

Assembly Bill No. 214–Assemblywomen
Considine and Krasner

Joint Sponsor: Senator Scheible

CHAPTER.....

AN ACT relating to sexual assault; revising the definition of sexual assault by replacing gendered language with gender-neutral language; requiring the Advisory Commission on the Administration of Justice to appoint a subcommittee to conduct an interim study concerning sexual assault and to make a report to the Advisory Commission; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

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

Existing law creates the Advisory Commission on the Administration of Justice and requires the Advisory Commission, among other duties, to evaluate and study the elements of this State’s system of criminal justice. (NRS 176.0123, 176.0125) **Section 2** of this bill requires the Advisory Commission to appoint a subcommittee to conduct an interim study concerning sexual assault and to make a report to the Advisory Commission.

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

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

Section 1. NRS 200.366 is hereby amended to read as follows:
200.366 1. A person is guilty of sexual assault if ~~he or she;~~

the person:

(a) Subjects another person to sexual penetration, or forces another person to make a sexual penetration on ~~himself or herself~~ *themselves* or another, or on a beast, against the will of the victim or under conditions in which the perpetrator knows or should know that the victim is mentally or physically incapable of resisting or understanding the nature of ~~his or her~~ *the perpetrator’s* conduct; or



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

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

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

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

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

(b) If no substantial bodily harm to the victim results, 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.

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

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

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

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

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

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

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

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



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

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

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

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

(a) Incest pursuant to NRS 201.180;

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

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

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

Sec. 2. 1. The Advisory Commission on the Administration of Justice created by NRS 176.0123 shall appoint a subcommittee to conduct an interim study concerning sexual assault, and make a report thereof.

2. The study and report must include, without limitation:

(a) An evaluation of:

(1) The laws governing sexual assault in this State;

(2) The laws governing sexual assault in other states and territories of the United States; and

(3) Any other matter that the Advisory Commission determines is relevant to the study.

(b) Recommendations and input from attorneys, victims and any other stakeholders concerning necessary changes to the laws governing sexual assault in this State.

3. The subcommittee shall submit a report of the results of the study and any recommendations for legislation to the Advisory Commission not later than September 1, 2022.

Sec. 3. 1. This section and section 2 of this act become effective on July 1, 2021.

2. Section 1 of this act becomes effective on October 1, 2021.

