

ASSEMBLY BILL NO. 214—ASSEMBLYWOMAN CONSIDINE

MARCH 9, 2021

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing sexual assault. (BDR 15-103)

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 sexual assault; revising the definition of sexual assault by replacing gendered language with gender-neutral language; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law provides that a person is guilty of sexual assault if he or she: (1)
2 subjects another person to sexual penetration, or forces another person to make a
3 sexual penetration on himself or herself or another, or on a beast, against the will of
4 the victim or under conditions in which the perpetrator knows or should know that
5 the victim is mentally or physically incapable of resisting or understanding the
6 nature of his or her conduct; or (2) commits a sexual penetration upon a child under
7 the age of 14 years or causes a child under the age of 14 years to make a sexual
8 penetration on himself or herself or another, or on a beast. (NRS 200.366) This bill
9 revises the definition of sexual assault by replacing the gendered language in the
10 statute with gender-neutral language.

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

1 **Section 1.** NRS 200.366 is hereby amended to read as follows:
2 200.366 1. A person is guilty of sexual assault if ~~he or she;~~
3 *the person:*
4 (a) Subjects another person to sexual penetration, or forces
5 another person to make a sexual penetration on ~~himself or herself;~~
6 *that person* or another, or on a beast, against the will of the victim
7 or under conditions in which the perpetrator knows or should know
8 that the victim is mentally or physically incapable of resisting or



1 understanding the nature of ~~[his or her]~~ *the perpetrator's* conduct;
2 or

3 (b) Commits a sexual penetration upon a child under the age of
4 14 years or causes a child under the age of 14 years to make a sexual
5 penetration on ~~[himself or herself]~~ *the child* or another, or on a
6 beast.

7 2. Except as otherwise provided in subsections 3 and 4, a
8 person who commits a sexual assault is guilty of a category A
9 felony and shall be punished:

10 (a) If substantial bodily harm to the victim results from the
11 actions of the defendant committed in connection with or as a part
12 of the sexual assault, by imprisonment in the state prison:

13 (1) For life without the possibility of parole; or

14 (2) For life with the possibility of parole, with eligibility for
15 parole beginning when a minimum of 15 years has been served.

16 (b) If no substantial bodily harm to the victim results, by
17 imprisonment in the state prison for life with the possibility of
18 parole, with eligibility for parole beginning when a minimum of 10
19 years has been served.

20 3. Except as otherwise provided in subsection 4, a person who
21 commits a sexual assault against a child under the age of 16 years is
22 guilty of a category A felony and shall be punished:

23 (a) If the crime results in substantial bodily harm to the child, by
24 imprisonment in the state prison for life without the possibility of
25 parole.

26 (b) Except as otherwise provided in paragraph (c), if the crime
27 does not result in substantial bodily harm to the child, by
28 imprisonment in the state prison for life with the possibility of
29 parole, with eligibility for parole beginning when a minimum of 25
30 years has been served.

31 (c) If the crime is committed against a child under the age of 14
32 years and does not result in substantial bodily harm to the child, by
33 imprisonment in the state prison for life with the possibility of
34 parole, with eligibility for parole beginning when a minimum of 35
35 years has been served.

36 4. A person who commits a sexual assault against a child under
37 the age of 16 years and who has been previously convicted of:

38 (a) A sexual assault pursuant to this section or any other sexual
39 offense against a child; or

40 (b) An offense committed in another jurisdiction that, if
41 committed in this State, would constitute a sexual assault pursuant
42 to this section or any other sexual offense against a child,

43 ➤ is guilty of a category A felony and shall be punished by
44 imprisonment in the state prison for life without the possibility of
45 parole.



1 5. The provisions of this section do not apply to a person who
2 is less than 18 years of age and who commits any of the acts
3 described in paragraph (b) of subsection 1 if the person is not more
4 than 2 years older than the person upon whom the act was
5 committed unless:

6 (a) The person committing the act uses force or threatens the use
7 of force; or

8 (b) The person committing the act knows or should know that
9 the victim is mentally or physically incapable of resisting or
10 understanding the nature of ~~his or her~~ *the person's* conduct.

11 6. For the purpose of this section, "other sexual offense against
12 a child" means any act committed by an adult upon a child
13 constituting:

14 (a) Incest pursuant to NRS 201.180;

15 (b) Lewdness with a child pursuant to NRS 201.230;

16 (c) Sado-masochistic abuse pursuant to NRS 201.262; or

17 (d) Luring a child using a computer, system or network pursuant
18 to NRS 201.560, if punished as a felony.

