

Amendment No. 732

Assembly Amendment to Senate Bill No. 306 Second Reprint (BDR 39-796)

Proposed by: Assemblymember Mosca

Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date	
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/> _____		Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/> _____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/> _____		Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/> _____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/> _____		Receded	<input type="checkbox"/>	Not	<input type="checkbox"/> _____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

KNC/NCA



Date: 5/22/2025

S.B. No. 306—Revises provisions relating to mental health services for children.
(BDR 39-796)



SENATE BILL NO. 306—SENATOR CRUZ-CRAWFORD

MARCH 10, 2025

JOINT SPONSOR: ASSEMBLYMEMBER MOSCA

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to mental health services for children.
(BDR 39-796)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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 mental health; establishing provisions related to the discharge of a child with an emotional disturbance from certain inpatient psychiatric treatment facilities; establishing a task force to develop recommendations for the creation of a program that provides housing and other services to certain children who are discharged from a treatment facility or certain other facilities or released on parole; ***revising provisions related to the designation of certain facilities of the Division of Child and Family Services of the Department of Health and Human Services; expanding the applicability of enhanced penalties for assault or battery against certain persons who provide child welfare services or child protective services;*** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law imposes certain requirements concerning the treatment of a child with an emotional disturbance. (NRS 433B.290-433B.339) **Section 3** of this bill requires a public or private inpatient psychiatric treatment facility that admits a child with an emotional disturbance to establish discharge procedures which prohibit a child from being discharged to a temporary facility. ~~[unless the temporary facility is the only facility that is available to receive the child for treatment.]~~

Section 2.6 of this bill requires the Division of Child and Family Services of the Department of Health and Human Services to establish a task force to develop recommendations for the creation of a program that provides housing and other services to certain children: (1) who are discharged from a treatment facility or other division facility or who are released on parole or discharged from a state facility for the detention of children; and (2) whose parents or guardians are unable to accept the child back into the home after the discharge or release because of a health or safety risk. **Section 2.6 also requires :** ***(1) the Administrator of the Division to appoint representatives of the child welfare, juvenile justice and mental health systems to the task force*** ~~[. Section 2.8 of this bill establishes certain criteria for the recommendations and requires]~~ ***;*** ***and (2) the task force to submit its***

recommendations to ~~[be submitted to]~~ the Joint Interim Standing Committee on Health and Human Services.

Existing law defines ~~[certain terms, including:]~~ “child with an emotional disturbance” for the purposes of chapter 433B of NRS related to the mental health of children. (NRS ~~[433B.020-433B.100.]~~ 433B.045) Section 6 of this bill revises the definition of “child with an emotional disturbance” to provide that the term includes, without limitation, a child with a severe emotional disturbance. ~~[(NRS 433B.045)]~~

~~Sections 7 and 9 of this bill remove and repeal certain provisions that contain a definition of “agency which provides child welfare services” for the purpose of consolidating the provisions into a single definition under section 2.4 of this bill. Section 5 of this bill makes a conforming change to indicate that the consolidated definition of “agency which provides child welfare services” applies to the provisions of chapter 433B of NRS. Section 8 of this bill makes a conforming change related to the consolidated definition.]~~

Existing law designates certain facilities of the Division which provide services for the mental health of children for the purposes of chapter 433B of NRS. Section 10 of this bill makes various changes to designate the facilities of the Division that currently provide these mental health services to children.

Existing law provides that if a person commits an assault upon an officer who is performing his or her duty and the person knew or should have known that the victim was an officer, the person is guilty of: (1) a category B felony if the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon; (2) a category D felony if the person is a probationer, prisoner or parolee; or (3) if neither of those circumstances is present, a gross misdemeanor. (NRS 200.471) Additionally, existing law provides that if a person commits a battery upon an officer, and the person knew or should have known that the victim was an officer, the person is guilty of: (1) a category B felony if the battery causes substantial bodily harm or is committed by strangulation; or (2) if those circumstances are not present and no greater penalty is provided by law, a gross misdemeanor. (NRS 200.481) Sections 11 and 12 of this bill revise the definition of “officer” to include an employee of this State or a political subdivision of this State whose normal job responsibilities require the employee to: (1) interact with the public; and (2) perform tasks related to child welfare services or child protective services or other tasks that expose the person to comparable danger.

