

ASSEMBLY BILL NO. 396—ASSEMBLYMEN BROWN, CEGAVSKE, GIBBONS, HUMKE, BERMAN, ANDERSON, ANGLE, ARBERRY, BACHE, BEERS, BROWER, BUCKLEY, CARPENTER, CHOWNING, CLABORN, COLLINS, DE BRAGA, DINI, FREEMAN, GIUNCHIGLIANI, GOLDWATER, GUSTAVSON, HETTRICK, KOIVISTO, LEE, LESLIE, MANENDO, MARVEL, MCCLAIN, MORTENSON, NEIGHBORS, NOLAN, OCEGUERA, OHRENSCHALL, PARKS, PARNELL, PERKINS, PRICE, SMITH, TIFFANY, VON TOBEL AND WILLIAMS

MARCH 16, 2001

JOINT SPONSORS: SENATORS COFFIN, RAWSON AND SHAFFER

Referred to Committee on Judiciary

SUMMARY—Makes statement of child describing act of physical abuse admissible in criminal proceedings under certain circumstances. (BDR 4-984)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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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 evidence; making a statement made by a child describing an act of physical abuse of the child admissible in criminal proceedings under certain circumstances; 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 51.385 is hereby amended to read as follows:  
2     51.385 1. In addition to any other provision for admissibility made  
3     by statute or rule of court, a statement made by a child under the age of 10  
4     years describing any act of sexual conduct performed with or on the child ,  
5     *or describing any act of physical abuse of the child*, is admissible in a  
6     criminal proceeding regarding that sexual conduct *or physical abuse* if the:  
7     (a) Court finds, in a hearing out of the presence of the jury, that the  
8     time, content and circumstances of the statement provide sufficient  
9     circumstantial guarantees of trustworthiness; and  
10    (b) Child either testifies at the proceeding or is unavailable or unable to  
11    testify.



1       2. If the child is unavailable or unable to testify, written notice must be  
2 given to the defendant at least 10 days before the trial of the prosecution's  
3 intention to offer the statement in evidence.  
4       **Sec. 2.** The amendatory provisions of this act do not apply to a  
5 criminal action in which an indictment has been found or a complaint or  
6 information has been filed before October 1, 2001.

