

Senate Bill No. 289–Senator Nguyen

CHAPTER.....

AN ACT relating to crimes; expanding the applicability of enhanced penalties for assault or battery against a provider of health care under certain circumstances; providing penalties; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law provides that an assault without a deadly weapon or battery without a deadly weapon or without substantial harm to the victim is generally punishable as a misdemeanor. (NRS 200.471, 200.481) A person who commits assault without a deadly weapon against a provider of health care in the performance of his or her duties where the perpetrator knows or should know that the victim is a provider of health care is instead guilty of: (1) a category D felony, if the perpetrator is a probationer, a prisoner who is in lawful custody or confinement or a parolee; and (2) in all other cases, a gross misdemeanor. (NRS 200.471) Additionally, a person who commits a battery against a provider of health care performing his or her duty is guilty of: (1) a gross misdemeanor, if the perpetrator knows or should know that the victim is a provider of health care; or (2) category B felony if the perpetrator knows or should know that the victim is a provider of health care and the battery involves substantial bodily harm or strangulation. (NRS 200.481) **Sections 1 and 2** of this bill provide that, for those purposes, the term “provider of health care” includes: (1) a behavior analyst, assistant behavior analyst, registered behavior technician, mental health technician, public safety officer at a health care facility or participant in a program of training to provide emergency medical services; (2) a person who provides health care services in the home for compensation; or (3) any person who is employed by or volunteers at a health care facility and meets certain other requirements. **Sections 1 and 2** additionally provide that the enhanced penalties for an assault or a battery against a provider of health care apply any time the provider of health care is assaulted or battered on the premises of a health care facility where the provider of health care performs his or her duty and the perpetrator knows or should know that the victim is a provider of health care, whether or not the provider of health care was performing his or her duty.

EXPLANATION – Matter in *bolded italics* is new; 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:

**Section 1.** NRS 200.471 is hereby amended to read as follows:  
200.471 1. As used in this section:

(a) “Assault” means:

- (1) Unlawfully attempting to use physical force against another person; or
- (2) Intentionally placing another person in reasonable apprehension of immediate bodily harm.



(b) “Fire-fighting agency” has the meaning ascribed to it in NRS 239B.020.

(c) *“Health care facility” means a facility licensed pursuant to chapter 449 of NRS, an office of a person listed in NRS 629.031, a clinic or any other location, other than a residence, where health care is provided.*

(d) “Officer” means:

(1) A person who possesses some or all of the powers of a peace officer;

(2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;

(3) A member of a volunteer fire department;

(4) A jailer, guard or other correctional officer of a city or county jail;

(5) A prosecuting attorney of an agency or political subdivision of the United States or of this State;

(6) A justice of the Supreme Court, judge of the Court of Appeals, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master or referee, including a person acting pro tempore in a capacity listed in this subparagraph;

(7) An employee of this State or a political subdivision of this State whose official duties require the employee to make home visits;

(8) A civilian employee or a volunteer of a law enforcement agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to law enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the law enforcement agency;

(9) A civilian employee or a volunteer of a fire-fighting agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to fire fighting or fire prevention; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the fire-fighting agency; or

(10) A civilian employee or volunteer of this State or a political subdivision of this State whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to code enforcement; and



(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for this State or a political subdivision of this State.

~~(d)~~ (e) “Provider of health care” means ~~fa~~ :

