

SENATE BILL NO. 9—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED NOVEMBER 14, 2018

Referred to Committee on Judiciary

SUMMARY—Provides that there is no limitation of time within which a criminal prosecution for a sexual assault arising out of the same facts and circumstances as a murder 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; providing that there is no limitation of time within which a criminal prosecution for a sexual assault arising out of the same facts and circumstances as a murder must be commenced; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law provides that there is no limitation of the time within which a
2 prosecution for murder must be commenced. (NRS 171.080) **Section 1** of this bill
3 additionally provides that there is no limitation of time within which a prosecution
4 for a sexual assault arising out of the same facts and circumstances as a murder
5 must be commenced. **Section 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
3 prosecution for:
4 1. Murder, *or a sexual assault arising out of the same facts*
5 *and circumstances as a murder*, must be commenced. It may be
6 commenced at any time after the death of the person killed.



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

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

4 171.083 1. ~~##~~ *Except as otherwise provided in NRS*
5 *171.080, if*, at any time during the period of limitation prescribed in
6 NRS 171.085 and 171.095, a victim of a sexual assault, a person
7 authorized to act on behalf of a victim of a sexual assault, or a
8 victim of sex trafficking or a person authorized to act on behalf of
9 a victim of sex trafficking, files with a law enforcement officer a
10 written report concerning the sexual assault or sex trafficking, the
11 period of limitation prescribed in NRS 171.085 and 171.095 is
12 removed and there is no limitation of the time within which a
13 prosecution for the sexual assault or sex trafficking must be
14 commenced.

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

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

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

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

31 (a) A prosecuting attorney;

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

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

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

38 **Sec. 3.** (Deleted by amendment.)

39 **Sec. 4.** (Deleted by amendment.)

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

42 1. Committed a sexual assault arising out of the same facts and
43 circumstances as a murder before October 1, 2019, if the applicable
44 statute of limitations has commenced but has not yet expired on
45 October 1, 2019.



- 1 2. Commits a sexual assault arising out of the same facts and
- 2 circumstances as a murder on or after October 1, 2019.

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