

ASSEMBLY BILL NO. 208—ASSEMBLYMEN FIORE, SEAMAN, DIAZ, ELLISON; ELLIOT ANDERSON, DICKMAN, DOOLING, FLORES, GARDNER, JONES, KIRNER, MOORE, NELSON, SHELTON, STEWART, WHEELER AND WOODBURY

MARCH 2, 2015

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JOINT SPONSORS: SENATORS SEGERBLOM, HARDY, FARLEY; ATKINSON, FORD, GUSTAVSON, KIHUEN, MANENDO AND SETTELMAYER

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Referred to Committee on Judiciary

SUMMARY—Revises provisions governing certain sexual offenses. (BDR 14-233)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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

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AN ACT relating to crimes; revising the acts that constitute a sexual offense for the purposes of certain provisions pertaining to sex offenders; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law defines the term “sexual offense” for the purposes of requiring  
2 persons convicted of certain sexual offenses to provide biological specimens,  
3 undergo psychosexual evaluations, register as a sex offender and comply with  
4 certain other requirements. (NRS 179D.097) This bill: (1) revises the acts that  
5 constitute a sexual offense to include only offenses punished as a felony; and (2)  
6 excludes from the definition an offense punished as a felony solely because it was a  
7 second offense, unless the court determines otherwise.

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

1     **Section 1.** NRS 179D.097 is hereby amended to read as  
2 follows:

3     179D.097 1. “Sexual offense” means any of the following  
4 offenses ~~;~~ *if punished as a felony:*

5     (a) Murder of the first degree committed in the perpetration or  
6 attempted perpetration of sexual assault or of sexual abuse or sexual  
7 molestation of a child less than 14 years of age pursuant to  
8 paragraph (b) of subsection 1 of NRS 200.030.

9     (b) Sexual assault pursuant to NRS 200.366.

10    (c) Statutory sexual seduction pursuant to NRS 200.368.

11    (d) Battery with intent to commit sexual assault pursuant to  
12 subsection 4 of NRS 200.400.

13    (e) An offense involving the administration of a drug to another  
14 person with the intent to enable or assist the commission of a felony  
15 pursuant to NRS 200.405, if the felony is an offense listed in this  
16 subsection.

17    (f) An offense involving the administration of a controlled  
18 substance to another person with the intent to enable or assist the  
19 commission of a crime of violence pursuant to NRS 200.408, if the  
20 crime of violence is an offense listed in this section.

21    (g) Abuse of a child pursuant to NRS 200.508, if the abuse  
22 involved sexual abuse or sexual exploitation.

23    (h) An offense involving pornography and a minor pursuant to  
24 NRS 200.710 to 200.730, inclusive.

25    (i) Incest pursuant to NRS 201.180.

26    (j) Open or gross lewdness pursuant to NRS 201.210.

27    (k) Indecent or obscene exposure pursuant to NRS 201.220.

28    (l) Lewdness with a child pursuant to NRS 201.230.

29    (m) Sexual penetration of a dead human body pursuant to  
30 NRS 201.450.

31    (n) Luring a child or a person with mental illness pursuant to  
32 NRS 201.560. ~~;~~ *if punished as a felony.*

33    (o) Sex trafficking pursuant to NRS 201.300.

34    (p) Any other offense that has an element involving a sexual act  
35 or sexual conduct with another.

36    (q) An attempt or conspiracy to commit an offense listed in  
37 paragraphs (a) to (p), inclusive.

38    (r) An offense that is determined to be sexually motivated  
39 pursuant to NRS 175.547 or 207.193.

40    (s) An offense committed in another jurisdiction that, if  
41 committed in this State, would be an offense listed in this



1 subsection. This paragraph includes, without limitation, an offense  
2 prosecuted in:

3 (1) A tribal court.

4 (2) A court of the United States or the Armed Forces of the  
5 United States.

6 (t) An offense of a sexual nature committed in another  
7 jurisdiction, whether or not the offense would be an offense listed in  
8 this section, if the person who committed the offense resides or has  
9 resided or is or has been a student or worker in any jurisdiction in  
10 which the person is or has been required by the laws of that  
11 jurisdiction to register as a sex offender because of the offense. This  
12 paragraph includes, without limitation, an offense prosecuted in:

13 (1) A tribal court.

14 (2) A court of the United States or the Armed Forces of the  
15 United States.

16 (3) A court having jurisdiction over juveniles.

17 2. The term does not include an offense ~~involving~~ :

18 (a) *Punished as a felony solely because it was a subsequent*  
19 *offense, unless the court first determines at the time of sentencing*  
20 *that the interests of justice require the offense to be treated as a*  
21 *sexual offense under this section; or*

22 (b) *Involving* consensual sexual conduct if the victim was:

23 ~~(a)~~ (1) An adult, unless the adult was under the custodial  
24 authority of the offender at the time of the offense; or

25 ~~(b)~~ (2) At least 13 years of age and the offender was not more  
26 than 4 years older than the victim at the time of the commission of  
27 the offense.

