

Amendment No. 62

Assembly Amendment to Assembly Bill No. 34

(BDR 15-443)

Proposed by: Assembly Committee on Judiciary

Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: No

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. 34—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED NOVEMBER 15, 2024

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to certain crimes. (BDR 15-443)

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 offenders; revising the definition of the term “violent or sexual offense” for the purpose of certain provisions of existing law; requiring certain defendants to be certified as not representing a high risk to reoffend before the court may grant probation to or suspend the sentence of the defendant; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law prohibits a court from deferring judgment on a case if the defendant has
2 been convicted of a violent or sexual offense. (NRS 176.211) Existing law also: (1) sets the
3 maximum period of probation or suspension of sentence for a violent or sexual offense at 60
4 months; and (2) requires the Division of Parole and Probation of the Department of Public
5 Safety to petition the court to recommend the early discharge of a person from probation if the
6 person has not been convicted of a violent or sexual offense and satisfies certain other
7 requirements. (NRS 176A.500, 176A.840) Finally, existing law requires a person to report
8 certain violent or sexual offenses against a child to a law enforcement agency under certain
9 circumstances. (NRS 202.882) **Section 1** of this bill expands the list of offenses which are
10 deemed to be violent or sexual offenses for the purposes of these provisions.

11 Existing law prohibits a court from granting probation to or suspending the sentence of a
12 person convicted of certain offenses unless the person is certified as not representing a high
13 risk to reoffend. (NRS 176A.110) **Section 2** of this bill adds attempted lewdness with a child
14 to the list of offenses which require a certification that the person convicted does not represent
15 a high risk to reoffend.

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

1 **Section 1.** NRS 202.876 is hereby amended to read as follows:
2 202.876 “Violent or sexual offense” means any act that, if prosecuted in this
3 State, would constitute any of the following offenses:

1 1. Murder or voluntary manslaughter pursuant to NRS 200.010 to 200.260,
2 inclusive.

3 2. Mayhem pursuant to NRS 200.280.

4 3. Kidnapping pursuant to NRS 200.310 to 200.340, inclusive.

5 4. Sexual assault pursuant to NRS 200.366.

6 5. Robbery pursuant to NRS 200.380.

7 6. Administering poison or another noxious or destructive substance or liquid
8 with intent to cause death pursuant to NRS 200.390.

9 7. Battery with intent to commit a crime pursuant to NRS 200.400.

10 8. Administering a drug or controlled substance to another person with the
11 intent to enable or assist the commission of a felony or crime of violence pursuant
12 to NRS 200.405 or 200.408.

13 9. False imprisonment pursuant to NRS 200.460 if the false imprisonment
14 involves the use or threatened use of force or violence against the victim or the use
15 or threatened use of a firearm or a deadly weapon.

16 10. Assault with a deadly weapon pursuant to NRS 200.471.

17 11. Battery which is committed with the use of a deadly weapon or which
18 results in substantial bodily harm as described in NRS 200.481 or battery which is
19 committed by strangulation as described in NRS 200.481 or 200.485.

20 12. An offense involving pornography and a minor pursuant to NRS 200.710
21 ~~for 200.720.~~ to 200.730, inclusive.

22 13. Open or gross lewdness pursuant to NRS 201.210.

23 14. Lewdness with a child pursuant to NRS 201.230.

24 15. An offense involving pandering or sex trafficking in violation of NRS
25 201.300, prostitution in violation of NRS 201.320 or advancing prostitution in
26 violation of NRS 201.395.

27 16. *Sexual conduct between certain employees of a school or volunteers at a*
28 *school and a pupil pursuant to NRS 201.540.*

29 17. *Sexual conduct between certain employees of a college or university and*
30 *a student pursuant to NRS 201.550.*

31 18. *Sexual conduct between certain employees or contractors of or*
32 *volunteers for an entity which provides services to children and a person under*
33 *the care, custody, control or supervision of the entity pursuant to NRS 201.555.*

34 19. *Luring a child or a person with a mental illness pursuant to NRS*
35 *201.560.*

36 ~~19.~~ 20. Coercion pursuant to NRS 207.190, if the coercion involves the use
37 or threatened use of force or violence against the victim or the use or threatened use
38 of a firearm or a deadly weapon.

39 ~~17.~~ 20. 21. An attempt, conspiracy or solicitation to commit an offense
40 listed in this section.

41 **Sec. 2.** NRS 176A.110 is hereby amended to read as follows:

42 176A.110 1. The court shall not grant probation to or suspend the sentence
43 of a person convicted of an offense listed in subsection 3 unless:

44 (a) If a psychosexual evaluation of the person is required pursuant to NRS
45 176.139, the person who conducts the psychosexual evaluation certifies in the
46 report prepared pursuant to NRS 176.139 that the person convicted of the offense
47 does not represent a high risk to reoffend based upon a currently accepted standard
48 of assessment; or

49 (b) If a psychosexual evaluation of the person is not required pursuant to NRS
50 176.139, a psychologist licensed to practice in this State who is trained to conduct
51 psychosexual evaluations or a psychiatrist licensed to practice medicine in this
52 State who is certified by the American Board of Psychiatry and Neurology, Inc.,
53 and is trained to conduct psychosexual evaluations certifies in a written report to

1 the court that the person convicted of the offense does not represent a high risk to
2 reoffend based upon a currently accepted standard of assessment.

3 2. This section does not create a right in any person to be certified or to
4 continue to be certified. No person may bring a cause of action against the State, its
5 political subdivisions, or the agencies, boards, commissions, departments, officers
6 or employees of the State or its political subdivisions for not certifying a person
7 pursuant to this section or for refusing to consider a person for certification
8 pursuant to this section.

9 3. The provisions of this section apply to a person convicted of any of the
10 following offenses:

11 (a) Attempted sexual assault of a person who is 16 years of age or older
12 pursuant to NRS 200.366.

13 (b) Statutory sexual seduction pursuant to NRS 200.368.

14 (c) Battery with intent to commit sexual assault pursuant to NRS 200.400.

15 (d) Abuse or neglect of a child pursuant to NRS 200.508.

16 (e) An offense involving pornography and a minor pursuant to NRS 200.710 to
17 200.730, inclusive.

18 (f) Fertility fraud pursuant to paragraph (a) of subsection 1 of NRS 200.975.

19 (g) Incest pursuant to NRS 201.180.

20 (h) Open or gross lewdness pursuant to NRS 201.210.

21 (i) Indecent or obscene exposure pursuant to NRS 201.220.

22 (j) Soliciting a child for prostitution pursuant to NRS 201.354.

23 (k) Sexual penetration of a dead human body pursuant to NRS 201.450.

24 (l) Sexual conduct between certain employees of a school or volunteers at a
25 school and a pupil pursuant to NRS 201.540.

26 (m) Sexual conduct between certain employees of a college or university and a
27 student pursuant to NRS 201.550.

28 (n) Luring a child or a person with mental illness pursuant to NRS 201.560, if
29 punished as a felony.

30 (o) A violation of NRS 207.180.

31 (p) An attempt to commit an offense listed in paragraphs (b) to (o), inclusive.

32 (q) *An attempt to commit a violation of NRS 201.230.*

33 (r) Coercion or attempted coercion that is determined to be sexually motivated
34 pursuant to NRS 207.193.

35 **Sec. 3.** This act becomes effective upon passage and approval.