, a taxicab driver, a transit operator or
45 a sports official, for a category D felony as provided in



1 NRS 193.130, unless the assault is made with the use of a deadly
2 weapon or the present ability to use a deadly weapon, then for a
3 category B felony by imprisonment in the state prison for a
4 minimum term of not less than 1 year and a maximum term of not
5 more than 6 years, or by a fine of not more than \$5,000, or by both
6 fine and imprisonment.

7 **Sec. 2.** NRS 200.481 is hereby amended to read as follows:

8 200.481 1. As used in this section:

9 (a) "Battery" means any willful and unlawful use of force or
10 violence upon the person of another.

11 (b) "Child" means a person less than 18 years of age.

12 (c) "Fire-fighting agency" has the meaning ascribed to it in
13 NRS 239B.020.

14 (d) "Officer" means:

15 (1) A person who possesses some or all of the powers of a
16 peace officer;

17 (2) A person employed in a full-time salaried occupation of
18 fire fighting for the benefit or safety of the public;

19 (3) A member of a volunteer fire department;

20 (4) A jailer, guard, matron or other correctional officer of a
21 city or county jail or detention facility;

22 (5) A prosecuting attorney of an agency or political
23 subdivision of the United States or of this State;

24 (6) A justice of the Supreme Court, judge of the Court of
25 Appeals, district judge, justice of the peace, municipal judge,
26 magistrate, court commissioner, master or referee, including,
27 without limitation, a person acting pro tempore in a capacity listed
28 in this subparagraph;

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

32 (8) A civilian employee or a volunteer of a law enforcement
33 agency whose official duties require the employee or volunteer to:

34 (I) Interact with the public;

35 (II) Perform tasks related to law enforcement; and

36 (III) Wear identification, clothing or a uniform that
37 identifies the employee or volunteer as working or volunteering for
38 the law enforcement agency;

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

41 (I) Interact with the public;

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



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

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

7 (I) Interact with the public;

8 (II) Perform tasks related to code enforcement; and

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

12 (e) "Provider of health care" has the meaning ascribed to it in
13 NRS 200.471.

14 (f) "School employee" means a licensed or unlicensed person
15 employed by a board of trustees of a school district pursuant to NRS
16 391.100 or 391.281.

17 (g) "Sporting event" has the meaning ascribed to it in
18 NRS 41.630.

19 (h) "Sports official" has the meaning ascribed to it in
20 NRS 41.630.


21 (i) "Strangulation" means intentionally impeding the normal
22 breathing or circulation of the blood by applying pressure on the
23 throat or neck or by blocking the nose or mouth of another person in
24 a manner that creates a risk of death or substantial bodily harm.

25 (j) "Taxicab" has the meaning ascribed to it in NRS 706.8816.

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

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

29 2. Except as otherwise provided in NRS 200.485, a person
30 convicted of a battery, other than a battery committed by an adult
31 upon a child which constitutes child abuse, shall be punished:

32 (a) If the battery is not committed with a deadly weapon, and no
33 substantial bodily harm to the victim results, except under
34 circumstances where a greater penalty is provided in this section or
35 NRS 197.090 :

36 (1) *If committed during a riot as described in subsection 2*
37 *of NRS 203.070, for a gross misdemeanor; or*

38 (2) *If committed in a manner other than as described in*
39 *subparagraph (1), for a misdemeanor.*

40 (b) If the battery is not committed with a deadly weapon, and
41 either substantial bodily harm to the victim results or the battery is
42 committed by strangulation, for a category C felony as provided in
43 NRS 193.130.

