

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 time for commencing a criminal prosecution for crimes associated with murder, sexual assault and sex trafficking. (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 time for commencing a criminal prosecution for crimes associated with murder, sexual assault and sex trafficking; 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 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



20 for any crime committed during or in furtherance of the sexual assault or sex
21 trafficking must be commenced if such a written report is filed with a law
22 enforcement officer. **Section 4** 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
3 prosecution for:

4 1. Murder, *or any crime committed during or in furtherance*
5 *of a murder*, must be commenced. It may be commenced at any
6 time after the death of the person killed.

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

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

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

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

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

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

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

- 37 (a) A prosecuting attorney;
38 (b) A sheriff of a county or the sheriff's deputy;



1 (c) An officer of a metropolitan police department or a police
2 department of an incorporated city; or

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

6 **Sec. 3.** NRS 171.085 is hereby amended to read as follows:

7 171.085 Except as otherwise provided in NRS 171.080,
8 171.083, 171.084 and 171.095, an indictment for:

9 1. Theft, robbery, burglary, forgery, arson, ~~sex trafficking,~~ a
10 violation of NRS 90.570, a violation punishable pursuant to
11 paragraph (c) of subsection 3 of NRS 598.0999 or a violation of
12 NRS 205.377 must be found, or an information or complaint filed,
13 within 4 years after the commission of the offense.

14 2. Sexual assault *or sex trafficking, or any crime committed*
15 *during or in furtherance of a sexual assault or sex trafficking,*
16 must be found, or an information or complaint filed, within 20 years
17 after the commission of the offense.

18 3. Any felony other than the felonies listed in subsections 1 and
19 2 must be found, or an information or complaint filed, within 3
20 years after the commission of the offense.

21 **Sec. 4.** NRS 171.090 is hereby amended to read as follows:

22 171.090 Except as otherwise provided in NRS *171.080,*
23 *171.083, 171.085,* 171.095, 202.885 and 624.800, an indictment for:

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

26 2. Any other misdemeanor must be found, or an information or
27 complaint filed, within 1 year after the commission of the offense.

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

30 1. Committed sex trafficking or any crime during or in
31 furtherance of a murder, sexual assault or sex trafficking before
32 October 1, 2019, if the applicable statute of limitations has
33 commenced but has not yet expired on October 1, 2019.

34 2. Commits sex trafficking or any crime during or in
35 furtherance of a murder, sexual assault or sex trafficking on or after
36 October 1, 2019.

