

ASSEMBLY BILL NO. 377—ASSEMBLYMEN  
WOODBURY; AND HAMMOND

MARCH 21, 2011

Referred to Committee on Judiciary

SUMMARY—Revises provisions pertaining to crimes involving child pornography. (BDR 15-354)

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 child pornography; revising provisions pertaining to crimes involving child pornography; providing a penalty; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Under existing law, a person who knowingly and willfully possesses child  
2 pornography is guilty of a category B felony for the first offense and a category A  
3 felony for any subsequent offense. (NRS 200.730) Additionally, any person who,  
4 knowingly, willfully and with the specific intent to view any film, photograph  
5 or other visual presentation depicting a person under the age of 16 engaging in or  
6 simulating sexual conduct, uses the Internet to control such a film, photograph or  
7 other visual presentation is guilty of a category C felony for the first offense and a  
8 category B felony for any subsequent offense. (NRS 200.727)

9 **Section 1** of this bill expands the prohibition against possessing child  
10 pornography to include the act of accessing child pornography through the use of  
11 the Internet, and **section 3** of this bill repeals the existing prohibition against using  
12 the Internet to control such child pornography. **Section 2** of this bill makes a  
13 technical change to reflect the change in the name of the crime resulting from the  
14 revision in **section 1**.

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

1 **Section 1.** NRS 200.730 is hereby amended to read as follows:  
2 200.730 A person who knowingly and willfully has in his or  
3 her possession *or who knowingly and willfully, with the intent to*  
4 *view, accesses through use of the Internet* for any purpose any



\* A B 3 7 7 \*

1 film, photograph or other visual presentation depicting a person  
2 under the age of 16 years as the subject of a sexual portrayal or  
3 engaging in or simulating, or assisting others to engage in or  
4 simulate, sexual conduct:

5 1. For the first offense, is guilty of a category B felony and  
6 shall be punished by imprisonment in the state prison for a  
7 minimum term of not less than 1 year and a maximum term of not  
8 more than 6 years, and may be further punished by a fine of not  
9 more than \$5,000.

10 2. For any subsequent offense, is guilty of a category A felony  
11 and shall be punished by imprisonment in the state prison for a  
12 minimum term of not less than 1 year and a maximum term of life  
13 with the possibility of parole, and may be further punished by a fine  
14 of not more than \$5,000.

15 **Sec. 2.** NRS 179A.073 is hereby amended to read as follows:

16 179A.073 1. "Sexual offense" includes acts upon a child  
17 constituting:

18 (a) Sexual assault under NRS 200.366;

19 (b) Statutory sexual seduction under NRS 200.368;

20 (c) Use of a minor in producing pornography under  
21 NRS 200.710;

22 (d) Promotion of a sexual performance of a minor under  
23 NRS 200.720;

24 (e) Possession *or accessing* of a visual presentation depicting  
25 the sexual conduct of a child under NRS 200.730;

26 (f) Incest under NRS 201.180;

27 (g) Solicitation of a minor to engage in the infamous crime  
28 against nature under NRS 201.195;

29 (h) Lewdness with a child under NRS 201.230; or

30 (i) Luring a child or a person with mental illness pursuant to  
31 NRS 201.560, if punished as a felony.

32 2. "Sexual offense" also includes acts committed outside the  
33 State that would constitute any of the offenses in subsection 1 if  
34 committed in the State, and the aiding, abetting, attempting or  
35 conspiring to engage in any of the offenses in subsection 1.

36 **Sec. 3.** NRS 200.727 is hereby repealed.



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TEXT OF REPEALED SECTION

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**200.727 Use of Internet to control visual presentation depicting sexual conduct of person under 16 years of age; penalties.**

1. Any person who, knowingly, willfully and with the specific intent to view any film, photograph or other visual presentation depicting a person under the age of 16 years engaging in or simulating sexual conduct, uses the Internet to control such a film, photograph or other visual presentation is guilty of:

(a) For the first offense, a category C felony and shall be punished as provided in NRS 193.130.

(b) For any subsequent offense, a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000.

2. As used in this section, "sexual conduct" means sexual intercourse, fellatio, cunnilingus, bestiality, anal intercourse, excretion, sado-masochistic abuse, masturbation, or the penetration of any object manipulated or inserted by a person into the genital or anal opening of the body of another.