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 2.2. Chapter 433B of NRS is hereby amended by adding thereto the provisions set forth as sections 2.4 to 3, inclusive, of this act.

Sec. 2.4. ~~“Agency which provides child welfare services” has the meaning ascribed to it in NRS 433B.030.~~ (Deleted by amendment.)

Sec. 2.6. *1. The Division shall establish a task force to develop recommendations for the creation of a program that provides housing and other services to children, including, without limitation, children with an emotional disturbance:*

(a) Who are:

(1) Discharged from a treatment facility or division facility; or

(2) Released on parole or discharged from a state facility for the detention of children; and

(b) Who do not have access to housing because of the inability of a parent or guardian to accept the child back into the home of the parent or guardian because of a health or safety risk.

2. *The task force shall submit the recommendations developed pursuant to subsection 1 to the Joint Interim Standing Committee on Health and Human Services on or before July 1 of each even-numbered year.*

3. *The Administrator shall appoint representatives of the child welfare, juvenile justice and mental health systems to the task force.*

~~3.1~~ 4. *The members of the task force shall serve without compensation.*

~~4.1~~ 5. *As used in this section, "state facility for the detention of children" has the meaning ascribed to it in NRS 62A.330.*

Sec. 2.8. ~~1. The recommendations for the program described in section 2.6 of this act must:~~

~~(a) Determine the financial responsibility of a parent or guardian for services provided to a child by the program;~~

~~(b) Establish guidelines to ensure that a parent or guardian of a child who receives services from the program is not reported to an agency which provides child welfare services or a law enforcement agency for abuse or neglect of the child solely because the child receives services from the program;~~

~~(c) Require a parent or guardian of a child who receives services from the program to also participate in services to assist in the reunification of the child with the parent or guardian and other members of the family; and~~

~~(d) Prescribe the services to be provided by the program, including, without limitation, the provision of housing, mental health services, educational services, financial literacy services and other services that are necessary to ensure that a child is prepared to live independently.~~

~~2. The task force shall submit the recommendations to the Joint Interim Standing Committee on Health and Human Services on or before July 1 of each even-numbered year.~~ *(Deleted by amendment.)*

Sec. 3. *A public or private inpatient psychiatric treatment facility that admits a child with an emotional disturbance shall establish discharge procedures which prohibit the discharge of the child to a temporary facility, unless the temporary facility is the only treatment facility that is available to receive the child.*

Sec. 3.5. *(Deleted by amendment.)*

Sec. 4. *(Deleted by amendment.)*

Sec. 5. *[NRS 433B.010 is hereby amended to read as follows:*

~~433B.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 433B.020 to 433B.100, inclusive, and section 2.4 of this act have the meanings ascribed to them in those sections.]~~ *(Deleted by amendment.)*

Sec. 6. *NRS 433B.045 is hereby amended to read as follows:*

433B.045 1. "Child with an emotional disturbance" means a child whose progressive development of personality is interfered with or arrested by mental disorder so that the child shows impairment in the capacity expected of the child for his or her age and endowment for:

~~1.1~~ (a) A reasonably accurate perception of the world around him or her;

~~1.2~~ (b) Control of his or her impulses;

~~1.3~~ (c) Satisfying and satisfactory relationships with others;

~~1.4~~ (d) Learning; or

~~1.5~~ (e) Any combination of these factors.

2. *The term includes, without limitation, a child with a severe emotional disturbance.*

Sec. 7. *[NRS 433B.325 is hereby amended to read as follows:*

~~433B.325 1. A treatment facility and any other division facility into which a child may be committed by a court order shall treat each child committed to the~~

1 facility by a court order in all respects in accordance with the child's gender
2 identity or expression and the regulations adopted by the Division of Child and
3 Family Services pursuant to subsection 2.

