
SENATE BILL NO. 60—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE NEVADA SILVER
HAired LEGISLATIVE FORUM)

PREFILED NOVEMBER 20, 2024

Referred to Committee on Judiciary

SUMMARY—Revises crimes committed against older or vulnerable persons. (BDR 15-342)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
Effect on the State: Yes.

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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 crimes; expanding the types of crimes that require the imposition of an additional penalty for certain crimes committed against an older or a vulnerable person; increasing the penalties for residential burglary and invasion of the home when those crimes are committed against an older person; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires the imposition of an additional penalty upon a person
2 who commits certain crimes against a person 60 years of age or older or a
3 vulnerable person, which must run consecutively with the sentence prescribed by
4 statute for the crime. (NRS 193.167) **Section 1** of this bill expands the list of crimes
5 against an older or a vulnerable person that require the imposition of the additional
6 penalty to include: (1) residential burglary; (2) invasion of the home; (3) theft, or
7 attempted theft; (4) forgery, or attempted forgery; (5) larceny, or attempted larceny;
8 (6) fraud, or attempted fraud; and (7) engaging in a deceptive trade practice.
9 Existing law establishes the crime of burglary and sets forth various penalties
10 based on the structure in which the burglary is committed. A burglary of a dwelling
11 is considered residential burglary and is a category B felony punishable by
12 imprisonment in the state prison for a minimum term of not less than 1 year and a
13 maximum term of not more than 10 years. (NRS 205.060) **Section 2** of this bill
14 increases the minimum term of imprisonment to not less than 2 years and the
15 maximum term of imprisonment to not more than 20 years if a person: (1) is



16 convicted of residential burglary; and (2) causes the death of or serious bodily
17 injury to a person 60 years of age or older during the commission of the crime.

18 Existing law prohibits a person from forcibly entering a dwelling without the
19 permission of the owner, resident or lawful occupant, and makes such an invasion
20 of the home a category B felony punishable by imprisonment in the state prison for
21 a minimum term of not less than 1 year and a maximum term of not more than 10
22 years. (NRS 205.067) **Section 3** of this bill increases the minimum term of
23 imprisonment to not less than 2 years and the maximum term of imprisonment to
24 not more than 20 years if a person: (1) is convicted of invasion of the home; and (2)
25 causes the death of or serious bodily injury to a person 60 years of age or older
26 during the commission of the crime.

27 Existing law provides that if a person commits certain property crimes against a
28 person 60 years of age or older or a vulnerable person for which the person is
29 subject to an additional penalty: (1) the court is prohibited from granting probation
30 to the person until the person has paid to the victim of the crime at least 80 percent
31 of the amount of restitution set by the court; (2) the State Board of Parole
32 Commissioners is prohibited from releasing the person on parole until the person
33 has paid to the victim of the crime at least 80 percent of the amount of restitution
34 set by the court; and (3) the person is liable for a civil penalty to be recovered by
35 the Attorney General in a civil action brought in the name of the State of Nevada.
36 (NRS 176A.120, 213.1216, 228.280) **Sections 4 and 5** of this bill add to the list of
37 crimes for which a person is prohibited from being granted parole or released from
38 parole until the person has paid at least 80 percent of the amount of restitution set
39 by the court: (1) residential burglary; (2) invasion of the home; (3) theft, or
40 attempted theft; (4) forgery, or attempted forgery; (5) larceny, or attempted larceny;
41 (6) fraud, or attempted fraud; and (7) engaging in a deceptive trade practice.
42 **Section 6** of this bill adds those additional crimes to the list of crimes for which a
43 person is also liable for a civil penalty.

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

1 **Section 1.** NRS 193.167 is hereby amended to read as follows:
2 193.167 1. Except as otherwise provided in NRS 193.169,
3 any person who commits the crime of:

- 4 (a) Murder;
5 (b) Attempted murder;
6 (c) Assault;
7 (d) Battery;
8 (e) Kidnapping;
9 (f) Robbery;
10 (g) Sexual assault;
11 (h) *Residential burglary;*
12 (i) *Invasion of the home;*
13 (j) *Theft, or attempted theft;*
14 (k) *Forgery, or attempted forgery;*
15 (l) *Larceny, or attempted larceny;*
16 (m) Embezzlement of, or attempting or conspiring to embezzle,
17 money or property of a value of \$650 or more;



