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

13 Existing law prohibits a court from granting probation to or suspending the
14 sentence of a person convicted of certain offenses unless the person is certified as
15 not representing a high risk to reoffend. (NRS 176A.110) **Section 2** of this bill adds
16 attempted lewdness with a child to the list of offenses which require a certification
17 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:

- 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
3 prosecuted in this State, would constitute any of the following
4 offenses:
5 1. Murder or voluntary manslaughter pursuant to NRS 200.010
6 to 200.260, inclusive.
7 2. Mayhem pursuant to NRS 200.280.
8 3. Kidnapping pursuant to NRS 200.310 to 200.340, inclusive.
9 4. Sexual assault pursuant to NRS 200.366.
10 5. Robbery pursuant to NRS 200.380.
11 6. Administering poison or another noxious or destructive
12 substance or liquid with intent to cause death pursuant to
13 NRS 200.390.
14 7. Battery with intent to commit a crime pursuant to
15 NRS 200.400.
16 8. Administering a drug or controlled substance to another
17 person with the intent to enable or assist the commission of a felony
18 or crime of violence pursuant to NRS 200.405 or 200.408.
19 9. False imprisonment pursuant to NRS 200.460 if the false
20 imprisonment involves the use or threatened use of force or violence
21 against the victim or the use or threatened use of a firearm or a
22 deadly weapon.
23 10. Assault with a deadly weapon pursuant to NRS 200.471.
24 11. Battery which is committed with the use of a deadly
25 weapon or which results in substantial bodily harm as described in
26 NRS 200.481 or battery which is committed by strangulation as
27 described in NRS 200.481 or 200.485.
28 12. An offense involving pornography and a minor pursuant to
29 NRS 200.710 ~~for 200.720.~~ *to 200.730, inclusive.*
30 13. Open or gross lewdness pursuant to NRS 201.210.
31 14. Lewdness with a child pursuant to NRS 201.230.
32 15. An offense involving pandering or sex trafficking in
33 violation of NRS 201.300, prostitution in violation of NRS 201.320
34 or advancing prostitution in violation of NRS 201.395.
35 16. *Sexual conduct between certain employees of a school or*
36 *volunteers at a school and a pupil pursuant to NRS 201.540.*
37 17. *Sexual conduct between certain employees of a college or*
38 *university and a student pursuant to NRS 201.550.*
39 18. *Luring a child or a person with a mental illness pursuant*
40 *to NRS 201.560.*



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

4 ~~[17-]~~ **20.** An attempt, conspiracy or solicitation to commit an
5 offense listed in this section.

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

7 176A.110 1. The court shall not grant probation to or
8 suspend the sentence of a person convicted of an offense listed in
9 subsection 3 unless:

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

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

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

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

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

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

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

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

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

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

44 (g) Incest pursuant to NRS 201.180.

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



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

