

ASSEMBLY BILL NO. 417—ASSEMBLYWOMAN LESLIE

MARCH 19, 2001

Referred to Committee on Judiciary

SUMMARY—Revises provisions concerning admissibility of testimony in certain cases involving domestic violence. (BDR 4-1175)

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; expanding the circumstances under which expert testimony concerning the effects of domestic violence is admissible in a criminal proceeding; 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 48.061 is hereby amended to read as follows:  
2     48.061     ***1.*** Evidence of domestic violence ~~has defined in NRS 33.018~~  
3     ~~and expert testimony concerning the effect of domestic violence on the~~  
4     ~~beliefs, behavior and perception of the person alleging the domestic~~  
5     ~~violence~~ ***that is offered by the prosecution or defense*** is admissible ~~in~~  
6     ~~chief and in rebuttal~~ ***in a criminal proceeding*** when determining:  
7     ~~1-1~~ ***(a)*** Whether a person is excepted from criminal liability pursuant to  
8     subsection 7 of NRS 194.010, to show the state of mind of the defendant ~~1-~~  
9     ~~2-1~~ ***; or***  
10    ***(b)*** Whether a person in accordance with NRS 200.200 has killed  
11    another in self-defense, toward the establishment of the legal defense.  
12    ***2. Expert testimony concerning the effect of domestic violence on the***  
13    ***alleged victim of the domestic violence, including, without limitation, the***  
14    ***effect of physical, emotional or mental abuse on the beliefs, behaviors or***  
15    ***perceptions of the alleged victim that is offered by the prosecution or***  
16    ***defense is admissible in a criminal proceeding, unless the expert***  
17    ***testimony is offered against the defendant to prove the occurrence of an***  
18    ***act which forms the basis of a criminal charge against the defendant.***  
19    ***3. As used in this section, "domestic violence" means the commission***  
20    ***of any act described in NRS 33.018.***



\* A B 4 1 7 \*

1     **Sec. 2.** The amendatory provisions of this act do not apply to an action  
2     filed or a proceeding commenced before October 1, 2001.

