

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 ~~fornited 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:

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

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



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

Section 1. NRS 202.876 is hereby amended to read as follows:

202.876 “Violent or sexual offense” means any act that, if prosecuted in this State, would constitute any of the following offenses:

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

2. Mayhem pursuant to NRS 200.280.

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

4. Sexual assault pursuant to NRS 200.366.

5. Robbery pursuant to NRS 200.380.

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

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

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

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

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

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

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

13. Open or gross lewdness pursuant to NRS 201.210.

14. Lewdness with a child pursuant to NRS 201.230.

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

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

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

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



1 **19. *Luring a child or a person with a mental illness pursuant***
2 ***to NRS 201.560.***

3 **20.** Coercion pursuant to NRS 207.190, if the coercion
4 involves the use or threatened use of force or violence against the
5 victim or the use or threatened use of a firearm or a deadly weapon.

6 ~~17-1~~ **21.** An attempt, conspiracy or solicitation to commit an
7 offense listed in this section.

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

9 176A.110 1. The court shall not grant probation to or
10 suspend the sentence of a person convicted of an offense listed in
11 subsection 3 unless:

12 (a) If a psychosexual evaluation of the person is required
13 pursuant to NRS 176.139, the person who conducts the
14 psychosexual evaluation certifies in the report prepared pursuant to
15 NRS 176.139 that the person convicted of the offense does not
16 represent a high risk to reoffend based upon a currently accepted
17 standard of assessment; or

18 (b) If a psychosexual evaluation of the person is not required
19 pursuant to NRS 176.139, a psychologist licensed to practice in this
20 State who is trained to conduct psychosexual evaluations or a
21 psychiatrist licensed to practice medicine in this State who is
22 certified by the American Board of Psychiatry and Neurology, Inc.,
23 and is trained to conduct psychosexual evaluations certifies in a
24 written report to the court that the person convicted of the offense
25 does not represent a high risk to reoffend based upon a currently
26 accepted standard of assessment.

27 2. This section does not create a right in any person to be
28 certified or to continue to be certified. No person may bring a cause
29 of action against the State, its political subdivisions, or the agencies,
30 boards, commissions, departments, officers or employees of the
31 State or its political subdivisions for not certifying a person pursuant
32 to this section or for refusing to consider a person for certification
33 pursuant to this section.

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

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

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

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

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

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

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



- 1 (g) Incest pursuant to NRS 201.180.
2 (h) Open or gross lewdness pursuant to NRS 201.210.
3 (i) Indecent or obscene exposure pursuant to NRS 201.220.
4 (j) Soliciting a child for prostitution pursuant to NRS 201.354.
5 (k) Sexual penetration of a dead human body pursuant to
6 NRS 201.450.
7 (l) Sexual conduct between certain employees of a school or
8 volunteers at a school and a pupil pursuant to NRS 201.540.
9 (m) Sexual conduct between certain employees of a college or
10 university and a student pursuant to NRS 201.550.
11 (n) Luring a child or a person with mental illness pursuant to
12 NRS 201.560, if punished as a felony.
13 (o) A violation of NRS 207.180.
14 (p) An attempt to commit an offense listed in paragraphs (b) to
15 (o), inclusive.
16 (q) *An attempt to commit a violation of NRS 201.230.*
17 (*r*) Coercion or attempted coercion that is determined to be
18 sexually motivated pursuant to NRS 207.193.
19 **Sec. 3.** This act becomes effective upon passage and approval.