(1) A physician, a medical student, a perfusionist or a physician assistant licensed pursuant to chapter 630 of NRS, a practitioner of respiratory care, a homeopathic physician, an advanced practitioner of homeopathy, a homeopathic assistant, an osteopathic physician, a physician assistant licensed pursuant to chapter 633 of NRS, a podiatric physician, a podiatry hygienist, a physical therapist, a medical laboratory technician, an optometrist, a chiropractic physician, a chiropractic assistant, a doctor of Oriental medicine, a nurse, a student nurse, a certified nursing assistant, a nursing assistant trainee, a medication aide - certified, *a person who provides health care services in the home for compensation*, a dentist, a dental student, a dental hygienist, a dental hygienist student, a pharmacist, a pharmacy student, an intern pharmacist, an attendant on an ambulance or air ambulance, a psychologist, a social worker, a marriage and family therapist, a marriage and family therapist intern, a clinical professional counselor, a clinical professional counselor intern, *a behavior analyst, an assistant behavior analyst, a registered behavior technician, a mental health technician*, a licensed dietitian, the holder of a license or a limited license issued under the provisions of chapter 653 of NRS, *a public safety officer at a health care facility*, an emergency medical technician, an advanced emergency medical technician , ~~and~~ a paramedic ~~f~~

~~(e)~~ *or a participant in a program of training to provide emergency medical services; or*

(2) *An employee of or volunteer for a health care facility who:*

*(I) Interacts with the public;*

*(II) Performs tasks related to providing health care; and*

*(III) Wears identification, clothing or a uniform that identifies the person as an employee or volunteer of the health care facility.*

(f) “School employee” means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100 or 391.281.

~~(f)~~ (g) “Sporting event” has the meaning ascribed to it in NRS 41.630.

~~(g)~~ (h) “Sports official” has the meaning ascribed to it in NRS 41.630.



~~(h)~~ (i) "Taxicab" has the meaning ascribed to it in NRS 706.8816.

~~(i)~~ (j) "Taxicab driver" means a person who operates a taxicab.

~~(j)~~ (k) "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.

2. A person convicted of an assault shall be punished:

(a) If paragraph (c) or (d) does not apply to the circumstances of the crime and the assault is not made with the use of a deadly weapon or the present ability to use a deadly weapon, for a misdemeanor.

(b) If the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

(c) If paragraph (d) does not apply to the circumstances of the crime and if the assault ~~is~~:

*(I) Is committed upon ~~an~~:*

*(I) An officer, ~~a provider of health care,~~ a school employee, a taxicab driver or a transit operator who is performing his or her duty;*

*(II) A provider of health care while the provider of health care is performing his or her duty or is on the premises where he or she performs that duty; or ~~upon a~~*

*(III) A sports official based on the performance of his or her duties at a sporting event; and ~~the~~*

*(2) The person charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official,*

*↳ for a gross misdemeanor, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.*

(d) If the assault ~~is~~:

*(1) Is committed by a probationer, a prisoner who is in lawful custody or confinement or a parolee upon ~~an~~:*

*(I) An officer, ~~a provider of health care,~~ a school employee, a taxicab driver or a transit operator who is performing his or her duty;*



*(II) A provider of health care while the provider of health care is performing his or her duty or is on the premises where he or she performs that duty; or ~~[upon a]~~*

*(III) A sports official based on the performance of his or her duties at a sporting event ; ~~[by a probationer, a prisoner who is in lawful custody or confinement or a parolee,]~~ and ~~[the]~~*

*(2) The* probationer, prisoner or parolee charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official,

↳ for a category D felony as provided in NRS 193.130, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

**Sec. 2.** NRS 200.481 is hereby amended to read as follows:

200.481 1. As used in this section:

(a) “Battery” means any willful and unlawful use of force or violence upon the person of another.

(b) “Child” means a person less than 18 years of age.

(c) “Fire-fighting agency” has the meaning ascribed to it in NRS 239B.020.

*(d) “Health care facility” has the meaning ascribed to it in NRS 200.471.*

*(e) “Officer” means:*

(1) A person who possesses some or all of the powers of a peace officer;

(2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;

(3) A member of a volunteer fire department;

(4) A jailer, guard, matron or other correctional officer of a city or county jail or detention facility;

(5) A prosecuting attorney of an agency or political subdivision of the United States or of this State;

(6) A justice of the Supreme Court, judge of the Court of Appeals, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master or referee, including, without limitation, a person acting pro tempore in a capacity listed in this subparagraph;

(7) An employee of this State or a political subdivision of this State whose official duties require the employee to make home visits;



(8) A civilian employee or a volunteer of a law enforcement agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to law enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the law enforcement agency;

(9) A civilian employee or a volunteer of a fire-fighting agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to fire fighting or fire prevention; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the fire-fighting agency; or

(10) A civilian employee or volunteer of this State or a political subdivision of this State whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to code enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for this State or a political subdivision of this State.