44 (c) If:



1 (1) The battery is committed upon an officer, provider of
2 health care, school employee, taxicab driver or transit operator who
3 was performing his or her duty or upon a sports official based on the
4 performance of his or her duties at a sporting event;

5 (2) The officer, provider of health care, school employee,
6 taxicab driver, transit operator or sports official suffers substantial
7 bodily harm or the battery is committed by strangulation; and

8 (3) The person charged knew or should have known that the
9 victim was an officer, provider of health care, school employee,
10 taxicab driver, transit operator or sports official,

11 ➤ for a category B felony by imprisonment in the state prison for a
12 minimum term of not less than 2 years and a maximum term of not
13 more than 10 years, or by a fine of not more than \$10,000, or by
14 both fine and imprisonment.

15 (d) If the battery is committed upon an officer, provider of
16 health care, school employee, taxicab driver or transit operator who
17 is performing his or her duty or upon a sports official based on the
18 performance of his or her duties at a sporting event and the person
19 charged knew or should have known that the victim was an officer,
20 provider of health care, school employee, taxicab driver, transit
21 operator or sports official, for a gross misdemeanor, except under
22 circumstances where a greater penalty is provided in this section.

23 (e) *If the battery is committed upon an officer as described in*
24 *paragraph (d) and during a riot as described in subsection 2 of*
25 *NRS 203.070, for a category E felony as provided in NRS 193.130,*
26 *except under circumstances where a greater penalty is provided in*
27 *this section. A court shall not grant probation to or suspend the*
28 *sentence of a person convicted pursuant to this paragraph.*

29 (f) If the battery is committed with the use of a deadly weapon,
30 and:

31 (1) No substantial bodily harm to the victim results, for a
32 category B felony by imprisonment in the state prison for a
33 minimum term of not less than 2 years and a maximum term of not
34 more than 10 years, and may be further punished by a fine of not
35 more than \$10,000.

36 (2) Substantial bodily harm to the victim results or the
37 battery is committed by strangulation, for a category B felony by
38 imprisonment in the state prison for a minimum term of not less
39 than 2 years and a maximum term of not more than 15 years, and
40 may be further punished by a fine of not more than \$10,000.

41 ~~(f)~~ (g) If the battery is committed by a probationer, a prisoner
42 who is in lawful custody or confinement or a parolee, without the
43 use of a deadly weapon, whether or not substantial bodily harm
44 results and whether or not the battery is committed by strangulation,
45 for a category B felony by imprisonment in the state prison for a



1 minimum term of not less than 1 year and a maximum term of not
2 more than 6 years.

3 ~~(g)~~ (h) If the battery is committed by a probationer, a prisoner
4 who is in lawful custody or confinement or a parolee, with the use
5 of a deadly weapon, and:

6 (1) No substantial bodily harm to the victim results, for a
7 category B felony by imprisonment in the state prison for a
8 minimum term of not less than 2 years and a maximum term of not
9 more than 10 years.

10 (2) Substantial bodily harm to the victim results or the
11 battery is committed by strangulation, for a category B felony by
12 imprisonment in the state prison for a minimum term of not less
13 than 2 years and a maximum term of not more than 15 years.

14 **Sec. 3.** NRS 200.571 is hereby amended to read as follows:
15 200.571 1. A person is guilty of harassment if:

16 (a) Without lawful authority, the person knowingly threatens:
17 (1) To cause bodily injury in the future to the person
18 threatened or to any other person;

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

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

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

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

28 2. Except where the provisions of *subsection 3 or* subsection 2,
29 3 or 4 of NRS 200.575 are applicable, a person who is guilty of
30 harassment:

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

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

34 3. *A person who is guilty of harassment, if committed at a*
35 *place of public accommodation and during a riot as described in*
36 *subsection 2 of NRS 203.070, is guilty of a category E felony and*
37 *shall be punished as provided in NRS 193.130.*

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

40 5. *As used in this section, "place of public accommodation"*
41 *has the meaning ascribed to it in NRS 651.050.*



1 **Sec. 4.** Chapter 203 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 1. *A person shall not knowingly or intentionally provide*
4 *material support with the intent that such material support be*
5 *used, in whole or in part, to:*

