

ASSEMBLY BILL NO. 436—ASSEMBLYMEN OHRENSCHALL, MANENDO,
GOLDWATER, LESLIE, GIBBONS, ANGLE, ARBERRY, BEERS,
BROWER, BROWN, CARPENTER, CEGAVSKE, CLABORN,
DE BRAGA, FREEMAN, GUSTAVSON, HETTRICK, MCCLAIN,
MORTENSON, PRICE AND WILLIAMS

MARCH 19, 2001

Referred to Committee on Judiciary

SUMMARY—Revises provisions concerning admissibility of evidence in criminal proceedings involving domestic violence. (BDR 4-987)

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 evidence concerning the prior acts of a criminal defendant is admissible in a criminal proceeding involving domestic violence; 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.** Chapter 48 of NRS is hereby amended by adding thereto a
2 new section to read as follows:

3 1. *Except as otherwise provided in subsection 2, evidence that a*
4 *defendant who is charged with a crime which constitutes domestic*
5 *violence previously has committed an act that constitutes domestic*
6 *violence is admissible in a criminal proceeding.*

7 2. *Evidence is not admissible pursuant to subsection 1 if it concerns*
8 *an act that was committed more than 10 years before the defendant was*
9 *charged with the crime unless the court determines that it is in the*
10 *interest of justice to admit the evidence.*

11 3. *As used in this section, “domestic violence” means the commission*
12 *of any act described in NRS 33.018.*

13 **Sec. 2.** NRS 48.045 is hereby amended to read as follows:

14 48.045 1. Evidence of a person’s character or a trait of his character
15 is not admissible for the purpose of proving that he acted in conformity
16 therewith on a particular occasion, except:



* A B 4 3 6 *

1 (a) Evidence of his character or a trait of his character offered by an
2 accused, and similar evidence offered by the prosecution to rebut such
3 evidence;

4 (b) Evidence of the character or a trait of character of the victim of the
5 crime offered by an accused, subject to the procedural requirements of
6 NRS 48.069 where applicable, and similar evidence offered by the
7 prosecution to rebut such evidence; and

8 (c) Unless excluded by NRS 50.090, evidence of the character of a
9 witness, offered to attack or support his credibility, within the limits
10 provided by NRS 50.085.

11 2. ~~Evidence~~ *Except as otherwise provided in section 1 of this act,*
12 *evidence* of other crimes, wrongs or acts is not admissible to prove the
13 character of a person in order to show that he acted in conformity
14 therewith. It may, however, be admissible for other purposes, such as proof
15 of motive, opportunity, intent, preparation, plan, knowledge, identity, or
16 absence of mistake or accident.

17 **Sec. 3.** The amendatory provisions of this act do not apply to an action
18 filed or a proceeding commenced before October 1, 2001.