~~(e)~~ (f) “Provider of health care” has the meaning ascribed to it in NRS 200.471.

~~(f)~~ (g) “School employee” means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100 or 391.281.

~~(g)~~ (h) “Sporting event” has the meaning ascribed to it in NRS 41.630.

~~(h)~~ (i) “Sports official” has the meaning ascribed to it in NRS 41.630.

~~(i)~~ (j) “Strangulation” means intentionally impeding the normal breathing or circulation of the blood by applying pressure on the throat or neck or by blocking the nose or mouth of another person in a manner that creates a risk of death or substantial bodily harm.

~~(j)~~ (k) “Taxicab” has the meaning ascribed to it in NRS 706.8816.

~~(k)~~ (l) “Taxicab driver” means a person who operates a taxicab.

~~(l)~~ (m) “Transit operator” means a person who operates a bus or other vehicle as part of a public mass transportation system.



2. Except as otherwise provided in NRS 200.485, a person convicted of a battery, other than a battery committed by an adult upon a child which constitutes child abuse, shall be punished:

(a) If the battery is not committed with a deadly weapon, and no substantial bodily harm to the victim results, except under circumstances where a greater penalty is provided in this section or NRS 197.090, for a misdemeanor.

(b) If the battery is not committed with a deadly weapon, and either substantial bodily harm to the victim results or the battery is committed by strangulation, for a category C felony as provided in NRS 193.130.

(c) If:

(1) The battery is committed upon ~~[an]~~ :

~~(I) An officer, [provider of health care,] school employee, taxicab driver or transit operator who was performing his or her duty ;~~

~~(II) A provider of health care while the provider of health care is performing his or her duty or is on the premises where he or she performs that duty; or [upon a]~~

~~(III) A sports official based on the performance of his or her duties at a sporting event;~~

(2) The officer, provider of health care, school employee, taxicab driver, transit operator or sports official suffers substantial bodily harm or the battery is committed by strangulation; and

(3) The person charged knew or should have known that the victim was an officer, provider of health care, school employee, taxicab driver, transit operator or sports official,

➔ for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, or by a fine of not more than \$10,000, or by both fine and imprisonment.

(d) If the battery ~~[is]~~ :

~~(1) Is committed upon [an] :~~

~~(I) An officer, [provider of health care,] school employee, taxicab driver or transit operator who is performing his or her duty ;~~

~~(II) A provider of health care while the provider of health care is performing his or her duty or is on the premises where he or she performs that duty; or [upon a]~~

~~(III) A sports official based on the performance of his or her duties at a sporting event ; and [the]~~

(2) ~~The~~ person charged knew or should have known that the victim was an officer, provider of health care, school employee, taxicab driver, transit operator or sports official,



↳ for a gross misdemeanor, except under circumstances where a greater penalty is provided in this section.

(e) If the battery is committed with the use of a deadly weapon, and:

(1) No substantial bodily harm to the victim results, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than \$10,000.

(2) Substantial bodily harm to the victim results or the battery is committed by strangulation, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than \$10,000.

(f) If the battery is committed by a probationer, a prisoner who is in lawful custody or confinement or a parolee, without the use of a deadly weapon, whether or not substantial bodily harm results and whether or not the battery is committed by strangulation, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

(g) If the battery is committed by a probationer, a prisoner who is in lawful custody or confinement or a parolee, with the use of a deadly weapon, and:

(1) No substantial bodily harm to the victim results, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years.

(2) Substantial bodily harm to the victim results or the battery is committed by strangulation, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years.

