

SENATE BILL NO. 62—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED NOVEMBER 20, 2024

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to crimes. (BDR 15-507)

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: Contains Appropriation not included in Executive Budget.

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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; providing that a person who commits certain acts because of certain actual or perceived characteristics of a person is guilty of a bias crime; creating a cause of action for a person who has suffered injury as a result of a bias crime; requiring the Central Repository for Nevada Records of Criminal History to make certain data relating to bias crimes available to the public; creating the Account for Survivors of Crime and prescribing the use of money in the Account; making an appropriation to the Account; eliminating certain duplicative definitions; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Section 1 of this bill provides that a person is guilty of a bias crime if the
2 person, because of the actual or perceived race, color, religion, national origin,
3 physical or mental disability, sexual orientation or gender identity or expression of
4 a person or group of persons, intentionally: (1) tampers or interferes with the
5 property of a person with the intent to substantially annoy or inconvenience the
6 person; (2) subjects a person to offensive physical contact; or (3) subjects a person
7 to alarm by making certain threats. Section 1 makes a bias crime punishable as a
8 misdemeanor.
9 Existing law authorizes a person who has suffered injury as the proximate
10 result of the commission of certain crimes by a perpetrator who was motivated by
11 certain characteristics of the injured person to bring a civil action to recover his or



12 her actual damages and punitive damages. (NRS 41.690) **Section 2** of this bill
13 additionally authorizes a person who has suffered injury as the proximate result of a
14 violation of **section 1** to bring a civil action to recover his or her actual damages
15 and punitive damages.

16 Existing law requires the Central Repository for Nevada Records of Criminal
17 History to make available to the public data regarding the prosecution of certain
18 crimes that manifest evidence of prejudice. (NRS 179A.175) **Section 3** of this bill
19 additionally requires the Central Repository to make data regarding any prosecution
20 of a violation of **section 1** available to the public.

21 **Section 4** of this bill creates the Account for Survivors of Crime in the State
22 General Fund to be administered by the Attorney General. **Section 4** requires
23 money in the Account to be used to provide support and resources to survivors of:
24 (1) hate crimes for which certain additional or enhanced penalties are imposed; (2)
25 bias crimes pursuant to **section 1**; and (3) any other crime prosecuted by the Office
26 of the Attorney General. **Section 5** of this bill makes an appropriation to the
27 Account created by **section 4** for the purposes described in **section 4**.

28 Existing law defines the term "gender identity or expression" and makes that
29 definition applicable to the Nevada Revised Statutes as a whole. (NRS 0.034)
30 **Section 6** of this bill repeals a duplicative definition of the term "gender identity or
31 expression." (NRS 193.0148) **Sections 2 and 3** make conforming changes to
32 eliminate references to the definition repealed by **section 6**.

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

1 **Section 1.** Chapter 200 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *1. A person commits a bias crime if the person, because of the*
4 *actual or perceived race, color, religion, national origin, physical*
5 *or mental disability, sexual orientation or gender identity or*
6 *expression of a person or group of persons, intentionally:*

7 *(a) Tamperes or interferes with the property of a person with*
8 *the intent to substantially annoy or inconvenience the person;*

9 *(b) Subjects a person to offensive physical contact; or*

10 *(c) Subjects a person to alarm by threatening to:*

11 *(1) Inflict a bodily injury on the person or a member of the*
12 *family of the person;*

13 *(2) Commit a felony that affects the person or a member of*
14 *the family of the person; or*

15 *(3) Cause substantial damage to the property of the person*
16 *or the property of a member of the family of the person.*

17 *2. A person who violates subsection 1 is guilty of a*
18 *misdemeanor.*

19 *3. As used in this section, "property" has the meaning*
20 *ascribed to it in NRS 193.0225.*

21 **Sec. 2.** NRS 41.690 is hereby amended to read as follows:

22 41.690 1. A person who has suffered injury as the proximate
23 result of the willful violation of the provisions of NRS 200.030,



1 200.050, 200.280, 200.310, 200.366, 200.380, 200.400, 200.460,
2 200.463, 200.4631, 200.464, 200.465, 200.467, 200.468, 200.471,
3 200.481, 200.508, 200.5099, 200.571, 200.575, 202.448, 203.010,
4 203.020, 203.030, 203.060, 203.080, 203.090, 203.100, 203.110,
5 203.119, 205.010 to 205.025, inclusive, 205.060, 205.067, 205.075,
6 205.0832, 205.220, 205.226, 205.228, 205.240, 205.270, 205.2715,
7 205.274, 205.2741, 206.010, 206.040, 206.125, 206.140, 206.150,
8 206.200, 206.310, 206.330, 207.180, 207.190, 207.200, 207.210 or
9 392.915 *or section 1 of this act* by a perpetrator who was motivated
10 by the injured person's actual or perceived race, color, religion,
11 national origin, physical or mental disability, sexual orientation or
12 gender identity or expression may bring an action for the recovery
13 of his or her actual damages and any punitive damages which the
14 facts may warrant. If the person who has suffered injury prevails in
15 an action brought pursuant to this subsection, the court shall award
16 the person costs and reasonable attorney's fees.