1 ~~(i)~~ (n) *Fraud, or attempted fraud;*

2 (o) Obtaining, or attempting or conspiring to obtain, money or
3 property of a value of \$650 or more by false pretenses; ~~(f)~~

4 ~~(j)~~ (p) Taking money or property from the person of another ~~(k)~~
5 ; or

6 (q) *Engaging in a deceptive trade practice,*

7 ↪ against any person who is 60 years of age or older or against a
8 vulnerable person shall, in addition to the term of imprisonment
9 prescribed by statute for the crime, be punished, if the crime is a
10 misdemeanor or gross misdemeanor, by imprisonment in the county
11 jail for a term equal to the term of imprisonment prescribed by
12 statute for the crime, and, if the crime is a felony, by imprisonment
13 in the state prison for a minimum term of not less than 1 year and a
14 maximum term of not more than 20 years.

15 2. Except as otherwise provided in NRS 193.169, any person
16 who commits a criminal violation of the provisions of chapter 90 or
17 91 of NRS against any person who is 60 years of age or older or
18 against a vulnerable person shall, in addition to the term of
19 imprisonment prescribed by statute for the criminal violation, be
20 punished, if the criminal violation is a misdemeanor or gross
21 misdemeanor, by imprisonment in the county jail for a term equal to
22 the term of imprisonment prescribed by statute for the criminal
23 violation, and, if the criminal violation is a felony, by imprisonment
24 in the state prison for a minimum term of not less than 1 year and a
25 maximum term of not more than 20 years.

26 3. In determining the length of the additional penalty imposed
27 pursuant to this section, the court shall consider the following
28 information:

29 (a) The facts and circumstances of the crime or criminal
30 violation;

31 (b) The criminal history of the person;

32 (c) The impact of the crime or criminal violation on any victim;

33 (d) Any mitigating factors presented by the person; and

34 (e) Any other relevant information.

35 ↪ The court shall state on the record that it has considered the
36 information described in paragraphs (a) to (e), inclusive, in
37 determining the length of the additional penalty imposed.

38 4. The sentence prescribed by this section:

39 (a) Must not exceed the sentence imposed for the crime or
40 criminal violation; and

41 (b) Must run consecutively with the sentence prescribed by
42 statute for the crime or criminal violation.

43 5. This section does not create any separate offense but
44 provides an additional penalty for the primary offense, whose
45 imposition is contingent upon the finding of the prescribed fact.



1 6. As used in this section, "vulnerable person" has the meaning
2 ascribed to it in NRS 200.5092.

3 **Sec. 2.** NRS 205.060 is hereby amended to read as follows:

4 205.060 1. A person who, by day or night, unlawfully enters
5 or unlawfully remains in any:

6 (a) Dwelling with the intent to commit grand or petit larceny,
7 assault or battery on any person or any felony, or to obtain money or
8 property by false pretenses, is guilty of residential burglary.

9 (b) Business structure with the intent to commit grand or petit
10 larceny, assault or battery on any person or any felony is guilty of
11 burglary of a business.

12 (c) Motor vehicle, or any part thereof, with the intent to commit
13 grand or petit larceny, assault or battery on any person or any felony
14 is guilty of burglary of a motor vehicle.

15 (d) Structure other than a dwelling, business structure or motor
16 vehicle with the intent to commit grand or petit larceny, assault or
17 battery on any person or any felony is guilty of burglary of a
18 structure.

19 2. Except as otherwise provided in this section, a person
20 convicted of:

21 (a) Burglary of a motor vehicle:

22 (1) For the first offense, is guilty of a category E felony and
23 shall be punished as provided in NRS 193.130.

24 (2) For a second or subsequent offense, is guilty of a
25 category D felony and shall be punished as provided in
26 NRS 193.130.

27 (b) Burglary of a structure is guilty of a category D felony and
28 shall be punished as provided in NRS 193.130.

29 (c) Burglary of a business is guilty of a category C felony and
30 shall be punished as provided in NRS 193.130.

31 (d) Residential burglary is guilty of a category B felony and
32 shall be punished by imprisonment in the state prison for a
33 minimum term of not less than 1 year and a maximum term of not
34 more than 10 years.

35 3. If mitigating circumstances exist, a person who is convicted
36 of residential burglary may be released on probation and granted a
37 suspension of sentence if the person has not previously been
38 convicted of residential burglary or another crime involving the
39 unlawful entry or invasion of a dwelling.

