



Pacific Law Journal Review of Selected Nevada Legislative

Volume 1983 | Issue 1

Article 25

1-1-1983

Crimes; Child Pornography

University of the Pacific, McGeorge School of Law

Follow this and additional works at: <https://scholarlycommons.pacific.edu/nlr>

 Part of the [Legislation Commons](#)

Recommended Citation

University of the Pacific, McGeorge School of Law, *Crimes; Child Pornography*, 1983 U. PAC. L. REV. (2019).
Available at: <https://scholarlycommons.pacific.edu/nlr/vol1983/iss1/25>

This Legislative Review is brought to you for free and open access by the Journals and Law Reviews at Scholarly Commons. It has been accepted for inclusion in Pacific Law Journal Review of Selected Nevada Legislative by an authorized editor of Scholarly Commons. For more information, please contact mgibney@pacific.edu.

with the intent to use them for unlawful purposes will also be guilty of a misdemeanor.⁸

8. Compare NEV. REV. STAT. §454.346 (amended by 1983 Nev. Stat. c. 81, §1, at 242) with 1973 Nev. Stat. c. 55, §1, at 75 (amending NEV. REV. STAT. §454.346). Chapter 81 does not apply if the substances are intended to be used for a medicinal purpose. NEV. REV. STAT. §454.346(2) (amended by 1983 Nev. Stat. c. 81., §2(2), at 242).

Crimes; child pornography

NEV. REV. STAT. §200.— (new); §§193.010, 200.509, 217.050, 217.070, 217.200, 217.220, 217.260 (amended).

AB 189 (Stewart); 1983 STAT. Ch 337

(Effective May 17, 1983)

Existing law provides that persons are guilty of a felony if they knowingly use, promote,¹ entice, or permit a minor to simulate, engage in, or assist others to simulate or engage in sexual conduct² in order to produce a performance.³ Under Chapter 337, the knowing and willful possession of child pornography is punishable as a misdemeanor.⁴

Chapter 337 provides that the court or jury may determine whether a person in the performance is a minor by (1) inspecting the person in question,⁵ (2) viewing the performance,⁶ (3) considering the opinion of a witness to the performance,⁷ (4) considering the opinion of a medical expert who viewed the performance,⁸ or (5) any other method authorized by the rules of evidence at common law.⁹

Prior law mandated that violations of child pornography provisions would be punished by imprisonment in the state prison for a term of one to six years, a fine not exceeding \$5,000, or both.¹⁰ Under Chapter 337, however, violations will be punished by imprisonment in the state

1. 1983 Nev. Stat. c. 337, §2(2), at 814 (defining "promote" as to produce, direct, procure, manufacture, sell, give, lend, publish, distribute, exhibit, advertise or possess for the purpose of distribution).

2. *Id.* c. 337, §2(3), at 814 (defining sexual conduct as sexual intercourse, lewd exhibition of the genitals, fellatio, cunnilingus, bestiality, anal intercourse, excretion, sado-masochistic abuse, masturbation, or the penetration of any part of a person's body or of any object manipulated or inserted by a person into the genital or anal opening of the body of another).

3. *Id.* c. 337, §2(1), at 814 (defining performance as any play, film, photograph, dance, or other visual presentation); NEV. REV. STAT. §200.509.

4. 1983 Nev. Stat. c. 337, §4, at 814.

5. *Id.* c. 337, §5(1), at 814.

6. *Id.* c. 337, §5(2), at 814.

7. *Id.* c. 337, §5(3), at 814.

8. *Id.* c. 337, §5(4), at 814.

9. *Id.* c. 337, §5(5), at 814.

10. 1979 Nev. Stat. c. 290, §2, at 437 (enacting NEV. REV. STAT. §200.509).

prison for *life*¹¹ or a definite term of at least five years.¹² In addition, the maximum fine has been increased to \$100,000.¹³

With the enactment of Chapter 337, assets derived from or related to a violation of the child pornography provisions will be subject to forfeiture.¹⁴ A forfeiture proceeding may be brought and maintained where jurisdiction over the money or property subject to forfeiture can be obtained.¹⁵

In addition, Chapter 337 extends protection to minors involved in the production of pornography.¹⁶ Minors who suffer harm requiring medical treatment or counseling are deemed to have suffered a personal injury,¹⁷ and will be classified as victims for purposes of compensation.¹⁸

11. 1983 Nev. Stat. c. 337, §6(1)(a), at 815 (a possibility of parole begins when at least five years have been served).

12. *Id.* c. 337, §6(1)(b), at 815 (eligibility for parole begins when at least five years have been served).

13. *Id.* c. 337, §6(2), at 815.

14. *Id.* c. 337, §7(1), at 815.

15. *Id.* c. 337, §7(2), at 815 (any money recovered from a forfeiture must be deposited in the fund for the compensation of victims of crime); *see also* NEV. REV. STAT. §217.260 (amended by 1983 Nev. Stat. c. 337, §13, at 819). The recovered money is to be used for the counseling and medical treatment of minors who were involved in the production of pornography. *Id.*

16. *See* NEV. REV. STAT. §§217.050, 217.070, 217.200, 217.220 (amended by 1983 Nev. Stat. c. 337, §§9-12, at 818).

17. *Id.* §217.050 (amended by 1983 Nev. Stat. c. 337, §9, at 818).

18. *Id.* §217.070 (amended by 1983 Nev. Stat. c. 337, §10(2), at 818); *see also id.* §217.220 (amended by 1983 Nev. Stat. c. 337, §12, at 818). Also, minors who are relatives of the offender are entitled to compensation. In addition, a minimum or maximum victim compensation award is not prescribed for minors involved in the production of pornography. *Id.* §217.070(3) (amended by 1983 Nev. Stat. c. 337, §11(3), at 818).

Crimes; necrophilia

NEV. REV. STAT. §201.— (new).

AB 287 (Committee on Judiciary); 1983 STAT. Ch 149

Chapter 149 provides that a person who commits a sexual penetration on the dead body of a human being will be punished by imprisonment in the state prison for life, by a fine of not more than \$20,000, or both a fine and imprisonment.¹ Chapter 149 defines "sexual penetration" as cunnilingus, fellatio or any intrusion of any part of a person's body, or any object manipulated or inserted by a person into the genital or anal openings of the body of another, including sexual intercourse in

1. 1983 Nev. Stat. c. 149, §1(1), at 344.