

ASSEMBLY BILL NO. 124—ASSEMBLYMEN DIAZ, CARRILLO, ELLIOT
ANDERSON, KIRKPATRICK, OHRENSCHALL; ARAUJO,
BUSTAMANTE ADAMS, CARLTON, DICKMAN, FLORES,
JOINER, NEAL, SPRINKLE, SWANK AND THOMPSON

FEBRUARY 6, 2015

JOINT SPONSOR: SENATOR DENIS

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing punishment for crimes.
(BDR 4-182)

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 punishment for crimes; revising the minimum
age at which a child may be punished under certain
circumstances; and providing other matters properly
relating thereto.

Legislative Counsel's Digest:

1 Under existing law, the minimum age at which a child may be punished for a
2 crime is 8 years of age. (NRS 194.010) This bill raises the minimum age at which a
3 child may be punished to 10 years of age unless the child is charged with murder or
4 certain sexual offenses.

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

1 **Section 1.** (Deleted by amendment.)

2 **Sec. 2.** (Deleted by amendment.)

3 **Sec. 3.** (Deleted by amendment.)

4 **Sec. 3.5.** NRS 48.061 is hereby amended to read as follows:

5 48.061 1. Except as otherwise provided in subsection 2,
6 evidence of domestic violence and expert testimony concerning the
7 effect of domestic violence, including, without limitation, the effect



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1 of physical, emotional or mental abuse, on the beliefs, behavior and
2 perception of the alleged victim of the domestic violence that is
3 offered by the prosecution or defense is admissible in a criminal
4 proceeding for any relevant purpose, including, without limitation,
5 when determining:

6 (a) Whether a defendant is excepted from criminal liability
7 pursuant to subsection ~~7~~ 8 of NRS 194.010, to show the state of
8 mind of the defendant.

9 (b) Whether a defendant in accordance with NRS 200.200 has
10 killed another in self-defense, toward the establishment of the legal
11 defense.

12 2. Expert testimony concerning the effect of domestic violence
13 may not be offered against a defendant pursuant to subsection 1 to
14 prove the occurrence of an act which forms the basis of a criminal
15 charge against the defendant.

16 3. As used in this section, "domestic violence" means the
17 commission of any act described in NRS 33.018.

18 **Sec. 4.** NRS 194.010 is hereby amended to read as follows:

19 194.010 All persons are liable to punishment except those
20 belonging to the following classes:

21 1. Children under the age of 8 years.

22 2. *Children between the ages of 8 years and 10 years, unless*
23 *the child is charged with murder or a sexual offense as defined in*
24 *NRS 62F.100.*

25 3. Children between the ages of 8 years and 14 years, in the
26 absence of clear proof that at the time of committing the act charged
27 against them they knew its wrongfulness.

28 ~~3~~ 4. Persons who committed the act charged or made the
29 omission charged in a state of insanity.

30 ~~4~~ 5. Persons who committed the act or made the omission
31 charged under an ignorance or mistake of fact, which disproves any
32 criminal intent, where a specific intent is required to constitute the
33 offense.

34 ~~5~~ 6. Persons who committed the act charged without being
35 conscious thereof.

36 ~~6~~ 7. Persons who committed the act or made the omission
37 charged, through misfortune or by accident, when it appears that
38 there was no evil design, intention or culpable negligence.

39 ~~7~~ 8. Persons, unless the crime is punishable with death, who
40 committed the act or made the omission charged under threats or
41 menaces sufficient to show that they had reasonable cause to
42 believe, and did believe, their lives would be endangered if they
43 refused, or that they would suffer great bodily harm.

