

Amendment No. 78

Senate Amendment to Senate Bill No. 9	(BDR 14-422)
Proposed by: Senate Committee on Judiciary	
Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION	Initial and Date		SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/>	Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/>	Lost <input type="checkbox"/>
Concurred In <input type="checkbox"/>	Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/>	Not <input type="checkbox"/>
Receded <input type="checkbox"/>	Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/>	Not <input type="checkbox"/>

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

MNM/NCA



Date: 4/9/2019

S.B. No. 9—Revises provisions governing the time for commencing a criminal prosecution for crimes associated with murder, sexual assault and sex trafficking. (BDR 14-422)



SENATE BILL NO. 9—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED NOVEMBER 14, 2018

Referred to Committee on Judiciary

SUMMARY—~~[Revises provisions governing the~~ **Provides that there is no limitation of time [for commencing] within which a criminal prosecution for [crimes associated with] a sexual assault arising out of the same facts and circumstances as a murder [sexual assault and sex trafficking] must be commenced.** (BDR 14-422)

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 criminal procedure; ~~[revising provisions governing the~~ **providing that there is no limitation of time [for commencing] within which a criminal prosecution for [crimes associated with] a sexual assault arising out of the same facts and circumstances as a murder [sexual assault and sex trafficking] must be commenced;** and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides that there is no limitation of the time within which a prosecution for murder must be commenced. (NRS 171.080) **Section 1** of this bill additionally provides that there is no limitation of time within which a prosecution for ~~any crime committed during or in furtherance of~~ **a sexual assault arising out of the same facts and circumstances as a murder** must be commenced.

~~Existing law generally provides that an indictment for: (1) sexual assault must be found, or an information or complaint filed, within 20 years after the commission of the offense; and (2) sex trafficking must be found, or an information or complaint filed, within 4 years after the commission of the offense. (NRS 171.085) Section 3 of this bill provides that an indictment for sex trafficking or any crime committed during or in furtherance of a sexual assault or sex trafficking generally must be found, or an information or complaint filed, within 20 years after the commission of the offense.~~

~~Existing law provides that if at any time during the applicable period of limitation a victim of a sexual assault or sex trafficking, or a person authorized to act on behalf of such a victim, files with a law enforcement officer a written report concerning the sexual assault or sex trafficking, the period of limitation is removed and there is no limitation of time within which a prosecution for the sexual assault or sex trafficking must be commenced. (NRS 171.083) Section 2 of this bill additionally provides that there is no limitation of time within which a prosecution for any crime committed during or in furtherance of the sexual assault or~~

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20 ~~sex trafficking must be commenced if such a written report is filed with a law enforcement~~
 21 ~~officer.] Section [4] 2 of this bill makes a conforming change.~~

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

1 **Section 1.** NRS 171.080 is hereby amended to read as follows:

2 171.080 There is no limitation of the time within which a prosecution for:

3 1. Murder, or ~~[any crime committed during or in furtherance of]~~ a sexual
 4 assault arising out of the same facts and circumstances as a murder, must be
 5 commenced. It may be commenced at any time after the death of the person killed.

6 2. A violation of NRS 202.445 must be commenced. It may be commenced at
 7 any time after the violation is committed.

8 **Sec. 2.** NRS 171.083 is hereby amended to read as follows:

9 171.083 1. ~~[If]~~ Except as otherwise provided in NRS 171.080, if, at any
 10 time during the period of limitation prescribed in NRS 171.085 and 171.095, a
 11 victim of a sexual assault, a person authorized to act on behalf of a victim of a
 12 sexual assault, or a victim of sex trafficking or a person authorized to act on behalf
 13 of a victim of sex trafficking, files with a law enforcement officer a written report
 14 concerning the sexual assault or sex trafficking, the period of limitation prescribed
 15 in NRS 171.085 and 171.095 is removed and there is no limitation of the time
 16 within which a prosecution for the sexual assault or sex trafficking ~~[, or any crime~~
 17 ~~committed during or in furtherance of the sexual assault or sex trafficking,]~~ must
 18 be commenced.

19 2. If a written report is filed with a law enforcement officer pursuant to
 20 subsection 1, the law enforcement officer shall provide a copy of the written report
 21 to the victim or the person authorized to act on behalf of the victim.

22 3. If a victim of a sexual assault or sex trafficking is under a disability during
 23 any part of the period of limitation prescribed in NRS 171.085 and 171.095 and a
 24 written report concerning the sexual assault or sex trafficking is not otherwise filed
 25 pursuant to subsection 1, the period during which the victim is under the disability
 26 must be excluded from any calculation of the period of limitation prescribed in
 27 NRS 171.085 and 171.095.

28 4. For the purposes of this section, a victim of a sexual assault or sex
 29 trafficking is under a disability if the victim is insane, intellectually disabled,
 30 mentally incompetent or in a medically comatose or vegetative state.

31 5. As used in this section, "law enforcement officer" means:

32 (a) A prosecuting attorney;

33 (b) A sheriff of a county or the sheriff's deputy;

34 (c) An officer of a metropolitan police department or a police department of an
 35 incorporated city; or

36 (d) Any other person upon whom some or all of the powers of a peace officer
 37 are conferred pursuant to NRS 289.150 to 289.360, inclusive.

38 **Sec. 3.** ~~[NRS 171.085 is hereby amended to read as follows:~~

39 ~~171.085 Except as otherwise provided in NRS 171.080, 171.083, 171.084 and~~
 40 ~~171.095, an indictment for~~

41 ~~1. Theft, robbery, burglary, forgery, arson, [sex trafficking,] a violation of~~
 42 ~~NRS 90.570, a violation punishable pursuant to paragraph (c) of subsection 3 of~~
 43 ~~NRS 598.0099 or a violation of NRS 205.377 must be found, or an information or~~
 44 ~~complaint filed, within 4 years after the commission of the offense.~~

1 ~~2. Sexual assault or sex trafficking, or any crime committed during or in~~
2 ~~furtherance of a sexual assault or sex trafficking, must be found, or an~~
3 ~~information or complaint filed, within 20 years after the commission of the offense.~~

4 ~~3. Any felony other than the felonies listed in subsections 1 and 2 must be~~
5 ~~found, or an information or complaint filed, within 3 years after the commission of~~
6 ~~the offense.] (Deleted by amendment.)~~

7 **Sec. 4.** ~~[NRS 171.090 is hereby amended to read as follows:~~

8 ~~171.090 Except as otherwise provided in NRS 171.080, 171.083, 171.085,~~
9 ~~171.095, 202.885 and 624.800, an indictment for:~~

10 ~~1. A gross misdemeanor must be found, or an information or complaint filed,~~
11 ~~within 2 years after the commission of the offense.~~

12 ~~2. Any other misdemeanor must be found, or an information or complaint~~
13 ~~filed, within 1 year after the commission of the offense.] (Deleted by amendment.)~~

14 **Sec. 5.** The amendatory provisions of this act apply to a person who:

15 1. Committed ~~[sex trafficking or any crime during or in furtherance of]~~ **a**
16 **sexual assault arising out of the same facts and circumstances as** a murder ~~[,~~
17 ~~sexual assault or sex trafficking]~~ before October 1, 2019, if the applicable statute of
18 limitations has commenced but has not yet expired on October 1, 2019.

19 2. Commits ~~[sex trafficking or any crime during or in furtherance of]~~ **a sexual**
20 **assault arising out of the same facts and circumstances as** a murder ~~[,~~
21 ~~sexual assault or sex trafficking]~~ on or after October 1, 2019.