

Amendment No. 394

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| Assembly Amendment to Assembly Bill No. 257  | (BDR 16-839) |
| <b>Proposed by:</b> Assembly Committee on Judiciary                                  |              |
| <b>Amends:</b> Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes |              |

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| Adoption of this amendment will MAINTAIN the unfunded mandate not requested by the affected local government to A.B. 257 (§ 1). |
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| 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.

KMD/BAW



Date: 4/17/2023

A.B. No. 257—Revises provisions relating to forensic medical examinations of certain victims of certain crimes. (BDR 16-839)





ASSEMBLY BILL NO. 257—ASSEMBLYWOMAN  
SUMMERS-ARMSTRONG

MARCH 7, 2023

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to forensic medical examinations of certain victims of certain crimes. (BDR 16-839)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
Effect on the State: No.

CONTAINS UNFUNDED MANDATE (§ 1)  
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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 forensic medical examinations; requiring the county in whose jurisdiction a domestic violence battery by strangulation is committed to pay the costs of a strangulation forensic medical examination of the victim; authorizing a county to be reimbursed for such costs ~~to~~ to the extent that money is available from legislative appropriation; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law: (1) requires a county in whose jurisdiction a sexual assault is committed to pay for the costs of a forensic medical examination of the victim; and (2) provides that such costs must not be charged directly to the victim. (NRS 217.300) **Section 1** of this bill similarly: (1) requires a county in whose jurisdiction a domestic violence battery by strangulation was committed to pay for the costs of a strangulation forensic medical examination of the victim; and (2) provides that such costs must not be charged directly to the victim.

~~Existing law authorizes a compensation officer of the Department of Administration to order the payment of compensation from the Fund for the Compensation of Victims of Crime to or for the benefit of victims of certain crimes or to certain other specified persons. (NRS 217.033, 217.160, 217.260) Section 2 of this bill additionally authorizes a compensation officer to order the payment of compensation to a county for the reimbursement of costs associated with conducting a strangulation forensic medical examination of a victim of domestic violence battery by strangulation that are paid by the county pursuant to section 1.]~~  
Section 1 additionally provides that a county which pays such costs may receive reimbursement from the State, to the extent that money is available for that purpose from legislative appropriation.

**Section 3** of this bill makes a conforming change to indicate the proper placement of **section 1** in the Nevada Revised Statutes.

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

1       **Section 1.** Chapter 217 of NRS is hereby amended by adding thereto a new  
2 section to read as follows:

3       1. *The county in whose jurisdiction a domestic violence battery by*  
4 *strangulation is committed shall pay any costs incurred by a hospital for a*  
5 *strangulation forensic medical examination of the victim.*

6       2. *Any costs incurred pursuant to subsection 1:*

7       (a) *Must not be charged directly to the victim.*

8       (b) *Must be charged to the county in whose jurisdiction the offense was*  
9 *committed.*

10       3. *A county which pays costs related to a strangulation forensic medical*  
11 *examination pursuant to subsection 1 may, to the extent that money is available*  
12 *for that purpose from legislative appropriation, receive reimbursement from the*  
13 *State.*

14       4. *The filing of a report with the appropriate law enforcement agency must*  
15 *not be a prerequisite to qualify for a strangulation forensic medical examination*  
16 *pursuant to this section.*

17       5. *Nothing in this section shall be construed to prohibit the use of evidence*  
18 *obtained from a strangulation forensic medical examination during the*  
19 *investigation or prosecution of a person for domestic violence battery by*  
20 *strangulation.*

21       ~~4.7~~ 6. *As used in this section:*

22       (a) *“Domestic violence battery by strangulation” means a battery which*  
23 *constitutes domestic violence pursuant to NRS 33.018 that is committed by*  
24 *strangulation as described in NRS 200.481.*

25       (b) *“Strangulation forensic medical examination” means an examination*  
26 *conducted by a health care provider ~~to obtain evidence from~~ for the purpose of*  
27 *assessing the health care needs of a victim of a domestic violence battery by*  
28 *strangulation ~~and coordinating the treatment of any injuries of the victim.~~*

29       **Sec. 2.** ~~NRS 217.160 is hereby amended to read as follows:~~

30       ~~217.160 1. The compensation officer may order the payment of~~  
31 ~~compensation:~~

32       ~~(a) To or for the benefit of the victim;~~

33       ~~(b) If the victim has suffered personal injury, to any person responsible for the~~  
34 ~~maintenance of the victim who has suffered pecuniary loss or incurred expenses as~~  
35 ~~a result of the injury;~~

36       ~~(c) If the victim dies, to or for the benefit of any one or more of the dependents~~  
37 ~~of the victim;~~