6 (a) *Assemble for the purpose of disturbing the public peace or*
7 *committing any unlawful act in violation of NRS 203.020;*

8 (b) *Commit an unlawful assembly in violation of NRS*
9 *203.060; or*

10 (c) *Commit a rout or riot in violation of NRS 203.070.*

11 2. *A person who violates any provision of subsection 1 is*
12 *guilty of a category E felony and shall be punished as provided in*
13 *NRS 193.130.*

14 3. *As used in this section, "material support" means any*
15 *financial, logistical, informational or other support or assistance.*

16 **Sec. 5.** NRS 203.020 is hereby amended to read as follows:
17 203.020 ~~HH~~

18 1. *Except as otherwise provided in subsection 2, if two or*
19 *more persons assemble for the purpose of disturbing the public*
20 *peace, or committing any unlawful act, and do not disperse, on*
21 *being desired or commanded so to do by a judge, justice of the*
22 *peace, sheriff, coroner, constable or other public officer, the persons*
23 *so offending are guilty of a misdemeanor.*

24 2. *If seven or more persons assemble for the purpose of*
25 *disturbing the public peace, or committing any unlawful act, and*
26 *do not disperse, on being desired or commanded so to do by a*
27 *judge, justice of the peace, sheriff, coroner, constable or other*
28 *public officer, the persons so offending are guilty of a category E*
29 *felony and shall be punished as provided in NRS 193.130.*

30 **Sec. 6.** NRS 203.060 is hereby amended to read as follows:
31 203.060 ~~HH~~

32 1. *Except as otherwise provided in subsection 2, if two or*
33 *more persons ~~shall~~ assemble together to do an unlawful act, and*
34 *separate without doing or advancing toward it, such persons commit*
35 *an unlawful assembly, and are guilty of a misdemeanor.*

36 2. *If seven or more persons assemble together to do an*
37 *unlawful act, and separate without doing or advancing toward it,*
38 *such persons commit an unlawful assembly and are guilty of a*
39 *category E felony and shall be punished as provided in*
40 *NRS 193.130.*

41 **Sec. 7.** NRS 203.070 is hereby amended to read as follows:

42 203.070 1. ~~HH~~ *Except as otherwise provided in subsection*
43 *3, if two or more persons ~~shall~~ meet to do an unlawful act, upon a*
44 *common cause of quarrel, and make advances toward it, they*
45 *commit a rout, and are guilty of a misdemeanor.*



1 2. ~~HH~~ *Except as otherwise provided in subsection 3, if* two or
2 more persons ~~{shaH}~~ actually do an unlawful act of violence, either
3 with or without a common cause of quarrel or even do a lawful act,
4 in a violent, tumultuous and illegal manner, they commit a riot, and
5 are guilty of a misdemeanor.

6 *3. If seven or more persons violate any provision of this*
7 *section, such persons are guilty of a category E felony and shall be*
8 *punished as provided in NRS 193.130.*

9 **Sec. 8.** NRS 206.010 is hereby amended to read as follows:

10 206.010 **1.** Whenever any persons unlawfully assembled pull
11 down, damage or destroy any dwelling house or other building, or
12 any shop, steamboat, vessel or other property, they severally are
13 guilty of a public offense proportionate to the value of the property
14 damaged or destroyed.

15 *2. Unless a greater penalty is provided pursuant to NRS*
16 *193.155, a person who violates the provisions of subsection 1*
17 *during a riot as described subsection 2 of NRS 203.070 is guilty of*
18 *a category E felony and shall be punished as provided in*
19 *NRS 193.130.*

20 **Sec. 9.** NRS 206.125 is hereby amended to read as follows:

21 206.125 **1.** Unless a greater penalty is provided by law, a
22 person who knowingly vandalizes, places graffiti on, defaces or
23 otherwise damages:

24 (a) Any church, synagogue or other building, structure or place
25 used for religious worship or other religious purpose;

26 (b) Any cemetery, mortuary or other facility used for the
27 purpose of burial or memorializing the dead;

28 (c) Any school, educational facility, transportation facility,
29 public transportation vehicle or community center;

30 (d) The grounds adjacent to, and owned or rented by, any
31 institution, facility, building, structure or place described in
32 paragraph (a), (b) or (c); or

33 (e) Any personal property contained in any institution, facility,
34 building, structure or place described in paragraph (a), (b) or (c),

35 **↪ except as otherwise provided in subsection 2,** is guilty of a gross
36 misdemeanor.

