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FIRST REPRINT

A.B. 142

ASSEMBLY BILL NO. 142—ASSEMBLYMEN KRASNER; BACKUS,
BILBRAY-AXELROD, COHEN, DURAN, GORELOW, HARDY,
MARTINEZ, MONROE-MORENO, MUNK, NEAL, SPIEGEL,
TITUS AND YEAGER

FEBRUARY 14, 2019

JOINT SPONSORS: SENATORS SPEARMAN; CANCELA, D. HARRIS
AND SEEVERS GANSERT

Referred to Committee on Judiciary

SUMMARY—Eliminates the statute of limitations for the
prosecution of sexual assault in certain
circumstances. (BDR 14-175)

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 criminal procedure; eliminating the statute of
limitations for the prosecution of sexual assault if the
identity of the person accused of committing the crime is
established by DNA evidence; and providing other
matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law generally requires an indictment for sexual assault to be found, or an
2 information or complaint to be filed, within 20 years after the commission of the
3 offense. (NRS 171.085) Existing law also provides that there is no limitation of time
4 within which a prosecution for sexual assault is required to be commenced if, during the
5 20-year period of limitation, the victim of the sexual assault or a person authorized to act
6 on behalf of the victim files with a law enforcement officer a written report concerning
7 the sexual assault. (NRS 171.083)

8 **Section 1** of this bill additionally provides that there is no limitation of time within
9 which a prosecution for sexual assault is required to be commenced if the identity of a
10 person who is accused of committing the sexual assault is established by DNA evidence.

11 **Section 4** of this bill provides that such an exception applies to a person who: (1)
12 committed a sexual assault before July 1, 2019, if the statute of limitations has not
13 expired on July 1, 2019; or (2) commits a sexual assault on or after July 1, 2019.



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

1 **Section 1.** Chapter 171 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 **1. If the identity of a person who is accused of committing a**
4 **sexual assault is established by conducting a genetic marker**
5 **analysis of a biological specimen and obtaining a DNA profile, the**
6 **period of limitation prescribed in NRS 171.085 is removed and**
7 **there is no limitation of the time within which a prosecution for**
8 **the sexual assault must be commenced.**

9 **2. As used in this section:**

10 **(a) "Biological specimen" has the meaning ascribed to it in**
11 **NRS 176.09112.**

12 **(b) "DNA profile" has the meaning ascribed to it in**
13 **NRS 176.09115.**

14 **(c) "Genetic marker analysis" has the meaning ascribed to it**
15 **in NRS 176.09118.**

16 **Sec. 2.** NRS 171.085 is hereby amended to read as follows:

17 171.085 Except as otherwise provided in NRS 171.080,
18 171.083, 171.084 and 171.095, **and section 1 of this act**, an
19 indictment for:

20 1. Theft, robbery, burglary, forgery, arson, sex trafficking, a
21 violation of NRS 90.570, a violation punishable pursuant to
22 paragraph (c) of subsection 3 of NRS 598.0999 or a violation of
23 NRS 205.377 must be found, or an information or complaint filed,
24 within 4 years after the commission of the offense.

25 2. Sexual assault must be found, or an information or
26 complaint filed, within 20 years after the commission of the offense.

27 3. Any felony other than the felonies listed in subsections 1 and
28 2 must be found, or an information or complaint filed, within 3
29 years after the commission of the offense.

30 **Sec. 3.** NRS 171.095 is hereby amended to read as follows:

31 171.095 1. Except as otherwise provided in subsection 2 and
32 NRS 171.083 and 171.084 **+** **and section 1 of this act:**

33 (a) If a felony, gross misdemeanor or misdemeanor is committed
34 in a secret manner, an indictment for the offense must be found, or
35 an information or complaint filed, within the periods of limitation
36 prescribed in NRS 171.085, 171.090 and 624.800 after the discovery
37 of the offense, unless a longer period is allowed by paragraph (b) or
38 (c) or the provisions of NRS 202.885.

39 (b) An indictment must be found, or an information or
40 complaint filed, for any offense constituting sexual abuse of a child
41 as defined in NRS 432B.100 or sex trafficking of a child as defined
42 in NRS 201.300, before the victim is:



1 (1) Thirty-six years old if the victim discovers or reasonably
2 should have discovered that he or she was a victim of the sexual
3 abuse or sex trafficking by the date on which the victim reaches that
4 age; or

5 (2) Forty-three years old if the victim does not discover and
6 reasonably should not have discovered that he or she was a victim of
7 the sexual abuse or sex trafficking by the date on which the victim
8 reaches 36 years of age.

9 (c) If a felony is committed pursuant to NRS 205.461 to
10 205.4657, inclusive, against a victim who is less than 18 years of
11 age at the time of the commission of the offense, an indictment for
12 the offense must be found, or an information or complaint filed,
13 within 4 years after the victim discovers or reasonably should have
14 discovered the offense.

15 2. If any indictment found, or an information or complaint
16 filed, within the time prescribed in subsection 1 is defective so that
17 no judgment can be given thereon, another prosecution may be
18 instituted for the same offense within 6 months after the first is
19 abandoned.

20 **Sec. 4.** The amendatory provisions of this act apply to a person
21 who:

22 1. Committed a sexual assault before July 1, 2019, if the
23 applicable statute of limitations has commenced but has not yet
24 expired on July 1, 2019; or

25 2. Commits a sexual assault on or after July 1, 2019.

26 **Sec. 5.** This act becomes effective on July 1, 2019.