4 ~~2. The Division of Child and Family Services of the Department shall adopt~~
5 ~~regulations establishing factors for a court to consider before committing a child to~~
6 ~~a treatment facility or other division facility and protocols for such a facility to~~
7 ~~follow when placing a child within the facility to ensure that each child who is so~~
8 ~~committed is placed in a manner that is appropriate for the gender identity or~~
9 ~~expression of the child. Such regulations must be adopted in consultation with:~~

10 ~~(a) Lesbian, gay, bisexual, transgender and questioning children who are~~
11 ~~currently residing in foster homes, facilities for the detention of children, child care~~
12 ~~facilities, mental health facilities and receiving centers or who have resided in such~~
13 ~~settings;~~

14 ~~(b) Representatives of each agency which provides child welfare services in~~
15 ~~this State;~~

16 ~~(c) Representatives of state and local facilities for the detention of children;~~

17 ~~(d) Representatives of lesbian, gay, bisexual, transgender and questioning~~
18 ~~persons;~~

19 ~~(e) Attorneys, including, without limitation, attorneys who regularly represent~~
20 ~~children in child welfare or criminal proceedings;~~

21 ~~(f) Representatives of juvenile courts and family courts;~~

22 ~~(g) Advocates of children; and~~

23 ~~(h) Any other person deemed appropriate by the Division.~~

24 ~~3. A court shall consider the factors prescribed in the regulations adopted~~
25 ~~pursuant to subsection 2 before committing a child to a treatment facility or other~~
26 ~~division facility.~~

27 ~~4. A treatment facility or other division facility to which a child is committed~~
28 ~~by a court order shall follow the protocols prescribed in the regulations adopted~~
29 ~~pursuant to subsection 2 when placing the child within the facility.~~

30 ~~5. As used in this section:~~

31 ~~(a) ["Agency which provides child welfare services" has the meaning ascribed~~
32 ~~to it in NRS 432B.030.~~

33 ~~(b)] "Child care facility" has the meaning ascribed to it in NRS 432A.024.~~

34 ~~[(c)] (b) "Foster home" has the meaning ascribed to it in NRS 424.014.~~

35 ~~[(d)] (e) "Gender identity or expression" has the meaning ascribed to it in NRS~~
36 ~~424.0145.~~

37 ~~[(e)] (d) "Receiving center" has the meaning ascribed to it in NRS 424.0175.]~~
38 ~~(Deleted by amendment.)~~

39 **Sec. 8. [NRS 433B.3394 is hereby amended to read as follows:**

40 ~~433B.3394 1. The task force shall:~~

41 ~~(a) Prescribe procedures for conducting the review by a clinical team appointed~~
42 ~~pursuant to NRS 433B.3396 and the arrangement of the provision of services~~
43 ~~pursuant to that section;~~

44 ~~(b) Develop and carry out procedures to increase the availability of the services~~
45 ~~described in subsection 3 of NRS 433B.3396 throughout this State to allow children~~
46 ~~to receive those services in or near their homes;~~

47 ~~(c) Provide for outreach to and the education of parents and providers of~~
48 ~~mental health services concerning the services available through the program~~
49 ~~developed pursuant to NRS 433B.3393; and~~

50 ~~(d) Make recommendations to the Department concerning the adoption of any~~
51 ~~regulations necessary to carry out the provisions of NRS [433B.3392] 433B.3393 to~~
52 ~~433B.3398, inclusive.~~

~~2. The Department of Health and Human Services shall adopt any regulations necessary to carry out the provisions of NRS [433B.3392] 433B.3393 to 433B.3398, inclusive, including, without limitation, regulations that set forth the manner in which the cost of providing services pursuant to NRS 433B.3396 will be paid. Those regulations must require the parent or guardian of a child to whom services are provided to use any insurance and otherwise contribute to the cost of such services to the extent of his or her ability. (Deleted by amendment.)~~

~~Sec. 9. [NRS 433B.3392 is hereby repealed.] (Deleted by amendment.)~~

Sec. 10. NRS 433B.110 is hereby amended to read as follows:

433B.110 1. The division facilities providing services for the mental health of children are designated as:

- ~~(a) [The Nevada Youth Hospital;~~
- ~~(b) The Adolescent Treatment Center;~~
- ~~(c) Northern Nevada [Children's Behavioral] Child and Adolescent Services;~~
- (b) Psychiatric Residential Treatment Facility North; and
- ~~(d) (c) Southern Nevada [Children's Behavioral] Child and Adolescent Services.~~

2. Division facilities established after July 1, 1993, must be named by the Administrator, subject to the approval of the Director of the Department.

