

(REPRINTED WITH ADOPTED AMENDMENTS)
SECOND REPRINT A.B. 417

ASSEMBLY BILL NO. 417—ASSEMBLYWOMAN LESLIE

MARCH 19, 2001

Referred to Committee on Judiciary

SUMMARY—Revises provisions concerning admissibility of evidence 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 and evidence of domestic violence are 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 ~~{Evidence}~~
3 ***1. Except as otherwise provided in subsection 2, evidence*** of domestic
4 violence ~~{as defined in NRS 33.018}~~ and expert testimony concerning the
5 effect of domestic violence , ***including, without limitation, the effect of***
6 ***physical, emotional or mental abuse,*** on the beliefs, behavior and
7 perception of the ~~{person alleging}~~ ***alleged victim of*** the domestic violence
8 ***that is offered by the prosecution or defense*** is admissible in ~~{chief and in~~
9 ~~rebuttal,}~~ ***a criminal proceeding for any relevant purpose, including,***
10 ***without limitation,*** when determining:
11 ~~{1-}~~ ***(a)*** Whether a ~~{person}~~ ***defendant*** is excepted from criminal
12 liability pursuant to subsection 7 of NRS 194.010, to show the state of
13 mind of the defendant.
14 ~~{2-}~~ ***(b)*** Whether a ~~{person}~~ ***defendant*** in accordance with NRS 200.200
15 has killed another in self-defense, toward the establishment of the legal
16 defense.
17 ***2. Expert testimony concerning the effect of domestic violence may***
18 ***not be offered against a defendant pursuant to subsection 1 to prove the***
19 ***occurrence of an act which forms the basis of a criminal charge against***
20 ***the defendant.***
21 ***3. As used in this section, "domestic violence" means the commission***
22 ***of any act described in NRS 33.018.***



* A B 4 1 7 R 2 *

- 1 **Sec. 2.** The amendatory provisions of this act do not apply to an action
2 filed or a proceeding commenced before October 1, 2002.
3 **Sec. 3.** This act becomes effective on October 1, 2002.

