
ASSEMBLY BILL NO. 53—ASSEMBLYMEN OCEGUERA, LESLIE,
KOIVISTO, PARKS, GIUNCHIGLIANI, BUCKLEY, CLABORN,
CONKLIN, PERKINS AND PIERCE

FEBRUARY 10, 2003

Referred to Committee on Judiciary

SUMMARY—Enhances criminal penalty for committing assault upon certain providers of health care. (BDR 15-826)

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 crimes; providing for an enhanced penalty for committing an assault upon certain providers of health care; 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 200.471 is hereby amended to read as follows:
2 200.471 1. As used in this section:
3 (a) “Assault” means intentionally placing another person in
4 reasonable apprehension of immediate bodily harm.
5 (b) “Officer” means:
6 (1) A person who possesses some or all of the powers of a
7 peace officer;
8 (2) A person employed in a full-time salaried occupation of
9 fire fighting for the benefit or safety of the public;
10 (3) A member of a volunteer fire department;
11 (4) A jailer, guard, matron or other correctional officer of a
12 city or county jail;
13 (5) A justice of the supreme court, district judge, justice of
14 the peace, municipal judge, magistrate, court commissioner, master
15 or referee, including a person acting pro tempore in a capacity listed
16 in this subparagraph; or



1 (6) An employee of the State or a political subdivision of the
2 State whose official duties require him to make home visits.

3 (c) *“Provider of health care” means a physician, a physician*
4 *assistant, a practitioner of respiratory care, a homeopathic*
5 *physician, an advanced practitioner of homeopathy, a*
6 *homeopathic assistant, an osteopathic physician, an osteopathic*
7 *physician’s assistant, a podiatric physician, a podiatry hygienist, a*
8 *physical therapist, an optometrist, a chiropractor, a chiropractor’s*
9 *assistant, a doctor of Oriental medicine, a nurse, a student nurse,*
10 *a certified nursing assistant, a nursing assistant trainee, a dentist,*
11 *a dental hygienist, a pharmacist, an intern pharmacist, an*
12 *attendant on an ambulance or air ambulance, a psychologist, a*
13 *clinical social worker, a marriage and family therapist and an*
14 *emergency medical technician.*

15 (d) “School employee” means a licensed or unlicensed person
16 employed by a board of trustees of a school district pursuant to
17 NRS 391.100.

18 ~~(d)~~ (e) “Taxicab” has the meaning ascribed to it in
19 NRS 706.8816.

20 ~~(e)~~ (f) “Taxicab driver” means a person who operates a
21 taxicab.

22 ~~(f)~~ (g) “Transit operator” means a person who operates a bus
23 or other vehicle as part of a public mass transportation system.

24 2. A person convicted of an assault shall be punished:

25 (a) If paragraph (c) or (d) of this subsection does not apply to
26 the circumstances of the crime and the assault is not made with the
27 use of a deadly weapon, or the present ability to use a deadly
28 weapon, for a misdemeanor.

29 (b) If the assault is made with the use of a deadly weapon, or the
30 present ability to use a deadly weapon, for a category B felony by
31 imprisonment in the state prison for a minimum term of not less
32 than 1 year and a maximum term of not more than 6 years, or by a
33 fine of not more than \$5,000, or by both fine and imprisonment.

34 (c) If paragraph (d) of this subsection does not apply to the
35 circumstances of the crime and if the assault is committed upon an
36 officer, *a provider of health care*, a school employee, a taxicab
37 driver or a transit operator who is performing his duty and the
38 person charged knew or should have known that the victim was an
39 officer, *a provider of health care*, a school employee, *a* taxicab
40 driver or *a* transit operator, for a gross misdemeanor, unless the
41 assault is made with the use of a deadly weapon, or the present
42 ability to use a deadly weapon, then for a category B felony by
43 imprisonment in the state prison for a minimum term of not less
44 than 1 year and a maximum term of not more than 6 years, or by a
45 fine of not more than \$5,000, or by both fine and imprisonment.



1 (d) If the assault is committed upon an officer, *a provider of*
2 *health care*, a school employee, a taxicab driver or a transit operator
3 who is performing his duty, by a probationer, a prisoner who is in
4 lawful custody or confinement or a parolee, and the probationer,
5 prisoner or parolee charged knew or should have known that the
6 victim was an officer, *a provider of health care*, a school employee,
7 *a* taxicab driver or *a* transit operator, for a category D felony as
8 provided in NRS 193.130, unless the assault is made with the use of
9 a deadly weapon, or the present ability to use a deadly weapon, then
10 for a category B felony by imprisonment in the state prison for a
11 minimum term of not less than 1 year and a maximum term of not
12 more than 6 years, or by a fine of not more than \$5,000, or by both
13 fine and imprisonment.

