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SENATE BILL NO. 189—SENATORS JONES, HARDY,  
SMITH; AND KIECKHEFER (BY REQUEST)

FEBRUARY 25, 2013

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JOINT SPONSOR: ASSEMBLYMAN EISEN

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Referred to Committee on Judiciary

SUMMARY—Revises provisions governing assault and battery.  
(BDR 15-917)

FISCAL NOTE: Effect on Local Government: No.  
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.

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AN ACT relating to crimes; revising the definition of provider of health care to include certain persons for the purposes of enhancing the penalties for assault and battery; providing penalties; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 Existing law provides that a person is guilty of: (1) a category D felony if the  
2 person commits an assault upon a provider of health care; and (2) a category B  
3 felony if the person commits an assault upon a provider of health care with the use  
4 of a deadly weapon or the present ability to use a deadly weapon. (NRS 200.471)  
5 Existing law also provides that a person is guilty of: (1) a category B felony if the  
6 person commits a battery upon a provider of health care which causes substantial  
7 bodily harm or is committed by strangulation; and (2) a gross misdemeanor if the  
8 person commits a battery upon a provider of health care and the person knew or  
9 should have known that the victim was a provider of health care. (NRS 200.481)  
10 This bill revises the definition of provider of health care to include a medical  
11 student, dental student, dental hygienist student and pharmacy student for the  
12 purposes of enhancing the penalties for the crimes of assault and battery against  
13 such a person.



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

1       **Section 1.** NRS 200.471 is hereby amended to read as follows:  
2       200.471 1. As used in this section:  
3       (a) “Assault” means:  
4           (1) Unlawfully attempting to use physical force against  
5 another person; or  
6           (2) Intentionally placing another person in reasonable  
7 apprehension of immediate bodily harm.  
8       (b) “Officer” means:  
9           (1) A person who possesses some or all of the powers of a  
10 peace officer;  
11           (2) A person employed in a full-time salaried occupation of  
12 fire fighting for the benefit or safety of the public;  
13           (3) A member of a volunteer fire department;  
14           (4) A jailer, guard or other correctional officer of a city or  
15 county jail;  
16           (5) A justice of the Supreme Court, district judge, justice of  
17 the peace, municipal judge, magistrate, court commissioner, master  
18 or referee, including a person acting pro tempore in a capacity listed  
19 in this subparagraph; or  
20           (6) An employee of the State or a political subdivision of the  
21 State whose official duties require the employee to make home  
22 visits.  
23       (c) “Provider of health care” means a physician, *a medical*  
24 *student*, a perfusionist or a physician assistant licensed pursuant to  
25 chapter 630 of NRS, a practitioner of respiratory care, a  
26 homeopathic physician, an advanced practitioner of homeopathy, a  
27 homeopathic assistant, an osteopathic physician, a physician  
28 assistant licensed pursuant to chapter 633 of NRS, a podiatric  
29 physician, a podiatry hygienist, a physical therapist, a medical  
30 laboratory technician, an optometrist, a chiropractor, a  
31 chiropractor’s assistant, a doctor of Oriental medicine, a nurse, a  
32 student nurse, a certified nursing assistant, a nursing assistant  
33 trainee, a medication aide - certified, a dentist, *a dental student*, a  
34 dental hygienist, *a dental hygienist student*, a pharmacist, *a*  
35 *pharmacy student*, an intern pharmacist, an attendant on an  
36 ambulance or air ambulance, a psychologist, a social worker, a  
37 marriage and family therapist, a marriage and family therapist  
38 intern, a clinical professional counselor, a clinical professional  
39 counselor intern, a licensed dietitian and an emergency medical  
40 technician.



1 (d) "School employee" means a licensed or unlicensed person  
2 employed by a board of trustees of a school district pursuant to  
3 NRS 391.100.

4 (e) "Sporting event" has the meaning ascribed to it in  
5 NRS 41.630.

6 (f) "Sports official" has the meaning ascribed to it in  
7 NRS 41.630.

8 (g) "Taxicab" has the meaning ascribed to it in NRS 706.8816.

9 (h) "Taxicab driver" means a person who operates a taxicab.

10 (i) "Transit operator" means a person who operates a bus or  
11 other vehicle as part of a public mass transportation system.

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

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

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

22 (c) If paragraph (d) does not apply to the circumstances of the  
23 crime and if the assault is committed upon an officer, a provider of  
24 health care, a school employee, a taxicab driver or a transit operator  
25 who is performing his or her duty or upon a sports official based on  
26 the performance of his or her duties at a sporting event and the  
27 person charged knew or should have known that the victim was an  
28 officer, a provider of health care, a school employee, a taxicab  
29 driver, a transit operator or a sports official, for a gross  
30 misdemeanor, unless the assault is made with the use of a deadly  
31 weapon or the present ability to use a deadly weapon, then for a  
32 category B felony 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 6 years, or by a fine of not more than \$5,000, or by both  
35 fine and imprisonment.

36 (d) If the assault is committed upon an officer, a provider of  
37 health care, a school employee, a taxicab driver or a transit operator  
38 who is performing his or her duty or upon a sports official based on  
39 the performance of his or her duties at a sporting event by a  
40 probationer, a prisoner who is in lawful custody or confinement or a  
41 parolee, and the probationer, prisoner or parolee charged knew or  
42 should have known that the victim was an officer, a provider of  
43 health care, a school employee, a taxicab driver, a transit operator or  
44 a sports official, for a category D felony as provided in NRS  
45 193.130, unless the assault is made with the use of a deadly weapon



1 or the present ability to use a deadly weapon, then for a category B  
2 felony by imprisonment in the state prison for a minimum term of  
3 not less than 1 year and a maximum term of not more than 6 years,  
4 or by a fine of not more than \$5,000, or by both fine and  
5 imprisonment.

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