

ASSEMBLY BILL NO. 233—ASSEMBLYMEN HIBBETTS AND YUREK

MARCH 2, 2023

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing public safety. (BDR 15-764)

FISCAL NOTE: Effect on Local Government: No. Effect on the State: Yes.

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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 crimes; increasing the penalties for certain crimes relating to children under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law establishes the penalties to be imposed upon a person who abuses
2 or neglects a child who is less than 18 years of age and, as a result: (1) willfully
3 causes the child to suffer unjustifiable physical pain or mental suffering or places
4 the child in a situation where the child may suffer physical or mental suffering; and
5 (2) causes substantial bodily or mental harm to the child. If such substantial bodily
6 or mental harm is the result of sexual abuse or exploitation and the child is less than
7 14 years of age, the person is guilty of a category A felony and must be punished
8 by imprisonment in the state prison for life with the possibility of parole. If such
9 substantial bodily or mental harm is not the result of sexual abuse or exploitation of
10 a child who is less than 14 years of age, a person is guilty of a category B felony
11 and must be punished by imprisonment in the state prison for a minimum term of
12 not less than 2 years and a maximum term of not more than 20 years. (NRS
13 200.508) This bill provides that a person who is convicted of a second or
14 subsequent offense of abuse or neglect of a child, where the child suffered
15 substantial bodily or mental harm but such harm is not the result of sexual abuse or
16 exploitation of a child who is less than 14 years of age, is guilty of a category B
17 felony and must be punished by imprisonment in the state prison for a minimum
18 term of not less than 8 years and a maximum term of not more than 20 years.



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

1 **Section 1.** NRS 200.508 is hereby amended to read as follows:

2 200.508 1. A person who willfully causes a child who is less
3 than 18 years of age to suffer unjustifiable physical pain or mental
4 suffering as a result of abuse or neglect or to be placed in a situation
5 where the child may suffer physical pain or mental suffering as the
6 result of abuse or neglect:

7 (a) If substantial bodily or mental harm results to the child:

8 (1) If the child is less than 14 years of age and the harm is the
9 result of sexual abuse or exploitation, is guilty of a category A
10 felony and shall be punished by imprisonment in the state prison for
11 life with the possibility of parole, with eligibility for parole
12 beginning when a minimum of 15 years has been served; or

13 (2) In all other such cases to which subparagraph (1) does not
14 apply **§**:

15 ***(I) If the person has not previously been convicted of a***
16 ***violation of this section or of a violation of the law of any other***
17 ***jurisdiction that prohibits the same or similar conduct, is guilty of***
18 ***a category B felony and shall be punished by imprisonment in the***
19 ***state prison for a minimum term of not less than 2 years and a***
20 ***maximum term of not more than 20 years; or***

21 ***(II) If the person has previously been convicted of a***
22 ***violation of this section or of a violation of the law of any other***
23 ***jurisdiction that prohibits the same or similar conduct, is guilty of***
24 ***a category B felony and shall be punished by imprisonment in the***
25 ***state prison for a minimum term of not less than 8 years and a***
26 ***maximum term of not more than 20 years; or***

27 (b) If substantial bodily or mental harm does not result to the
28 child:

29 (1) If the person has not previously been convicted of a
30 violation of this section or of a violation of the law of any other
31 jurisdiction that prohibits the same or similar conduct, is guilty of a
32 category B felony and shall be punished by imprisonment in the
33 state prison for a minimum term of not less than 1 year and a
34 maximum term of not more than 6 years; or

35 (2) If the person has previously been convicted of a violation
36 of this section or of a violation of the law of any other jurisdiction
37 that prohibits the same or similar conduct, is guilty of a category B
38 felony and shall be punished by imprisonment in the state prison for
39 a minimum term of not less than 2 years and a maximum term of not
40 more than 15 years,

41 ↳ unless a more severe penalty is prescribed by law for an act or
42 omission that brings about the abuse or neglect.



1 2. A person who is responsible for the safety or welfare of a
2 child pursuant to NRS 432B.130 and who permits or allows that
3 child to suffer unjustifiable physical pain or mental suffering as a
4 result of abuse or neglect or to be placed in a situation where the
5 child may suffer physical pain or mental suffering as the result of
6 abuse or neglect:

7 (a) If substantial bodily or mental harm results to the child:

8 (1) If the child is less than 14 years of age and the harm is the
9 result of sexual abuse or exploitation, is guilty of a category A
10 felony and shall be punished by imprisonment in the state prison for
11 life with the possibility of parole, with eligibility for parole
12 beginning when a minimum of 10 years has been served; or

13 (2) In all other such cases to which subparagraph (1) does not
14 apply, is guilty of a category B felony and shall be punished by
15 imprisonment in the state prison for a minimum term of not less
16 than 2 years and a maximum term of not more than 20 years; or

17 (b) If substantial bodily or mental harm does not result to the
18 child:

19 (1) If the person has not previously been convicted of a
20 violation of this section or of a violation of the law of any other
21 jurisdiction that prohibits the same or similar conduct, is guilty of a
22 gross misdemeanor; or

23 (2) If the person has previously been convicted of a violation
24 of this section or of a violation of the law of any other jurisdiction
25 that prohibits the same or similar conduct, is guilty of a category C
26 felony and shall be punished as provided in NRS 193.130,

27 ↪ unless a more severe penalty is prescribed by law for an act or
28 omission that brings about the abuse or neglect.

29 3. A person does not commit a violation of subsection 1 or 2 by
30 virtue of the sole fact that the person delivers or allows the delivery
31 of a child to a provider of emergency services pursuant to
32 NRS 432B.630.

33 4. As used in this section:

34 (a) "Abuse or neglect" means physical or mental injury of a
35 nonaccidental nature, sexual abuse, sexual exploitation, negligent
36 treatment or maltreatment of a child under the age of 18 years, as set
37 forth in paragraph (d) and NRS 432B.070, 432B.100, 432B.110,
38 432B.140 and 432B.150, under circumstances which indicate that
39 the child's health or welfare is harmed or threatened with harm.

40 (b) "Allow" means to do nothing to prevent or stop the abuse or
41 neglect of a child in circumstances where the person knows or has
42 reason to know that the child is abused or neglected.

43 (c) "Permit" means permission that a reasonable person would
44 not grant and which amounts to a neglect of responsibility attending
45 the care, custody and control of a minor child.



1 (d) "Physical injury" means:

2 (1) Permanent or temporary disfigurement; or

3 (2) Impairment of any bodily function or organ of the body.

4 (e) "Substantial mental harm" means an injury to the intellectual
5 or psychological capacity or the emotional condition of a child as
6 evidenced by an observable and substantial impairment of the ability
7 of the child to function within his or her normal range of
8 performance or behavior.

9 **Sec. 2.** The amendatory provisions of this act apply to offenses
10 committed before October 1, 2023, for the purpose of determining
11 whether a person is subject to the provisions of subparagraph (2) of
12 paragraph (a) of subsection 1 of NRS 200.508, as amended by this
13 act.

