

SENATE BILL NO. 166—SENATOR SCHEIBLE

MARCH 2, 2021

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to crimes motivated by certain characteristics of the victim. (BDR 15-246)

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

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to crimes; revising provisions relating to crimes motivated by certain characteristics of the victim; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law provides that if a person commits certain crimes ordinarily
2 punishable as misdemeanors because of certain characteristics of the victim
3 including race, color, religion, national origin, physical or mental disability, sexual
4 orientation or gender identity or expression, then the crime committed is punishable
5 as a gross misdemeanor. (NRS 207.185) Existing law also provides that if a person
6 commits certain crimes punishable as felonies because a certain characteristic of the
7 victim, including race, color, religion, national origin, physical or mental disability,
8 sexual orientation or gender identity or expression, is different from that
9 characteristic of the perpetrator, then the crime is punishable by an additional
10 penalty. (NRS 193.1675) For these crimes punishable as felonies, **section 1** of this
11 bill removes the requirement that the perpetrator must have a characteristic that is
12 different from the characteristic of the victim for the additional penalty to apply and
13 instead provides that the perpetrator may be punished by an additional penalty if the
14 perpetrator committed the crime because of the characteristics of the victim,
15 thereby making the standard the same for these crimes as it is for certain crimes
16 punishable as misdemeanors under existing law. **Section 1** also adds to the list of
17 such crimes punishable as felonies the crime of making threats or conveying false
18 information concerning acts of terrorism, weapons of mass destruction or lethal
19 agents or toxins.

20 **Section 2** of this bill adds to the list of crimes ordinarily punishable as
21 misdemeanors that are punishable as gross misdemeanors if committed because of
22 certain characteristics of the victim the crime of threatening to cause bodily harm or
23 death to a pupil or employee of a school district or charter school.

24 Existing law authorizes a person who has suffered injury as the proximate
25 result of the commission of certain crimes by a perpetrator who was motivated by
26 certain characteristics of the injured person to bring a civil action to recover his or
27 her actual damages and punitive damages. (NRS 41.690) **Section 3** of this bill adds



28 to the list of such crimes for which such a person may bring such a civil action the
29 crimes of: (1) making threats or conveying false information concerning acts of
30 terrorism, weapons of mass destruction or lethal agents or toxins; and (2)
31 threatening to cause bodily harm or death to a pupil or employee of a school district
32 or charter school.

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

1 **Section 1.** NRS 193.1675 is hereby amended to read as
2 follows:

3 193.1675 1. Except as otherwise provided in NRS 193.169,
4 any person who , *by reason of the actual or perceived race, color,*
5 *religion, national origin, physical or mental disability, sexual*
6 *orientation or gender identity or expression of another person or*
7 *group of persons,* willfully violates any provision of NRS 200.030,
8 200.050, 200.280, 200.310, 200.366, 200.380, 200.400, 200.460 to
9 200.465, inclusive, paragraph (b) of subsection 2 of NRS 200.471,
10 NRS 200.481 which is punishable as a felony, NRS 200.508,
11 200.5099, subsection 2 of NRS 200.575, NRS **202.448**, 205.010 to
12 205.025, inclusive, 205.060, 205.067, 205.075, NRS 205.0832
13 which is punishable as a felony, NRS 205.220, 205.226, 205.228,
14 205.270, 206.150, NRS 206.330 which is punishable as a felony or
15 NRS 207.190 ~~[because the actual or perceived race, color, religion,~~
16 ~~national origin, physical or mental disability, sexual orientation or~~
17 ~~gender identity or expression of the victim was different from that~~
18 ~~characteristic of the perpetrator]~~ may, in addition to the term of
19 imprisonment prescribed by statute for the crime, be punished by
20 imprisonment in the state prison for a minimum term of not less
21 than 1 year and a maximum term of not more than 20 years. In
22 determining the length of any additional penalty imposed, the court
23 shall consider the following information:

- 24 (a) The facts and circumstances of the crime;
25 (b) The criminal history of the person;
26 (c) The impact of the crime on any victim;
27 (d) Any mitigating factors presented by the person; and
28 (e) Any other relevant information.

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

32 2. A sentence imposed pursuant to this section:

- 33 (a) Must not exceed the sentence imposed for the crime; and
34 (b) Runs consecutively with the sentence prescribed by statute
35 for the crime.



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

4 **Sec. 2.** NRS 207.185 is hereby amended to read as follows:

5 207.185 Unless a greater penalty is provided by law, a person
6 who, by reason of the actual or perceived race, color, religion,
7 national origin, physical or mental disability, sexual orientation or
8 gender identity or expression of another person or group of persons,
9 willfully violates any provision of NRS 200.471, 200.481,
10 200.5099, 200.571, 200.575, 203.010, 203.020, 203.030, 203.060,
11 203.080, 203.090, 203.100, 203.110, 203.119, NRS 205.0832 which
12 is punishable as a misdemeanor, NRS 205.240, 205.2715, 205.274,
13 205.2741, 206.010, 206.040, 206.125, 206.140, 206.200, 206.310,
14 NRS 206.330 which is punishable as a misdemeanor, NRS 207.180,
15 207.200 ~~for~~, 207.210 **or 392.915** is guilty of a gross misdemeanor.

16 **Sec. 3.** NRS 41.690 is hereby amended to read as follows:

17 41.690 1. A person who has suffered injury as the proximate
18 result of the willful violation of the provisions of NRS 200.030,
19 200.050, 200.280, 200.310, 200.366, 200.380, 200.400, 200.460,
20 200.463, 200.4631, 200.464, 200.465, 200.467, 200.468, 200.471,
21 200.481, 200.508, 200.5099, 200.571, 200.575, **202.448**, 203.010,
22 203.020, 203.030, 203.060, 203.080, 203.090, 203.100, 203.110,
23 203.119, 205.010 to 205.025, inclusive, 205.060, 205.067, 205.075,
24 205.0832, 205.220, 205.226, 205.228, 205.240, 205.270, 205.2715,
25 205.274, 205.2741, 206.010, 206.040, 206.125, 206.140, 206.150,
26 206.200, 206.310, 206.330, 207.180, 207.190, 207.200 ~~for~~ ,
27 207.210 **or 392.915** by a perpetrator who was motivated by the
28 injured person's actual or perceived race, color, religion, national
29 origin, physical or mental disability, sexual orientation or gender
30 identity or expression may bring an action for the recovery of his or
31 her actual damages and any punitive damages which the facts may
32 warrant. If the person who has suffered injury prevails in an action
33 brought pursuant to this subsection, the court shall award the person
34 costs and reasonable attorney's fees.

35 2. The liability imposed by this section is in addition to any
36 other liability imposed by law.

37 3. As used in this section, "gender identity or expression" has
38 the meaning ascribed to it in NRS 193.0148.

39 **Sec. 4.** The amendatory provisions of this act apply to offenses
40 committed on or after October 1, 2021.



