

Amendment No. 406

Senate Amendment to Senate Bill No. 297	(BDR 15-1005)
Proposed by: Senate Committee on Judiciary	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No 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) green bold italic underlining is new language proposed 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 that is proposed to be retained in this amendment; and (6) green bold underlining is newly added transitory language.

VMS/BAW



Date: 4/15/2013

S.B. No. 297—Revises provisions relating to certain crimes against older or vulnerable persons. (BDR 15-1005)



SENATE BILL NO. 297—SENATORS ROBERSON,
HUTCHISON, HAMMOND; AND HARDY

MARCH 18, 2013

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to certain crimes against older or vulnerable persons. (BDR 15-1005)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
Effect on the State: Yes.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to crimes; imposing an additional penalty for attempting or conspiring to commit certain crimes against older or vulnerable persons; ~~[increasing the minimum term of imprisonment for such an additional penalty.]~~ and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law provides for additional penalties to be imposed for certain crimes that are
2 committed against persons 60 years of age or older or against vulnerable persons. The term
3 “vulnerable person” is defined for the purposes of this section to mean an adult with certain
4 physical or mental limitations. (NRS 193.167) This bill ~~1. (1)~~ adds an attempt or conspiracy
5 to commit ~~such~~ certain crimes to that list. ~~It and (2) increases the minimum term of~~
6 ~~imprisonment for such an additional penalty from 1 year to 2 years.]~~

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

1 **Section 1.** NRS 193.167 is hereby amended to read as follows:
2 193.167 1. Except as otherwise provided in NRS 193.169, any person who
3 commits the crime of:
4 (a) Murder;
5 (b) Attempted murder;
6 (c) Assault;
7 (d) Battery;
8 (e) Kidnapping;
9 (f) Robbery;
10 (g) Sexual assault;
11 (h) Embezzlement of money or property of a value of \$650 or more;

1 (i) Obtaining money or property of a value of \$650 or more by false pretenses;

2 ~~for~~

3 (j) Taking money or property from the person of another ~~H~~; or

4 (k) *Attempting or conspiring to commit an offense listed in paragraph (a) or*
5 *paragraphs ~~(a) (c) to (j)~~, inclusive,*

6 ↪ against any person who is 60 years of age or older or against a vulnerable person
7 shall, in addition to the term of imprisonment prescribed by statute for the crime, be
8 punished, if the crime is a misdemeanor or gross misdemeanor, by imprisonment in
9 the county jail for a term equal to the term of imprisonment prescribed by statute
10 for the crime, and, if the crime is a felony, by imprisonment in the state prison for a
11 minimum term of not less than 1 year ~~12 years~~ and a maximum term of not more
12 than 20 years.

13 2. Except as otherwise provided in NRS 193.169, any person who commits a
14 criminal violation of the provisions of chapter 90 or 91 of NRS against any person
15 who is 60 years of age or older or against a vulnerable person shall, in addition to
16 the term of imprisonment prescribed by statute for the criminal violation, be
17 punished, if the criminal violation is a misdemeanor or gross misdemeanor, by
18 imprisonment in the county jail for a term equal to the term of imprisonment
19 prescribed by statute for the criminal violation, and, if the criminal violation is a
20 felony, by imprisonment in the state prison for a minimum term of not less than 1
21 year and a maximum term of not more than 20 years.

22 3. In determining the length of the additional penalty imposed pursuant to this
23 section, the court shall consider the following information:

24 (a) The facts and circumstances of the crime or criminal violation;

25 (b) The criminal history of the person;

26 (c) The impact of the crime or criminal violation on any victim;

27 (d) Any mitigating factors presented by the person; and

28 (e) Any other relevant information.

29 ↪ The court shall state on the record that it has considered the information
30 described in paragraphs (a) to (e), inclusive, in determining the length of the
31 additional penalty imposed.

32 4. The sentence prescribed by this section must run consecutively with the
33 sentence prescribed by statute for the crime or criminal violation.

34 5. This section does not create any separate offense but provides an additional
35 penalty for the primary offense, whose imposition is contingent upon the finding of
36 the prescribed fact.

37 6. As used in this section, "vulnerable person" has the meaning ascribed to it
38 in subsection 7 of NRS 200.5092.