40 4. Whenever any burglary pursuant to this section is committed
41 on a vessel, vehicle, vehicle trailer, semitrailer, house trailer,
42 airplane, glider, boat or railroad car, in motion or in rest, in this
43 State, and it cannot with reasonable certainty be ascertained in what
44 county the crime was committed, the offender may be arrested and
45 tried in any county through which the vessel, vehicle, vehicle trailer,



1 semitrailer, house trailer, airplane, glider, boat or railroad car
2 traveled during the time the burglary was committed.

3 5. A person convicted of any burglary pursuant to this section
4 who has in his or her possession or gains possession of any firearm
5 or deadly weapon at any time during the commission of the crime, at
6 any time before leaving the dwelling, structure or motor vehicle or
7 upon leaving the dwelling, structure or motor vehicle, is guilty of a
8 category B felony and shall be punished by imprisonment in the
9 state prison for a minimum term of not less than 2 years and a
10 maximum term of not more than 15 years, and may be further
11 punished by a fine of not more than \$10,000.

12 6. *A person convicted of residential burglary who causes the*
13 *death of or serious bodily injury to a person who is 60 years of age*
14 *or older during the commission of the crime, is guilty of a category*
15 *B felony and shall be punished by imprisonment in the state*
16 *prison for a minimum term of not less than 2 years and a*
17 *maximum term of not more than 20 years, and may be further*
18 *punished by a fine of not more than \$10,000.*

19 7. As used in this section:

20 (a) "Business structure" means any structure or building, the
21 primary purpose of which is to carry on any lawful effort for a
22 business, including, without limitation, any business with an
23 educational, industrial, benevolent, social or political purpose,
24 regardless of whether the business is operated for profit.

25 (b) "Dwelling" means any structure, building, house, room,
26 apartment, tenement, tent, conveyance, vessel, boat, vehicle, house
27 trailer, travel trailer, motor home or railroad car, including, without
28 limitation, any part thereof that is divided into a separately occupied
29 unit:

30 (1) In which any person lives; or

31 (2) Which is customarily used by a person for overnight
32 accommodations,

33 ↪ regardless of whether the person is inside at the time of the
34 offense.

35 (c) "Motor vehicle" means any motorized craft or device
36 designed for the transportation of a person or property across land or
37 water or through the air which does not qualify as a dwelling or
38 business structure pursuant to this section.

39 (d) "Unlawfully enters or unlawfully remains" means for a
40 person to enter or remain in a dwelling, structure or motor vehicle or
41 any part thereof, including, without limitation, under false pretenses,
42 when the person is not licensed or privileged to do so. For purposes
43 of this definition, a license or privilege to enter or remain in a part of
44 a dwelling, structure or motor vehicle that is open to the public is



1 not a license or privilege to enter or remain in a part of the dwelling,
2 structure or motor vehicle that is not open to the public.

3 **Sec. 3.** NRS 205.067 is hereby amended to read as follows:

4 205.067 1. A person who, by day or night, forcibly enters a
5 dwelling without permission of the owner, resident or lawful
6 occupant, whether or not a person is present at the time of the entry,
7 is guilty of invasion of the home.

8 2. A person convicted of invasion of the home is guilty of a
9 category B felony and shall be punished by imprisonment in the
10 state prison for a minimum term of not less than 1 year and a
11 maximum term of not more than 10 years, and may be further
12 punished by a fine of not more than \$10,000. A person who is
13 convicted of invasion of the home and who has previously been
14 convicted of any burglary pursuant to NRS 205.060 or invasion of
15 the home must not be released on probation or granted a suspension
16 of sentence.

17 3. Whenever an invasion of the home is committed on a vessel,
18 vehicle, vehicle trailer, semitrailer, house trailer, airplane, glider,
19 boat or railroad car, in motion or in rest, in this State, and it cannot
20 with reasonable certainty be ascertained in what county the crime
21 was committed, the offender may be arrested and tried in any county
22 through which the conveyance, vessel, boat, vehicle, house trailer,
23 travel trailer, motor home or railroad car traveled during the time the
24 invasion was committed.

25 4. A person convicted of invasion of the home who has in his
26 or her possession or gains possession of any firearm or deadly
27 weapon at any time during the commission of the crime, at any time
28 before leaving the structure or upon leaving the structure, is guilty
29 of a category B felony and shall be punished by imprisonment in the
30 state prison for a minimum term of not less than 2 years and a
31 maximum term of not more than 15 years, and may be further
32 punished by a fine of not more than \$10,000.

