





ASSEMBLY BILL NO. 214—~~[ASSEMBLYWOMAN]~~ ASSEMBLYWOMEN CONSIDINE AND  
KRASNER

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) subjects  
2 another person to sexual penetration, or forces another person to make a sexual penetration on  
3 himself or herself or another, or on a beast, against the will of the victim or under conditions  
4 in which the perpetrator knows or should know that the victim is mentally or physically  
5 incapable of resisting or understanding the nature of his or her conduct; or (2) commits a  
6 sexual penetration upon a child under the age of 14 years or causes a child under the age of 14  
7 years to make a sexual penetration on himself or herself or another, or on a beast. (NRS  
8 200.366) This bill revises the definition of sexual assault by replacing the gendered language  
9 in the 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:]~~ *the person:*  
3 (a) Subjects another person to sexual penetration, or forces another person to  
4 make a sexual penetration on ~~[himself or herself that person]~~ *themselves* or  
5 another, or on a beast, against the will of the victim or under conditions in which  
6 the perpetrator knows or should know that the victim is mentally or physically  
7 incapable of resisting or understanding the nature of ~~[his or her:]~~ *the perpetrator’s*  
8 conduct; or  
9 (b) Commits a sexual penetration upon a child under the age of 14 years or  
10 causes a child under the age of 14 years to make a sexual penetration on ~~[himself or~~  
11 ~~herself]~~ *the child* or another, or on a beast.  
12 2. Except as otherwise provided in subsections 3 and 4, a person who  
13 commits a sexual assault is guilty of a category A felony and shall be punished:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

42 (a) Incest pursuant to NRS 201.180;

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

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

45 (d) Luring a child using a computer, system or network pursuant to NRS  
46 201.560, if punished as a felony.