

ASSEMBLY BILL NO. 73—ASSEMBLYMEN MCCLAIN, CLABORN, CHOWNING, PARKS, CONKLIN, ANDERSON, ANDONOV, ARBERRY, ATKINSON, BUCKLEY, CARPENTER, COLLINS, GIBBONS, GIUNCHIGLIANI, GOLDWATER, GRADY, HORNE, KOIVISTO, LESLIE, MANENDO, MCCLEARY, MORTENSON, OCEGUERA, OHRENSCHALL, PERKINS, PIERCE AND WILLIAMS (BY REQUEST)

FEBRUARY 11, 2003

Referred to Committee on Judiciary

SUMMARY—Revises provisions concerning certain crimes committed against older persons. (BDR 15-357)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State: Yes.

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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; reducing the age of a victim that is used as the threshold for determining the applicability of certain crimes against older persons; providing a penalty; 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 193.167 is hereby amended to read as follows:
2 193.167 1. Except as otherwise provided in NRS 193.169,
3 any person who commits the crime of:
4 (a) Murder;
5 (b) Attempted murder;
6 (c) Assault;
7 (d) Battery;
8 (e) Kidnapping;
9 (f) Robbery;
10 (g) Sexual assault;
11 (h) Embezzlement of money or property of a value of \$250 or
12 more;



- 1 (i) Obtaining money or property of a value of \$250 or more by
- 2 false pretenses; or
- 3 (j) Taking money or property from the person of another,
- 4 against any person who is ~~[65]~~ 60 years of age or older shall be
- 5 punished by imprisonment in the county jail or state prison,
- 6 whichever applies, for a term equal to and in addition to the term of
- 7 imprisonment prescribed by statute for the crime. The sentence
- 8 prescribed by this subsection must run consecutively with the
- 9 sentence prescribed by statute for the crime.
- 10 2. Except as otherwise provided in NRS 193.169, any person
- 11 who commits a criminal violation of the provisions of chapter 90 or
- 12 91 of NRS against any person who is ~~[65]~~ 60 years of age or older
- 13 shall be punished by imprisonment in the county jail or state prison,
- 14 whichever applies, for a term equal to and in addition to the term of
- 15 imprisonment prescribed by statute for the criminal violation. The
- 16 sentence prescribed by this subsection must run consecutively with
- 17 the sentence prescribed by statute for the criminal violation.
- 18 3. This section does not create any separate offense but
- 19 provides an additional penalty for the primary offense, whose
- 20 imposition is contingent upon the finding of the prescribed fact.
- 21 **Sec. 2.** NRS 207.014 is hereby amended to read as follows:
- 22 207.014 1. A person who:
- 23 (a) Has been convicted in this state of any felony committed on
- 24 or after July 1, 1995, of which fraud or intent to defraud is an
- 25 element; and
- 26 (b) Has previously been two times convicted, whether in this
- 27 state or elsewhere, of any felony of which fraud or intent to defraud
- 28 is an element before the commission of the felony under paragraph
- 29 (a) of this subsection,
- 30 is a habitually fraudulent felon and shall be punished for a category
- 31 B felony by imprisonment in the state prison for a minimum term of
- 32 not less than 5 years and a maximum term of not more than 20
- 33 years, if the victim of each offense was ~~[65 years of age or]~~ *an* older
- 34 *person* or a mentally disabled person.
- 35 2. The prosecuting attorney shall include a count under this
- 36 section in any information or shall file a notice of habitually
- 37 fraudulent felon if an indictment is found, if the prior convictions
- 38 and the alleged offense committed by the accused are felonies of
- 39 which fraud or intent to defraud is an element and the victim of each
- 40 offense was:
- 41 (a) ~~[Sixty five years of age or older;]~~ *An older person;* or
- 42 (b) A mentally disabled person.
- 43 3. The trial judge may not dismiss a count under this section
- 44 that is included in an indictment or information.
- 45 4. As used in this section ~~[, "mentally"]~~ :



1 (a) "**Mentally** disabled person" means a person who has a
2 mental impairment which is medically documented and substantially
3 limits one or more of the person's major life activities. The term
4 includes, but is not limited to, a person who:

- 5 ~~[(a)]~~ (1) Is mentally retarded;
- 6 ~~[(b)]~~ (2) Suffers from a severe mental or emotional illness;
- 7 ~~[(c)]~~ (3) Has a severe learning disability; or
- 8 ~~[(d)]~~ (4) Is experiencing a serious emotional crisis in his life as a
9 result of the fact that he or a member of his immediate family has a
10 catastrophic illness.

11 (b) "**Older person**" means a person who is:
12 (1) *Sixty-five years of age or older if the crime was*
13 *committed before October 1, 2003.*

14 (2) *Sixty years of age or older if the crime was committed*
15 *on or after October 1, 2003.*

16 **Sec. 3.** NRS 598.0933 is hereby amended to read as follows:
17 598.0933 "Elderly person" means a person who is ~~{65}~~ 60
18 years of age or older.

19 **Sec. 4.** NRS 599B.270 is hereby amended to read as follows:
20 599B.270 As used in NRS 599B.270 to 599B.300, inclusive,
21 unless the context otherwise requires:

- 22 1. "Disabled person" means a person who:
 - 23 (a) Has a physical or mental impairment that substantially limits
 - 24 one or more of the major life activities of the person;
 - 25 (b) Has a record of such an impairment; or
 - 26 (c) Is regarded as having such an impairment.
- 27 2. "Elderly person" means a person who is ~~{65}~~ 60 years of age
28 or older.

