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SENATE BILL NO. 50—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED NOVEMBER 19, 2024

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Referred to Committee on Judiciary

**SUMMARY**—Revises provisions relating to the additional penalty for certain crimes committed against an older person or a vulnerable person. (BDR 15-506)

**FISCAL NOTE:** Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.  
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.

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**AN ACT** relating to crimes; revising provisions relating to the additional penalty for certain crimes committed against an older person or a vulnerable person; providing a penalty; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law imposes an additional penalty upon a person who commits certain  
2 crimes against a person 60 years of age or older or a vulnerable person, which must  
3 run consecutively with the sentence prescribed by statute for the crime. (NRS  
4 193.167) Existing law also provides that if a person commits certain property  
5 crimes against a person 60 years of age or older or a vulnerable person for which  
6 the person is subject to the additional penalty: (1) the court is prohibited from  
7 granting probation to the person until the person has paid to the victim of the crime  
8 at least 80 percent of the amount of restitution set by the court; (2) the State Board  
9 of Parole Commissioners is prohibited from releasing the person on parole until the  
10 person has paid to the victim of the crime at least 80 percent of the amount of  
11 restitution set by the court; and (3) the person is liable for a civil penalty to be  
12 recovered by the Attorney General in a civil action brought in the name of the State  
13 of Nevada. (NRS 176A.120, 213.1216, 228.280)

14 **Section 1** of this bill adds the crime of theft to the list of crimes for which the  
15 additional penalty must be imposed. **Section 2** of this bill adds the crime of theft to  
16 the list of crimes for which a person who is subject to the additional penalty is  
17 liable for a civil penalty.

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

1       **Section 1.** NRS 193.167 is hereby amended to read as follows:

2       193.167 1. Except as otherwise provided in NRS 193.169,  
3 any person who commits the crime of:

4       (a) Murder;

5       (b) Attempted murder;

6       (c) Assault;

7       (d) Battery;

8       (e) Kidnapping;

9       (f) Robbery;

10       (g) Sexual assault;

11       (h) Embezzlement of, or attempting or conspiring to embezzle,  
12 money or property of a value of \$650 or more;

13       (i) Obtaining, or attempting or conspiring to obtain, money or  
14 property of a value of \$650 or more by false pretenses; or

15       (j) Taking money or property from the person of another,

16       ↪ against any person who is 60 years of age or older or against a  
17 vulnerable person shall, in addition to the term of imprisonment  
18 prescribed by statute for the crime, be punished, if the crime is a  
19 misdemeanor or gross misdemeanor, by imprisonment in the county  
20 jail for a term equal to the term of imprisonment prescribed by  
21 statute for the crime, and, if the crime is a felony, by imprisonment  
22 in the state prison for a minimum term of not less than 1 year and a  
23 maximum term of not more than 20 years.

24       2. Except as otherwise provided in NRS 193.169, any person  
25 who commits a criminal violation of the provisions of chapter 90 or  
26 91 of NRS *or NRS 205.0832* against any person who is 60 years of  
27 age or older or against a vulnerable person shall, in addition to the  
28 term of imprisonment prescribed by statute for the criminal  
29 violation, be punished, if the criminal violation is a misdemeanor or  
30 gross misdemeanor, by imprisonment in the county jail for a term  
31 equal to the term of imprisonment prescribed by statute for the  
32 criminal violation, and, if the criminal violation is a felony, by  
33 imprisonment in the state prison for a minimum term of not less  
34 than 1 year and a maximum term of not more than 20 years.

35       3. In determining the length of the additional penalty imposed  
36 pursuant to this section, the court shall consider the following  
37 information:

38       (a) The facts and circumstances of the crime or criminal  
39 violation;

40       (b) The criminal history of the person;

41       (c) The impact of the crime or criminal violation on any victim;

42       (d) Any mitigating factors presented by the person; and



1 (e) Any other relevant information.

2 ➔ The court shall state on the record that it has considered the  
3 information described in paragraphs (a) to (e), inclusive, in  
4 determining the length of the additional penalty imposed.

5 4. The sentence prescribed by this section:

6 (a) Must not exceed the sentence imposed for the crime or  
7 criminal violation; and

8 (b) Must run consecutively with the sentence prescribed by  
9 statute for the crime or criminal violation.

10 5. This section does not create any separate offense but  
11 provides an additional penalty for the primary offense, whose  
12 imposition is contingent upon the finding of the prescribed fact.

13 6. As used in this section, "vulnerable person" has the meaning  
14 ascribed to it in NRS 200.5092.

15 **Sec. 2.** NRS 228.280 is hereby amended to read as follows:

16 228.280 1. In addition to any criminal penalty, a person who  
17 is convicted of a crime against an older person or vulnerable person  
18 for which an additional term of imprisonment may be imposed  
19 pursuant to paragraph (h), (i) or (j) of subsection 1 of NRS 193.167 ,  
20 *a violation of NRS 205.0832 against an older person or vulnerable*  
21 *person for which an additional term of imprisonment may be*  
22 *imposed pursuant to subsection 2 of NRS 193.167* or of the abuse,  
23 neglect, exploitation, isolation or abandonment of an older person or  
24 vulnerable person pursuant to NRS 200.5099 or 200.50995 is liable  
25 for a civil penalty to be recovered by the Attorney General in a civil  
26 action brought in the name of the State of Nevada:

27 (a) For the first offense, in an amount which is not less than  
28 \$5,000 and not more than \$20,000.

29 (b) For a second or subsequent offense, in an amount which is  
30 not less than \$10,000 and not more than \$30,000.

31 2. The Attorney General shall deposit any money collected for  
32 civil penalties pursuant to subsection 1 in equal amounts to:

33 (a) A separate account in the Fund for the Compensation of  
34 Victims of Crime created pursuant to NRS 217.260 to provide  
35 compensation to older persons or vulnerable persons who are:

36 (1) Victims of a crime for which an additional term of  
37 imprisonment may be imposed pursuant to paragraph (h), (i) or (j)  
38 of subsection 1 *of NRS 193.167 or a violation of NRS 205.0832 for*  
39 *which an additional term of imprisonment may be imposed*  
40 *pursuant to subsection 2* of NRS 193.167; or

41 (2) Abused, neglected, exploited, isolated or abandoned in  
42 violation of NRS 200.5099 and 200.50995.



1 (b) The Account for the Unit for the Investigation and  
2 Prosecution of Crimes Against Older Persons or Vulnerable Persons  
3 created pursuant to NRS 228.285.

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