Sec. 11. 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) "Child protective services" has the meaning ascribed to it in NRS 432B.042.
- (c) "Child welfare services" has the meaning ascribed to it in NRS 432B.044.
- (d) "Fire-fighting agency" has the meaning ascribed to it in NRS 239B.020.
- ~~(e)~~ (e) "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.
- ~~(f)~~ (f) "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) An employee of this State or a political subdivision of this State who as part of his or her normal job responsibilities:
 - (I) Interacts with the public; and
 - (II) Performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers;
 - (9) 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;
~~(10)~~ (10) 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
~~(11)~~ (11) 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.

~~(g)~~ (g) “Provider of health care” means:

(1) A physician, a medical student, a perfusionist, an anesthesiologist assistant 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 or anesthesiologist 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 naprapath, 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, an expanded function dental assistant, an expanded function dental assistant 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, a paramedic 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.

~~(h)~~ (h) “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.

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

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

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

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

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

1 ~~(n)~~ (n) “Utility worker” means an employee of a public utility as defined in
2 NRS 704.020 whose official duties require the employee to:

3 (1) Interact with the public;
4 (2) Perform tasks related to the operation of the public utility; and
5 (3) Wear identification, clothing or a uniform that identifies the employee
6 as working for the public utility.

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

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

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

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

17 (1) Is committed upon:

18 (I) An officer, a school employee, a taxicab driver, a transit operator or
19 a utility worker who is performing his or her duty;

20 (II) A provider of health care while the provider of health care is
21 performing his or her duty or is on the premises where he or she performs that duty;
22 or

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

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

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

33 (d) If the assault:

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

36 (I) An officer, a school employee, a taxicab driver, a transit operator or
37 a utility worker who is performing his or her duty;

38 (II) A provider of health care while the provider of health care is
39 performing his or her duty or is on the premises where he or she performs that duty;
40 or

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

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

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

51 **Sec. 12. NRS 200.481 is hereby amended to read as follows:**

52 200.481 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) "Child protective services" has the meaning ascribed to it in NRS 432B.042.

(d) "Child welfare services" has the meaning ascribed to it in NRS 432B.044.

(e) "Fire-fighting agency" has the meaning ascribed to it in NRS 239B.020.

~~[(d)]~~ (f) "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) An employee of this State or a political subdivision of this State who as part of his or her normal job responsibilities:

(I) Interacts with the public; and

(II) Performs tasks related to child welfare services or child protective services or tasks that expose the person to comparable dangers;

(9) 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)]~~ (10) 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)]~~ (11) 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.

~~[(g)]~~ (g) "Provider of health care" has the meaning ascribed to it in NRS 200.471.

~~[(h)]~~ (h) "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.

~~[(i)]~~ (i) "Sporting event" has the meaning ascribed to it in NRS 41.630.

~~[(j)]~~ (j) "Sports official" has the meaning ascribed to it in NRS 41.630.

~~(k)~~ (k) “Strangulation” means intentionally applying sufficient pressure to another person to make it difficult or impossible for the person to breathe, including, without limitation, applying pressure to the neck, throat or windpipe that may prevent or hinder breathing or reduce the intake of air, or applying any pressure to the neck on either side of the windpipe, but not the windpipe itself, to stop the flow of blood to the brain via the carotid arteries.

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

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

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

~~(o)~~ (o) “Utility worker” means an employee of a public utility as defined in NRS 704.020 whose official duties require the employee to:

(1) Interact with the public;

(2) Perform tasks related to the operation of the public utility; and

(3) Wear identification, clothing or a uniform that identifies the employee as working for the public utility.

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:

(I) An officer, school employee, taxicab driver, transit operator or utility worker 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

(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, utility worker 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, utility worker 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:

(1) Is committed upon:

(I) An officer, school employee, taxicab driver, transit operator or utility worker 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

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

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

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

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

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

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

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

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

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

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

30 **Sec. 13. The provisions of NRS 218D.380 do not apply to any provision**
31 **of this act which adds or revises a requirement to submit a report to the**
32 **Legislature.**

f

~~TEXT OF REPEALED SECTION~~

~~—433B.3392 “Agency which provides child welfare services” defined. As
used in NRS 433B.3392 to 433B.3398, inclusive, unless the context otherwise
requires, “agency which provides child welfare services” has the meaning ascribed
to it in NRS 432B.030.]~~