
ASSEMBLY BILL NO. 8—ASSEMBLYMAN MANENDO

PREFILED JANUARY 27, 2003

Referred to Committee on Judiciary

SUMMARY—Revises provisions pertaining to child abuse.
(BDR 15-65)

FISCAL NOTE: Effect on Local Government: Yes.
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 that certain conduct involving shaking a child constitutes physical injury for the purpose of child abuse and neglect; 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 200.508 is hereby amended to read as follows:
2 200.508 1. A person who willfully causes a child who is less
3 than 18 years of age to suffer unjustifiable physical pain or mental
4 suffering as a result of abuse or neglect or to be placed in a situation
5 where the child may suffer physical pain or mental suffering as the
6 result of abuse or neglect:
7 (a) If substantial bodily or mental harm results to the child:
8 (1) If the child is less than 14 years of age and the harm is the
9 result of sexual abuse or exploitation, is guilty of a category A
10 felony and shall be punished by imprisonment in the state prison for
11 life with the possibility of parole, with eligibility for parole
12 beginning when a minimum of 15 years has been served; or
13 (2) In all other such cases to which subparagraph (1) does not
14 apply, is guilty of a category B felony and shall be punished by
15 imprisonment in the state prison for a minimum term of not less
16 than 2 years and a maximum term of not more than 20 years; or



* A B 8 *

1 (b) If substantial bodily or mental harm does not result to the
2 child:

3 (1) If the person has not previously been convicted of a
4 violation of this section or of a violation of the law of any other
5 jurisdiction that prohibits the same or similar conduct, is guilty of a
6 category B felony and shall be punished by imprisonment in the
7 state prison for a minimum term of not less than 1 year and a
8 maximum term of not more than 6 years; or

9 (2) If the person has previously been convicted of a violation
10 of this section or of a violation of the law of any other jurisdiction
11 that prohibits the same or similar conduct, is guilty of a category B
12 felony and shall be punished by imprisonment in the state prison for
13 a minimum term of not less than 2 years and a maximum term of not
14 more than 15 years,

15 unless a more severe penalty is prescribed by law for an act or
16 omission that brings about the abuse or neglect.

17 2. A person who is responsible for the safety or welfare of a
18 child and who permits or allows that child to suffer unjustifiable
19 physical pain or mental suffering as a result of abuse or neglect or to
20 be placed in a situation where the child may suffer physical pain or
21 mental suffering as the result of abuse or neglect:

22 (a) If substantial bodily or mental harm results to the child:

23 (1) If the child is less than 14 years of age and the harm is the
24 result of sexual abuse or exploitation, is guilty of a category A
25 felony and shall be punished by imprisonment in the state prison for
26 life with the possibility of parole, with eligibility for parole
27 beginning when a minimum of 10 years has been served; or

28 (2) In all other such cases to which subparagraph (1) does not
29 apply, is guilty of a category B felony and shall be punished by
30 imprisonment in the state prison for a minimum term of not less
31 than 2 years and a maximum term of not more than 20 years; or

32 (b) If substantial bodily or mental harm does not result to the
33 child:

34 (1) If the person has not previously been convicted of a
35 violation of this section or of a violation of the law of any other
36 jurisdiction that prohibits the same or similar conduct, is guilty of a
37 gross misdemeanor; or

38 (2) If the person has previously been convicted of a violation
39 of this section or of a violation of the law of any other jurisdiction
40 that prohibits the same or similar conduct, is guilty of a category C
41 felony and shall be punished as provided in NRS 193.130,
42 unless a more severe penalty is prescribed by law for an act or
43 omission that brings about the abuse or neglect.

44 3. A person does not commit a violation of subsection 1 or 2 by
45 virtue of the sole fact that he delivers or allows the delivery of a



1 child to a provider of emergency services pursuant to NRS
2 432B.630.

3 4. As used in this section:

4 (a) "Abuse or neglect" means physical or mental injury of a
5 nonaccidental nature, sexual abuse, sexual exploitation, negligent
6 treatment or maltreatment of a child under the age of 18 years, as set
7 forth in paragraph (d) and NRS 432B.070, 432B.100, 432B.110,
8 432B.140 and 432B.150, under circumstances which indicate that
9 the child's health or welfare is harmed or threatened with harm.

10 (b) "Allow" means to do nothing to prevent or stop the abuse or
11 neglect of a child in circumstances where the person knows or has
12 reason to know that the child is abused or neglected.

13 (c) "Permit" means permission that a reasonable person would
14 not grant and which amounts to a neglect of responsibility attending
15 the care, custody and control of a minor child.

16 (d) "Physical injury" means:

17 (1) Permanent or temporary disfigurement; ~~or~~

18 (2) Impairment of any bodily function or organ of the body

19 ~~or~~; or

20 (3) *Evidence of shaken baby syndrome.*

21 (e) *"Shaken baby syndrome" means a condition suffered by a*
22 *child who is shaken violently which:*

23 (1) *Results in subdural hematoma, intercranial*
24 *hemorrhage, retinal hemorrhage or other abusive head trauma;*
25 *and*

26 (2) *May be accompanied by impact trauma to the head that*
27 *may not be visible.*

28 (f) "Substantial mental harm" means an injury to the intellectual
29 or psychological capacity or the emotional condition of a child as
30 evidenced by an observable and substantial impairment of the ability
31 of the child to function within his normal range of performance or
32 behavior.

