

ASSEMBLY BILL NO. 296—COMMITTEE ON JUDICIARY

MARCH 13, 2015

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing the criminal liability of parties to certain crimes. (BDR 15-914)

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.

AN ACT relating to crimes; revising provisions pertaining to the criminal liability of parties to certain crimes; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law classifies the parties to a crime as principals and accessories.
2 (NRS 195.010) A person is a principal party to a crime if the person directly
3 commits the crime, aids or abets in the commission of the crime, or directly or
4 indirectly “counsels, encourages, hires, commands, induces or otherwise procures
5 another to commit” a crime. If a person qualifies as a principal party to a crime, the
6 person must be “proceeded against and punished” as a principal. (NRS 195.020)

7 In *Bolden v. State*, the Nevada Supreme Court addressed the issue of whether a
8 person who is a party to a conspiracy to commit a crime is criminally liable for
9 a specific intent crime committed by a coconspirator solely because the crime was a
10 natural and probable consequence of the conspiracy. (121 Nev. 908 (2005)) The
11 Nevada Supreme Court held that a person who is a party to a conspiracy to commit
12 a crime “may not be held criminally liable for the specific intent crime committed
13 by a coconspirator simply because that crime was a natural and probable
14 consequence of the object of the conspiracy.” According to the Court, “to prove a
15 specific intent crime, the State must show that the defendant actually possessed the
16 requisite statutory intent.” (*Id.* at 922)

17 This bill supersedes *Bolden* and provides that a person who is a party to a
18 conspiracy to commit a crime is liable as a principal for a crime committed by a
19 coconspirator if the crime: (1) is the object of the conspiracy; or (2) is committed in
20 furtherance of the object of the conspiracy and reasonably foreseeable as a natural
21 and probable consequence of the object of the conspiracy.



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

- 1 **Section 1.** NRS 195.020 is hereby amended to read as follows:
2 195.020 *1.* Every person concerned in the commission of a
3 ~~felony, gross misdemeanor or misdemeanor, whether the person~~
4 ~~directly commits the act constituting the offense, or aids or abets in~~
5 ~~its commission, and~~ *crime*, whether present or absent, ~~;~~ *and every*
6 ~~person who, directly or indirectly, counsels, encourages, hires,~~
7 ~~commands, induces or otherwise procures another to commit a~~
8 ~~felony, gross misdemeanor or misdemeanor~~ is a principal ~~;~~ and
9 ~~shall~~ *must* be proceeded against and punished as such.
- 10 *2. A person is concerned in the commission of a crime if the*
11 *person:*
- 12 *(a) Directly commits the act constituting the crime;*
13 *(b) Aids or abets another person in the commission of the*
14 *crime;*
15 *(c) Is a party to a conspiracy to commit a crime and the crime*
16 *committed is:*
17 *(1) The object of the conspiracy; or*
18 *(2) Committed in furtherance of the object of the*
19 *conspiracy and reasonably foreseeable as a natural and probable*
20 *consequence of the object of the conspiracy, regardless of whether*
21 *that consequence was intended as part of the original plan and*
22 *regardless of whether the crime committed is a general intent*
23 *crime or a specific intent crime; or*
24 *(d) Directly or indirectly counsels, encourages, hires,*
25 *commands, induces or otherwise procures another person to*
26 *commit the crime.*
- 27 *3.* The fact that the person aided, abetted, counseled,
28 encouraged, hired, commanded, induced or procured, *or* could not
29 or did not entertain a criminal intent ~~shall~~ *is* not ~~be~~ a defense to
30 any person aiding, abetting, counseling, encouraging, hiring,
31 commanding, inducing or procuring him or her.