38       ~~(d) To a minor who is a member of the household or immediate family of a~~  
39 ~~victim of a battery which constitutes domestic violence pursuant to NRS 33.018~~  
40 ~~who needs an assessment, a psychological evaluation or psychological counseling~~  
41 ~~for emotional trauma suffered by the minor as a result of the battery;~~

42       ~~(e) To a member of the victim’s household or immediate family for~~  
43 ~~psychological counseling for emotional trauma suffered by the member as a result~~  
44 ~~of the crime of murder as defined in NRS 200.010;~~

45       ~~(f) To a county in whose jurisdiction a sexual assault was committed for the~~  
46 ~~reimbursement of costs associated with a forensic medical examination of a victim~~  
47 ~~of sexual assault that are paid by the county pursuant to NRS 217.300. A county~~  
48 ~~may be reimbursed pursuant to this paragraph in an amount equal to the cost of 10~~  
49 ~~forensic medical examinations or \$10,000, whichever is less, each fiscal year.~~

~~(g) To a county in whose jurisdiction a domestic violence battery by strangulation was committed for the reimbursement of costs associated with conducting a strangulation forensic medical examination of a victim of domestic violence battery by strangulation that are paid by the county pursuant to section 1 of this act.~~

~~2. As used in this section:~~

~~(a) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.~~

~~(b) "Domestic violence battery by strangulation" has the meaning ascribed to it in section 1 of this act.~~

~~(c) "Forensic medical examination" has the meaning ascribed to it in NRS 217.300.~~

~~[(e)] (d) "Household" means an association of persons who live in the same home or dwelling and who:~~

~~(1) Have significant personal ties to the victim; or~~

~~(2) Are related by blood, adoption or marriage, within the first degree of consanguinity or affinity.~~

~~[(d)] (e) "Immediate family" means persons who are related by blood, adoption or marriage, within the first degree of consanguinity or affinity.~~

~~[(e)] (f) "Strangulation forensic medical examination" has the meaning ascribed to it in section 1 of this act.~~

~~(g) "Victim of sexual assault" has the meaning ascribed to it in NRS 217.280.]~~

**(Deleted by amendment.)**

**Sec. 3.** NRS 217.400 is hereby amended to read as follows:

217.400 As used in NRS 217.400 to 217.475, inclusive, *and section 1 of this act*, unless the context otherwise requires:

1. "Dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.

2. "Division" means the Division of Child and Family Services of the Department of Health and Human Services.

3. "Domestic violence" means:

(a) The attempt to cause or the causing of bodily injury to a family or household member or the placing of the member in fear of imminent physical harm by threat of force.

(b) Any of the following acts committed by a person against a family or household member, a person with whom he or she had or is having a dating relationship or with whom he or she has a child in common, or upon his or her minor child or a minor child of that person:

(1) A battery.

(2) An assault.

(3) Compelling the other by force or threat of force to perform an act from which he or she has the right to refrain or to refrain from an act which he or she has the right to perform.

(4) A sexual assault.

(5) A knowing, purposeful or reckless course of conduct intended to harass the other. Such conduct may include, without limitation:

(I) Stalking.

(II) Arson.

(III) Trespassing.

(IV) Larceny.

(V) Destruction of private property.

1 (VI) Carrying a concealed weapon without a permit.

2 (6) False imprisonment.

3 (7) Unlawful entry of the other's residence, or forcible entry against the  
4 other's will if there is a reasonably foreseeable risk of harm to the other from the  
5 entry.

6 4. "Family or household member" means a spouse, a former spouse, a parent  
7 or other adult person who is related by blood or marriage or is or was actually  
8 residing with the person committing the act of domestic violence.

9 5. "Participant" means an adult, child or incapacitated person for whom a  
10 fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive.

11 6. "Victim of domestic violence" includes the dependent children of the  
12 victim.

13 7. "Victim of human trafficking" means a person who is a victim of:

14 (a) Involuntary servitude as set forth in NRS 200.463 or 200.464.

15 (b) A violation of any provision of NRS 200.465.

16 (c) Trafficking in persons in violation of any provision of NRS 200.467 or  
17 200.468.

18 (d) Sex trafficking in violation of any provision of NRS 201.300.

19 (e) A violation of NRS 201.320 or 201.395.

20 8. "Victim of sexual assault" and "victim of sexual violence" mean a person  
21 who has been sexually assaulted as defined in NRS 200.366 or a person upon  
22 whom a sexual assault has been attempted.

23 9. "Victim of stalking" means a person who is a victim of the crime of  
24 stalking or aggravated stalking as set forth in NRS 200.575.

25 **Sec. 4.** The provisions of NRS 354.599 do not apply to any additional  
26 expenses of a local government that are related to the provisions of this act.