

Assembly Bill No. 124—Assemblymen Diaz, Carrillo, Elliot Anderson, Kirkpatrick, Ohrenschall; Araujo, Bustamante Adams, Carlton, Dickman, Flores, Joiner, Neal, Sprinkle, Swank and Thompson

Joint Sponsor: Senator Denis

CHAPTER.....

AN ACT relating to punishment for crimes; revising the minimum age at which a child may be punished under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the minimum age at which a child may be punished for a crime is 8 years of age. (NRS 194.010) This bill raises the minimum age at which a child may be punished to 10 years of age unless the child is charged with murder or certain sexual offenses.

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

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

Sections 1-3. (Deleted by amendment.)

Sec. 3.5. NRS 48.061 is hereby amended to read as follows:

48.061 1. Except as otherwise provided in subsection 2, evidence of domestic violence and expert testimony concerning the effect of domestic violence, including, without limitation, the effect of physical, emotional or mental abuse, on the beliefs, behavior and perception of the alleged victim of the domestic violence that is offered by the prosecution or defense is admissible in a criminal proceeding for any relevant purpose, including, without limitation, when determining:

(a) Whether a defendant is excepted from criminal liability pursuant to subsection ~~7~~ 8 of NRS 194.010, to show the state of mind of the defendant.

(b) Whether a defendant in accordance with NRS 200.200 has killed another in self-defense, toward the establishment of the legal defense.

2. Expert testimony concerning the effect of domestic violence may not be offered against a defendant pursuant to subsection 1 to prove the occurrence of an act which forms the basis of a criminal charge against the defendant.



3. As used in this section, “domestic violence” means the commission of any act described in NRS 33.018.

Sec. 4. NRS 194.010 is hereby amended to read as follows:

194.010 All persons are liable to punishment except those belonging to the following classes:

1. Children under the age of 8 years.

2. *Children between the ages of 8 years and 10 years, unless the child is charged with murder or a sexual offense as defined in NRS 62F.100.*

3. Children between the ages of 8 years and 14 years, in the absence of clear proof that at the time of committing the act charged against them they knew its wrongfulness.

~~3~~ 4. Persons who committed the act charged or made the omission charged in a state of insanity.

~~4~~ 5. Persons who committed the act or made the omission charged under an ignorance or mistake of fact, which disproves any criminal intent, where a specific intent is required to constitute the offense.

~~5~~ 6. Persons who committed the act charged without being conscious thereof.

~~6~~ 7. Persons who committed the act or made the omission charged, through misfortune or by accident, when it appears that there was no evil design, intention or culpable negligence.

~~7~~ 8. Persons, unless the crime is punishable with death, who committed the act or made the omission charged under threats or menaces sufficient to show that they had reasonable cause to believe, and did believe, their lives would be endangered if they refused, or that they would suffer great bodily harm.

