

SENATE BILL NO. 139—SENATOR NGUYEN

PREFILED JANUARY 30, 2025

Referred to Committee on Judiciary

SUMMARY—Repeals the crime of terminating a pregnancy through performing certain acts under certain circumstances. (BDR 15-744)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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; repealing the crime of terminating a pregnancy through performing certain acts under certain circumstances; providing that the repeal of the crime applies retroactively; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law provides that a woman is guilty of manslaughter, a category B
2 felony punishable by imprisonment in the state prison for a minimum term of not
3 less than 1 year and a maximum term of not more than 10 years and a fine of not
4 more than \$10,000, if the woman takes or uses, or submits to the use of, any drug,
5 medicine or substance, or any instrument or other means, with the intent to
6 terminate her pregnancy after the 24th week of pregnancy and thereby causes the
7 death of the child of the pregnancy, except when such acts are performed upon the
8 advice of a physician in connection with a lawful abortion. (NRS 200.220) **Section**
9 **1** of this bill repeals this crime. **Section 2** of this bill provides that the repeal of the
10 crime applies retroactively.

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

1 **Section 1.** NRS 200.220 is hereby repealed.
2 **Sec. 2.** The Legislature hereby finds and declares that:
3 1. In *Lapinski v. State*, 84 Nev. 611, 613 (1968), the Nevada
4 Supreme Court held that “the power to define crimes and penalties
5 lies exclusively in the legislature.”



1 2. The Nevada Supreme Court has further held in *Tellis v.*
2 *State*, 84 Nev. 587, 591 (1968), *Sparkman v. State*, 95 Nev. 76, 82
3 (1979) and *State v. Dist. Ct. (Pullin)*, 124 Nev. 564, 567-68 (2008),
4 that the penalty for a crime is determined by the law in effect at the
5 time the offender committed the crime and not the law in effect at
6 the time the offender is sentenced unless the Legislature has
7 expressed its clear intent that a statute ameliorating the penalty
8 apply retroactively.

9 3. For those reasons, the Legislature is exercising its exclusive
10 power to define the acts which subject a person to criminal penalties
11 by retroactively applying the repeal of NRS 200.220 to apply to
12 conduct that occurred before, on or after that offense was repealed.

TEXT OF REPEALED SECTION

200.220 Taking drugs to terminate pregnancy; penalty. A woman who takes or uses, or submits to the use of, any drug, medicine or substance, or any instrument or other means, with the intent to terminate her pregnancy after the 24th week of pregnancy, unless the same is performed upon herself upon the advice of a physician acting pursuant to the provisions of NRS 442.250, and thereby causes the death of the child of the pregnancy, commits manslaughter and shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and may be further punished by a fine of not more than \$10,000.

