
ASSEMBLY BILL NO. 335—ASSEMBLYMEN MANENDO, HORNE, PARKS, MCCLEARY, CONKLIN, ANDONOV, ARBERRY, ATKINSON, CARPENTER, CHOWNING, CHRISTENSEN, CLABORN, COLLINS, GIBBONS, GIUNCHIGLIANI, GOICOECHEA, GOLDWATER, GRADY, GUSTAVSON, HARDY, KNECHT, KOIVISTO, LESLIE, MCCLAIN, MORTENSON, OCEGUERA, OHRENSCHALL, PERKINS, PIERCE, SHERER, WEBER AND WILLIAMS

MARCH 14, 2003

Referred to Committee on Judiciary

SUMMARY—Increases penalty for evading peace officer when evading peace officer results in death or substantial bodily harm to another person. (BDR 43-1118)

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

~

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

AN ACT relating to traffic laws; increasing the penalty for evading a peace officer when evading the peace officer results in death or substantial bodily harm to another person; and providing other matters properly relating thereto.

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

- 1 **Section 1.** NRS 484.348 is hereby amended to read as follows:
2 484.348 1. Except as otherwise provided in this section, the
3 driver of a motor vehicle who willfully fails or refuses to bring his
4 vehicle to a stop, or who otherwise flees or attempts to elude a peace
5 officer in a readily identifiable vehicle of any police department or
6 regulatory agency, when given a signal to bring his vehicle to a stop
7 is guilty of a misdemeanor.
8 2. The signal by the peace officer described in subsection 1
9 must be by flashing red lamp and siren.



1 3. ~~Except as otherwise provided in subsection 2~~ *Unless the*
2 *provisions* of NRS 484.377 ~~apply~~ if, while violating the
3 provisions of subsection 1, the driver of the motor vehicle:

4 (a) Is the proximate cause of ~~the death of or bodily harm to any~~
5 ~~person other than himself or~~ damage to the property of a person
6 other than himself; or

7 (b) Operates the motor vehicle in a manner which endangers or
8 is likely to endanger any person other than himself or the property
9 of any person other than himself,

10 the driver is guilty of a category B felony and shall be punished by
11 imprisonment in the state prison for a minimum term of not less
12 than 1 year and a maximum term of not more than 6 years, or by a
13 fine of not more than \$5,000, or by both fine and imprisonment.

14 *4. If, while violating the provisions of subsection 1, the driver*
15 *of the motor vehicle is the proximate cause of the death of or*
16 *bodily harm to any person other than himself, the driver is guilty*
17 *of a category B felony and shall be punished by imprisonment in*
18 *the state prison for a minimum term of not less than 2 years and a*
19 *maximum term of not more than 15 years, or by a fine of not more*
20 *than \$10,000, or by both fine and imprisonment.*

21 **Sec. 2.** NRS 484.377 is hereby amended to read as follows:

22 484.377 1. It is unlawful for a person to:

23 (a) Drive a vehicle in willful or wanton disregard of the safety of
24 persons or property.

25 (b) Drive a vehicle in an unauthorized speed contest on a public
26 highway.

27 A violation of this subsection or subsection 1 of NRS 484.348
28 constitutes reckless driving.

29 2. ~~1A~~ *Unless a greater penalty is provided pursuant to*
30 *subsection 4 of NRS 484.348, a* person who does any act or
31 neglects any duty imposed by law while driving or in actual physical
32 control of any vehicle in willful or wanton disregard of the safety of
33 persons or property, if the act or neglect of duty proximately causes
34 the death of or substantial bodily harm to a person other than
35 himself, is guilty of a category B felony and shall be punished by
36 imprisonment in the state prison for a minimum term of not less
37 than 1 year and a maximum term of not more than 6 years, or by a
38 fine of not more than \$5,000, or by both fine and imprisonment.

