

AB 102 -- Redline

Reprint 1 to Enrolled -- Enhances the criminal penalty for certain crimes committed against certain family members of first responders. (BDR 15-48)

Deletions ~~struck~~ · Insertions underlined

~~(Reprinted Assembly with Bill amendments No. adopted on April 18, 2010) FIRST REPRINT A.B. 102~~
~~102-Assemblyman A Ellison SSEMBLYCHAPTER.....-B ILLN O-~~

~~102-ASSEMBLYMAN E LLISON PREFILED JANUARY 28, 2010 ----- Referred to Committee on Judiciary~~
~~SUMMARY--Enhances the criminal penalty for certain crimes committed against certain family members of first responders--~~

~~(BDR 15-48) FISCAL NOTE:~~

~~Effect on Local Government:~~

~~No-~~

~~Effect on the State:~~

~~Yes-~~

~~- EXPLANATION - Matter in bolded italics is new;~~

~~matter between brackets [omitted material] is material to be omitted.~~

Existing law provides that any person who willfully commits certain crimes because of the fact that the victim is a first responder, which is defined as any peace officer, duty, firefighter, may, or in emergency addition medical to provide the acting term in of the imprisonment normal prescribed course by of statute for the crime, be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years.

Section 1 of this section bill 1.3 extends that such are knowingly enhanced and criminal willfully ~~penalty committed to against the same spouse crimes of set a forth first-in~~ responder or the child of any age of a first responder.

For the purposes of ~~the first the~~ enhanced criminal penalty imposed pursuant to section 1, the term "first responder" is defined as any peace officer, firefighter or emergency medical provider.

~~-EXPLANATION *AB102_R1*- 2Matter -in THE bolded PEOPLE italics OF is THE new; STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS-~~

matter between brackets [omitted material] is material to be omitted.

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

- 80th Session (2019) - 2 - (c) The impact of the crime on any victim;

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

~~2-~~

This section does not create a separate offense but provides an additional penalty for the primary offense, whose imposition is ~~contingent used upon in the this finding section, of "first the responder" prescribed means fact.~~ any peace officer, firefighter or emergency medical provider.

4.

As used in this section, "first responder" means any peace officer, firefighter or emergency medical provider.

Except as otherwise provided in NRS 193.169, any person who willfully violates any provision of NRS 200.030, [200.050,] 200.280, 200.310, 200.366, 200.380, 200.400, 200.460, ~~*AB102_R1*- 3 -~~ NRS 200.471 which is punishable as a felony, NRS 200.481 which ~~is punishable as a felony, NRS 205.0832 which is punishable as a felony, NRS 205.220, 205.226, 205.228, 205.270 or 206.150~~ 206.150 ~~le as a~~ because of the fact that the victim is a first responder may, in addition to the term of imprisonment prescribed by statute for the crime, be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years.

- 80th Session (2019) - 3 - 2.

3-an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

~~This section does not create a separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.~~

-imprisonment *AB102_R1* pursuant -to 4 subsection -3 2- of NRS 193.161, subsection of NRS 193.1685 or subsection 2 of NRS 453.3353 must not be sentenced to an additional term of imprisonment pursuant to subsection 1 of NRS 193.161, NRS 193.162, 193.163, 193.165, 193.166, 193.167, 193.1675, 193.1677, 193.168, 453.3335, 453.3345 or 453.3351 or section 1 of this act even if the person's conduct satisfies the requirements for imposing an additional term of imprisonment pursuant to another one or more of those sections.

~~A person who is sentenced to an alternative term of imprisonment pursuant to subsection 3 of NRS 193.161, subsection 3 of NRS 193.1685 or subsection 2 of NRS 453.3353 must not be sentenced to an additional term of imprisonment pursuant to 193.166, 193.167, 193.1675, 193.1677, 193.168, 453.3335, 65, 453.3345 or 453.3351 or section 1 of this act even if the person's conduct satisfies the requirements for imposing an additional term of imprisonment pursuant to another one or more of those sections.~~

(b) Prohibit alleging in the alternative in the indictment or information that the person's conduct satisfies the requirements of - 80th Session (2019) - 4 - more than one of the sections listed in subsection 1 or 2 and introducing evidence to prove the alternative allegations.

~~H~~~~~~ 19 - *AB102_R1*80th Session (2019)