33 5. *A person convicted of invasion of the home who causes the*
34 *death of or serious bodily injury to a person who is 60 years of age*
35 *or older during the commission of the crime, is guilty of a category*
36 *B felony and shall be punished by imprisonment in the state*
37 *prison for a minimum term of not less than 2 years and a*
38 *maximum term of not more than 20 years, and may be further*
39 *punished by a fine of not more than \$10,000.*

40 6. As used in this section:

41 (a) "Dwelling" has the meaning ascribed to it in NRS 205.060.

42 (b) "Forcibly enters" means the entry of an inhabited dwelling
43 involving any act of physical force resulting in damage to the
44 structure.



1 **Sec. 4.** NRS 176A.120 is hereby amended to read as follows:

2 176A.120 1. Except as otherwise provided in subsection 2,
3 the court shall not grant probation to a person whose conduct during
4 the commission of the crime for which the person was convicted
5 satisfies the requirements for imposing an additional term of
6 imprisonment pursuant to paragraph (h) , ~~(i)~~ (i) , (j) , (k) , (l) , (m) ,
7 (n) , (o) , (p) or (q) of subsection 1 of NRS 193.167 or subsection 2
8 of NRS 193.167, until the convicted person has paid to the victim of
9 the offense at least 80 percent of the amount of restitution set by the
10 court pursuant to NRS 176.033.

11 2. The court shall not deny probation to a person as provided in
12 subsection 1 unless the court determines that the person has
13 willfully failed to make restitution to the victim of the crime and the
14 person has the ability to make restitution.

15 **Sec. 5.** NRS 213.1216 is hereby amended to read as follows:

16 213.1216 1. Except as otherwise provided in subsection 2,
17 the Board shall not release on parole a prisoner whose conduct
18 during the commission of the crime for which the prisoner was
19 imprisoned satisfies the requirements for imposing an additional
20 term of imprisonment pursuant to paragraph (h) , ~~(i)~~ (i) , (j) , (k) ,
21 (l) , (m) , (n) , (o) , (p) or (q) of subsection 1 of NRS 193.167 or
22 subsection 2 of NRS 193.167, until the prisoner has paid to the
23 victim of the offense at least 80 percent of the amount of restitution
24 set by a court pursuant to NRS 176.033.

25 2. The Board shall not refuse to release a prisoner on parole as
26 provided in subsection 1 unless the Board determines that the
27 prisoner has willfully failed to make restitution to the victim of the
28 crime and the prisoner has the ability to make restitution.

29 **Sec. 6.** NRS 228.280 is hereby amended to read as follows:

30 228.280 1. In addition to any criminal penalty, a person who
31 is convicted of a crime against an older person or vulnerable person
32 for which an additional term of imprisonment may be imposed
33 pursuant to paragraph (h) , (i) , ~~(j)~~ (j) , (k) , (l) , (m) , (n) , (o) , (p) or
34 (q) of subsection 1 of NRS 193.167 or of the abuse, neglect,
35 exploitation, isolation or abandonment of an older person or
36 vulnerable person pursuant to NRS 200.5099 or 200.50995 is liable
37 for a civil penalty to be recovered by the Attorney General in a civil
38 action brought in the name of the State of Nevada:

39 (a) For the first offense, in an amount which is not less than
40 \$5,000 and not more than \$20,000.

41 (b) For a second or subsequent offense, in an amount which is
42 not less than \$10,000 and not more than \$30,000.

43 2. The Attorney General shall deposit any money collected for
44 civil penalties pursuant to subsection 1 in equal amounts to:



1 (a) A separate account in the Fund for the Compensation of
2 Victims of Crime created pursuant to NRS 217.260 to provide
3 compensation to older persons or vulnerable persons who are:

4 (1) Victims of a crime for which an additional term of
5 imprisonment may be imposed pursuant to paragraph (h), (i), ~~(j)~~
6 (j), (k), (l), (m), (n), (o), (p) or (q) of subsection 1 of NRS 193.167;
7 or

8 (2) Abused, neglected, exploited, isolated or abandoned in
9 violation of NRS 200.5099 and 200.50995.

10 (b) The Account for the Unit for the Investigation and
11 Prosecution of Crimes Against Older Persons or Vulnerable Persons
12 created pursuant to NRS 228.285.

13 **Sec. 7.** The amendatory provisions of this act apply to offenses
14 committed on or after the effective date of this act.

15 **Sec. 8.** This act becomes effective upon passage and approval.