37 *2. A person who knowingly vandalizes, places graffiti on,*
38 *defaces or otherwise damages any property described in subsection*
39 *1 during a riot as described in subsection 2 of NRS 203.070 is*
40 *guilty of a category E felony and shall be punished as provided in*
41 *NRS 193.130.*

42 **3.** In addition to any other penalty, the court shall order a
43 person found guilty of a gross misdemeanor pursuant to subsection
44 **1 or a category E felony pursuant to subsection 2** to pay restitution
45 for the damage and:



1 (a) For the first offense, to pay a fine of not less than \$400 but
2 not more than \$1,000, and to perform 100 hours of community
3 service.

4 (b) For the second offense, to pay a fine of not less than \$750,
5 but not more than \$1,000, and to perform 200 hours of community
6 service.

7 (c) For a third or subsequent offense, to pay a fine of \$1,000,
8 and to perform 200 hours of community service.

9 ~~[3-]~~ 4. A person who is paid money for restitution pursuant to
10 subsection ~~[4]~~ 3 shall use the money to repair or restore the property
11 that was damaged.

12 ~~[4-]~~ 5. As used in this section:

13 (a) "Public transportation vehicle" has the meaning ascribed to it
14 in NRS 206.335.

15 (b) "Transportation facility" has the meaning ascribed to it in
16 NRS 206.335.

17 **Sec. 10.** NRS 207.400 is hereby amended to read as follows:

18 207.400 1. It is unlawful for a person:

19 (a) Who has with criminal intent received any proceeds derived,
20 directly or indirectly, from racketeering activity to use or invest,
21 whether directly or indirectly, any part of the proceeds, or the
22 proceeds derived from the investment or use thereof, in the
23 acquisition of:

24 (1) Any title to or any right, interest or equity in real
25 property; or

26 (2) Any interest in or the establishment or operation of any
27 enterprise.

28 (b) Through racketeering activity to acquire or maintain, directly
29 or indirectly, any interest in or control of any enterprise.

30 (c) Who is employed by or associated with any enterprise to
31 conduct or participate, directly or indirectly, in:

32 (1) The affairs of the enterprise through racketeering activity;
33 or

34 (2) Racketeering activity through the affairs of the enterprise.

35 (d) Intentionally to organize, manage, direct, supervise or
36 finance a criminal syndicate.

37 (e) Knowingly to incite or induce others to engage in violence or
38 intimidation to promote or further the criminal objectives of the
39 criminal syndicate.

40 (f) To furnish advice, assistance or direction in the conduct,
41 financing or management of the affairs of the criminal syndicate
42 with the intent to promote or further the criminal objectives of the
43 syndicate.

44 (g) Intentionally to promote or further the criminal objectives of
45 a criminal syndicate by inducing the commission of an act or the



1 omission of an act by a public officer or employee which violates
2 his or her official duty.

3 (h) To transport property, to attempt to transport property or to
4 provide property to another person knowing that the other person
5 intends to use the property to further racketeering activity.

6 (i) Who knows that property represents proceeds of, or is
7 directly or indirectly derived from, any unlawful activity to conduct
8 or attempt to conduct any transaction involving the property:

9 (1) With the intent to further racketeering activity; or

10 (2) With the knowledge that the transaction conceals the
11 location, source, ownership or control of the property.

