
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.

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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 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
2 that are committed against persons 60 years of age or older or against vulnerable
3 persons. The term “vulnerable person” is defined for the purposes of this section to
4 mean an adult with certain physical or mental limitations. (NRS 193.167) This bill:
5 (1) adds an attempt or conspiracy to commit such crimes to that list; and (2)
6 increases the minimum term of imprisonment for such an additional penalty from 1
7 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,
3 any person who commits the crime of:
4 (a) Murder;
5 (b) Attempted murder;
6 (c) Assault;



- 1 (d) Battery;
- 2 (e) Kidnapping;
- 3 (f) Robbery;
- 4 (g) Sexual assault;
- 5 (h) Embezzlement of money or property of a value of \$650 or
- 6 more;
- 7 (i) Obtaining money or property of a value of \$650 or more by
- 8 false pretenses; ~~to~~
- 9 (j) Taking money or property from the person of another ~~to~~; or
- 10 *(k) Attempting or conspiring to commit an offense listed in*
- 11 *paragraphs (a) to (j), inclusive,*

12 ↪ against any person who is 60 years of age or older or against a
13 vulnerable person shall, in addition to the term of imprisonment
14 prescribed by statute for the crime, be punished, if the crime is a
15 misdemeanor or gross misdemeanor, by imprisonment in the county
16 jail for a term equal to the term of imprisonment prescribed by
17 statute for the crime, and, if the crime is a felony, by imprisonment
18 in the state prison for a minimum term of not less than ~~1-year~~ **2**
19 **years** and a maximum term of not more than 20 years.

20 2. Except as otherwise provided in NRS 193.169, any person
21 who commits a criminal violation of the provisions of chapter 90 or
22 91 of NRS against any person who is 60 years of age or older or
23 against a vulnerable person shall, in addition to the term of
24 imprisonment prescribed by statute for the criminal violation, be
25 punished, if the criminal violation is a misdemeanor or gross
26 misdemeanor, by imprisonment in the county jail for a term equal to
27 the term of imprisonment prescribed by statute for the criminal
28 violation, and, if the criminal violation is a felony, by imprisonment
29 in the state prison for a minimum term of not less than 1 year and a
30 maximum term of not more than 20 years.

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

- 34 (a) The facts and circumstances of the crime or criminal
- 35 violation;
- 36 (b) The criminal history of the person;
- 37 (c) The impact of the crime or criminal violation on any victim;
- 38 (d) Any mitigating factors presented by the person; and
- 39 (e) Any other relevant information.

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

43 4. The sentence prescribed by this section must run
44 consecutively with the sentence prescribed by statute for the crime
45 or criminal violation.



- 1 5. This section does not create any separate offense but
- 2 provides an additional penalty for the primary offense, whose
- 3 imposition is contingent upon the finding of the prescribed fact.
- 4 6. As used in this section, "vulnerable person" has the meaning
- 5 ascribed to it in subsection 7 of NRS 200.5092.

