

ASSEMBLY BILL NO. 353—COMMITTEE ON JUDICIARY

(ON BEHALF OF BUDGET DIVISION)

MARCH 2, 1999

Referred to Committee on Judiciary

SUMMARY—Removes provision that provides for different treatment of nonresidents in distribution of compensation provided to certain victims of crime. (BDR 16-1585)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

~

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~for omitted material~~ is material to be omitted.

AN ACT relating to crimes; revising provisions governing compensation provided to certain victims of crime so that residents of another state are treated the same as residents of this state; and providing other matters properly relating thereto.

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

- 1 **Section 1.** NRS 217.220 is hereby amended to read as follows:
2 217.220 1. Except as otherwise provided in subsections 2 ~~3 and 4,~~
3 ***and 3*** compensation must not be awarded if the victim:
4 (a) Was injured or killed as a result of the operation of a motor vehicle,
5 boat or airplane unless the vehicle, boat or airplane was used as a weapon
6 in a deliberate attempt to harm the victim or unless the driver of the vehicle
7 injured a pedestrian, violated any of the provisions of NRS 484.379 or the
8 use of the vehicle was punishable pursuant to NRS 484.3795;
9 (b) Was not a citizen of the United States or was not lawfully entitled to
10 reside in the United States at the time the incident upon which the claim is
11 based occurred or he is unable to provide proof that he was a citizen of the
12 United States or was lawfully entitled to reside in the United States at that
13 time;
14 (c) Was a coconspirator, codefendant, accomplice or adult passenger of
15 the offender whose crime caused the victim's injuries;

(d) ~~Was not a resident at the time he was victimized, unless he was injured in this state and the board determines that the State of Nevada has a sufficient amount of money to pay for the claim from money received from the Federal Government for the compensation of victims of crime;~~

~~—(e)~~ Was injured or killed while serving a sentence of imprisonment in a prison or jail;

~~[(f)]~~ (e) Was injured or killed while living in a facility for the commitment or detention of children who are adjudicated delinquent pursuant to chapter 62 of NRS; or

~~[(g)]~~ (f) Fails to cooperate with law enforcement agencies. Such cooperation does not require prosecution of the offender.

2. Paragraph (a) of subsection 1 does not apply to a minor who was physically injured or killed while being a passenger in the vehicle of an offender who violated NRS 484.379 or is punishable pursuant to NRS 484.3795.

3. A victim who is a relative of the offender or who, at the time of the personal injury or death of the victim, was living with the offender in a continuing relationship may be awarded compensation if the offender would not profit by the compensation of the victim.

4. The compensation officer may deny an award if he determines that the applicant will not suffer serious financial hardship. In determining whether an applicant will suffer serious financial hardship, the compensation officer shall not consider:

(a) The value of the victim's dwelling;

(b) The value of one motor vehicle owned by the victim; or

(c) The savings and investments of the victim up to an amount equal to the victim's annual salary.

Sec. 2. NRS 217.420 is hereby amended to read as follows:

217.420 To be eligible for a grant from the account for aid for victims of domestic violence, an applicant must:

1. Be a nonprofit corporation, incorporated or qualified in this state.

2. Be governed by a board of trustees which reflects the racial, ethnic, economic and social composition of the county to be served and includes at least one trustee who has been a victim of domestic violence.

3. Receive at least 15 percent of its money from sources other than the Federal Government, the state, any local government or other public body or their instrumentalities. Any goods or services which are contributed to the organization may be assigned their reasonable monetary value for the purpose of complying with the requirement of this subsection.

4. Provide its services exclusively for victims of domestic violence and only within this state . ~~for victims who are residents of this state.~~

1 5. Require its employees and volunteer assistants to maintain the
2 confidentiality of any information which would identify persons receiving
3 the services.

4 6. Provide its services without any discrimination on the basis of race,
5 religion, color, age, sex, marital status, national origin or ancestry.

6 7. Be able to provide:

7 (a) Except in counties whose population is less than 100,000, shelter to
8 victims on any day, at any hour.

9 (b) A telephone service capable of receiving emergency calls on any
10 day, at any hour.

11 (c) Except in counties whose population is less than 100,000, facilities
12 where food can be stored and prepared.

13 (d) Counseling, or make referrals for counseling, for victims or spouses
14 of victims and their children.

15 (e) Assistance to victims in obtaining legal, medical, psychological or
16 vocational help.

17 (f) Education and training for members of the community on matters
18 which relate to domestic violence.

19 **Sec. 3.** NRS 217.450 is hereby amended to read as follows:

20 217.450 1. The commission on mental health and mental retardation
21 shall advise the administrator of the division concerning the award of
22 grants from the account for aid for victims of domestic violence.

23 2. The administrator of the division shall give priority to those
24 applications for grants from the account for aid for victims of domestic
25 violence submitted by organizations which offer the broadest range of
26 services for the least cost within one or more counties. The administrator
27 shall not approve the use of money from a grant to acquire any buildings.

28 3. The administrator of the division has the final authority to approve
29 or deny an application for a grant. The administrator shall notify each
30 applicant in writing of the action taken on its application within 45 days
31 after the deadline for filing the application.

32 4. In determining the amount of money to be allocated for grants, the
33 administrator of the division shall use the following formula:

34 (a) A basic allocation of \$7,000 must be made ~~to provide services for~~
35 ~~residents of~~ **for** each county whose population is less than 100,000. For
36 counties whose population is 100,000 or more, the basic allocation is
37 \$35,000. These allocations must be increased or decreased for each fiscal
38 year ending after June 30, 1990, by the same percentage that the amount
39 deposited in the account during the preceding fiscal year, pursuant to NRS
40 122.060, is greater or less than the sum of \$791,000.

41 (b) Any additional revenue available in the account must be allocated to
42 grants, on a per capita basis, for all counties whose population is 14,000 or
43 more.

- 1 (c) Money remaining in the account after disbursement of grants does
- 2 not revert and may be awarded in a subsequent year.

~