12 (j) *Through racketeering activity to violate the provisions of*
13 *NRS 203.020, 203.060 or 203.070.*

14 (k) To conspire to violate any of the provisions of this section.

15 2. A person who violates this section is guilty of a category B
16 felony and shall be punished by imprisonment in the state prison for
17 a minimum term of not less than 5 years and a maximum term of not
18 more than 20 years, and may be further punished by a fine of not
19 more than \$25,000.

20 3. As used in this section, "unlawful activity" has the meaning
21 ascribed to it in NRS 207.195.

22 **Sec. 11.** Chapter 41 of NRS is hereby amended by adding
23 thereto a new section to read as follows:

24 *1. Except as otherwise provided in subsection 2, a person*
25 *driving a motor vehicle who is exercising due care and causes*
26 *bodily injury or death to another person, while that other person is*
27 *obstructing any road, street or alley in violation of subsection 2 of*
28 *NRS 405.230, is immune from civil liability for any such injury or*
29 *death.*

30 *2. A person who causes bodily injury or death while driving a*
31 *motor vehicle in willful or wanton disregard of the safety of*
32 *persons on a road, street or alley is not immune from civil liability*
33 *for any such injury or death.*

34 *3. As used in this section, "motor vehicle" means every*
35 *vehicle which is self-propelled.*

36 **Sec. 12.** NRS 405.230 is hereby amended to read as follows:

37 405.230 1. ~~[Any]~~ *Except as otherwise provided in*
38 *subsection 2, any* person who, in any manner, obstructs any road,
39 street or alley, or in any manner damages it or prevents travel
40 thereon, or who obstructs, dams or diverts any stream or water so as
41 to throw it, or cause the flowage thereof, upon, across or along the
42 pathway of any road, highway, street or alley is guilty of a public
43 offense, as prescribed in NRS 193.155, proportionate to the extent
44 of damage to the section of the road, street, alley or highway
45 damaged, and in no event less than a misdemeanor.



1 2. *Any person who, in any manner, obstructs any road, street*
2 *or alley through conduct in violation of NRS 203.020, 203.060 or*
3 *203.070 is guilty of a category E felony and shall be punished as*
4 *provided in NRS 193.130.*

5 3. The court before which the conviction is had shall order the
6 sheriff or any constable of the county to abate, as a nuisance, any
7 fence or other obstruction, to the free and convenient use and travel
8 of the road, street or alley, or any obstruction from the stream so as
9 to allow it to flow in its natural bed.

10 ~~3.~~ 4. The department of public works or any other
11 appropriate county agency is authorized to remove from the
12 highways any unlicensed obstacle or encroachment which is not
13 removed, or the removal of which is not commenced and thereafter
14 diligently prosecuted, before the expiration of 5 days after personal
15 service of notice and demand upon the owner of the obstacle or
16 encroachment or the owner's agent. In lieu of personal service upon
17 that person or the person's agent, service of the notice may also be
18 made by registered or certified mail and by posting, for a period of 5
19 days, a copy of the notice on the obstacle or encroachment described
20 in the notice. Removal by the department or other agency of the
21 obstacle or encroachment on the failure of the owner to comply with
22 the notice and demand gives the department or other agency a right
23 of action to recover the expense of the removal, investigative costs,
24 attorney's fees, cost and expenses of suit, and in addition thereto the
25 sum of \$250 for each day the obstacle or encroachment remains
26 after the expiration of 5 days from the service of the notice and
27 demand.

28 ~~4.~~ 5. As used in this section, "obstacles or encroachments"
29 mean any objects, materials or facilities not owned by the county
30 that are placed within a right-of-way of the county for storage
31 purposes or decorative improvements for front lots that are not a
32 part of a highway facility. The term does not include vehicles
33 parked in a lawful manner within that right-of-way.

34 **Sec. 13.** The amendatory provisions of section 11 of this act
35 do not apply to a cause of action or claim arising from an injury or
36 death that accrues before October 1, 2021.

