

Amendment No. 498

Senate Amendment to Assembly Bill No. 214 First Reprint	(BDR 15-103)
Proposed by: Senate Committee on Judiciary	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: Yes Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.



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:

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) ~~This~~ 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.

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*:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

52 (a) Incest pursuant to NRS 201.180;

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

1 (c) Sado-masochistic abuse pursuant to NRS 201.262; or
2 (d) Luring a child using a computer, system or network pursuant to NRS
3 201.560, if punished as a felony.

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

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

8 (a) An evaluation of:

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

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

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

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

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

20 Sec. 3. 1. This section and section 2 of this act become effective on July
21 1, 2021.

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