

ASSEMBLY BILL NO. 214—ASSEMBLYWOMEN
CONSIDINE AND KRASNER

MARCH 9, 2021

JOINT SPONSOR: SENATOR SCHEIBLE

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; 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:

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) **Section**
9 **1** of this bill revises the definition of sexual assault by replacing the gendered
10 language in the statute with gender-neutral language.

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



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 *themselves* or another, or on a beast, against the will of the victim or
7 under conditions in which the perpetrator knows or should know
8 that the victim is mentally or physically incapable of resisting or
9 understanding the nature of ~~[his or her]~~ *the perpetrator's* conduct;
10 or

11 (b) Commits a sexual penetration upon a child under the age of
12 14 years or causes a child under the age of 14 years to make a sexual
13 penetration on ~~[himself or herself]~~ *themselves* or another, or on a
14 beast.

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

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

21 (1) For life without the possibility of parole; or
22 (2) For life with the possibility of parole, with eligibility for
23 parole beginning when a minimum of 15 years has been served.

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

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

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

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

39 (c) If the crime is committed against a child under the age of 14
40 years and does not result in substantial bodily harm to the child, by
41 imprisonment in the state prison for life with the possibility of



1 parole, with eligibility for parole beginning when a minimum of 35
2 years has been served.

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

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

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

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

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

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

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

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

26 (a) Incest pursuant to NRS 201.180;

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

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

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

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

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

36 (a) An evaluation of:

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

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

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

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



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

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

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