17 2. The liability imposed by this section is in addition to any
18 other liability imposed by law.

19 ~~3.—As used in this section, “gender identity or expression” has~~
20 ~~the meaning ascribed to it in NRS 193.0148.]~~

21 **Sec. 3.** NRS 179A.175 is hereby amended to read as follows:

22 179A.175 1. The Director of the Department shall establish
23 within the Central Repository a program for reporting crimes that
24 manifest evidence of prejudice based on race, color, religion,
25 national origin, physical or mental disability, sexual orientation or
26 gender identity or expression.

27 2. The program must be designed to collect, compile and
28 analyze statistical data about crimes that manifest evidence of
29 prejudice based on race, color, religion, national origin, physical or
30 mental disability, sexual orientation or gender identity or
31 expression. The Director shall adopt guidelines for the collection of
32 the statistical data, including, but not limited to, the criteria to
33 establish the presence of prejudice and the manner in which the data
34 must be reported to the Central Repository.

35 3. The Central Repository shall include in any appropriate
36 report an independent section relating solely to the analysis of
37 crimes that manifest evidence of prejudice based on race, color,
38 religion, national origin, physical or mental disability, sexual
39 orientation or gender identity or expression.

40 4. Data acquired pursuant to this section must be used only for
41 research or statistical purposes and must not contain any information
42 that may reveal the identity of an individual victim of a crime.

43 5. The Central Repository shall make all data acquired
44 pursuant to this section and data regarding any prosecution of a



1 violation of NRS 207.185 *or section 1 of this act* and any sentence
2 imposed pursuant to NRS 193.1675 available to the public.

3 6. The Central Repository shall ensure that the data acquired
4 pursuant to this section is provided to the Federal Bureau of
5 Investigation for inclusion in the annual Hate Crime Statistics report
6 of the Uniform Crime Reporting Program.

7 ~~[7. As used in this section, "gender identity or expression" has~~
8 ~~the meaning ascribed to it in NRS 193.0148.]~~

9 **Sec. 4.** Chapter 228 of NRS is hereby amended by adding
10 thereto a new section to read as follows:

11 *1. The Account for Survivors of Crime is hereby created in*
12 *the State General Fund. The Attorney General shall administer*
13 *the Account.*

14 *2. The money in the Account must only be used to provide*
15 *support and resources to survivors of hate crimes, bias crimes and*
16 *any other crime prosecuted by the Office of the Attorney General.*

17 *3. The Attorney General may apply for and accept any*
18 *available grants, gifts, donations, bequests, devises or*
19 *appropriations from any public or private source to carry out the*
20 *purposes of this section. Any money received pursuant to this*
21 *section must be deposited with the State Treasurer for credit to the*
22 *Account.*

23 *4. All interest earned on the money in the Account, after*
24 *deducting any applicable charges, must be credited to the Account.*

25 *5. Money in the Account must remain in the Account and*
26 *does not revert to the State General Fund at the end of any fiscal*
27 *year.*

28 *6. All claims against the Account must be paid as other*
29 *claims against the State are paid.*

30 *7. As used in this section:*

31 *(a) "Bias crime" means a violation of section 1 of this act.*

32 *(b) "Hate crime" means a crime for which:*

33 *(1) An additional penalty is imposed pursuant to NRS*
34 *193.1675; or*

35 *(2) An enhanced penalty is imposed pursuant to*
36 *NRS 207.185.*

37 **Sec. 5.** There is hereby appropriated from the State General
38 Fund to the Account for Survivors of Crime created by section 4 of
39 this act for the purposes described in section 4 of this act the
40 following sums:

41	For the Fiscal Year 2025-2026.....	\$50,000
42	For the Fiscal Year 2026-2027.....	\$50,000

43 **Sec. 6.** NRS 193.0148 is hereby repealed.



TEXT OF REPEALED SECTION

193.0148 “Gender identity or expression” defined.
“Gender identity or expression” means the gender-related identity, appearance, expression or behavior of a person, regardless of the person’s assigned sex at birth.

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