

ASSEMBLY BILL NO. 349—ASSEMBLYMAN FRIERSON

MARCH 18, 2019

Referred to Committee on Judiciary

SUMMARY—Prohibits sexual conduct between a law enforcement officer and a person whom the law enforcement officer has detained or arrested. (BDR 15-1003)

FISCAL NOTE: Effect on Local Government: No.  
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; prohibiting sexual conduct between a law enforcement officer and a person whom the law enforcement officer has detained or arrested; providing a penalty; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law prohibits a person from voluntarily engaging in sexual conduct  
2 with a prisoner who is in lawful custody or confinement and provides that any  
3 person who violates such a prohibition is guilty of a category D felony. (NRS  
4 212.187) This bill provides that if a law enforcement officer voluntarily engages in  
5 sexual conduct with a person whom the law enforcement officer has detained or  
6 arrested, the law enforcement officer is guilty of a category D felony. This bill also  
7 provides that the consent of a person who was detained or arrested by a law  
8 enforcement officer to any sexual conduct with the law enforcement officer is not a  
9 defense to a prosecution for such unlawful sexual conduct.

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

1 **Section 1.** Chapter 201 of NRS is hereby amended by adding  
2 thereto a new section to read as follows:

3 *1. Unless an act committed in violation of this section*  
4 *constitutes sexual assault pursuant to NRS 200.366, a law*  
5 *enforcement officer who voluntarily engages in sexual conduct*  
6 *with a person whom the law enforcement officer has detained or*



1 *arrested is guilty of a category D felony and shall be punished as*  
2 *provided in NRS 193.130.*

3 *2. The consent of a person who was detained or arrested by a*  
4 *law enforcement officer to any sexual conduct with a law*  
5 *enforcement officer is not a defense to a prosecution for any act*  
6 *prohibited by this section.*

7 *3. As used in this section, "sexual conduct":*

8 *(a) Includes acts of masturbation, sexual penetration or*  
9 *physical contact with another person's clothed or unclothed*  
10 *genitals or pubic area to arouse, appeal to or gratify the sexual*  
11 *desires of a person.*

12 *(b) Does not include acts of a law enforcement officer that are*  
13 *performed to carry out the necessary duties of the law enforcement*  
14 *officer.*

