

ASSEMBLY BILL NO. 586—COMMITTEE ON JUDICIARY

(ON BEHALF OF OFFICE OF THE SECRETARY OF STATE)

MARCH 26, 2001

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing program to assist victims of certain crimes in maintaining confidential addresses. (BDR 16-609)

FISCAL NOTE: Effect on Local Government: Yes.
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 victims of crime; authorizing a victim of a sexual assault to obtain a fictitious address from the secretary of state; providing a penalty; 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 217.400 is hereby amended to read as follows:
2 217.400 As used in NRS 217.400 to 217.475, inclusive, unless the
3 context otherwise requires:
4 1. “Dating relationship” means frequent, intimate associations
5 primarily characterized by the expectation of affectional or sexual
6 involvement. The term does not include a casual relationship or an ordinary
7 association between persons in a business or social context.
8 2. “Division” means the division of child and family services of the
9 department of human resources.
10 3. “Domestic violence” means:
11 (a) The attempt to cause or the causing of bodily injury to a family or
12 household member or the placing of the member in fear of imminent
13 physical harm by threat of force.
14 (b) Any of the following acts committed by a person against a family or
15 household member, a person with whom he had or is having a dating
16 relationship or with whom he has a child in common, or upon his minor
17 child or a minor child of that person:
18 (1) A battery.
19 (2) An assault.



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1 (3) Compelling the other by force or threat of force to perform an act
2 from which he has the right to refrain or to refrain from an act which he has
3 the right to perform.
4 (4) A sexual assault.
5 (5) A knowing, purposeful or reckless course of conduct intended to
6 harass the other. Such conduct may include, without limitation:
7 (I) Stalking.
8 (II) Arson.
9 (III) Trespassing.
10 (IV) Larceny.
11 (V) Destruction of private property.
12 (VI) Carrying a concealed weapon without a permit.
13 (6) False imprisonment.
14 (7) Unlawful entry of the other's residence, or forcible entry against
15 the other's will if there is a reasonably foreseeable risk of harm to the other
16 from the entry.
17 4. "Family or household member" means a spouse, a former spouse, a
18 parent or other adult person who is related by blood or marriage or is or
19 was actually residing with the person committing the act of domestic
20 violence.
21 5. "Participant" means an adult, child or incompetent person for whom
22 a fictitious address has been issued pursuant to NRS 217.462 to 217.471,
23 inclusive.
24 6. "Victim of domestic violence" includes the dependent children of
25 the victim.
26 7. *"Victim of sexual assault" means a person who has been sexually*
27 *assaulted as defined in NRS 200.366 or a person upon whom a sexual*
28 *assault has been attempted.*
29 **Sec. 2.** NRS 217.410 is hereby amended to read as follows:
30 217.410 In a county whose population is 400,000 or more, the
31 administrator of the division shall allocate 15 percent of all money granted
32 to organizations in the county from the account for aid for victims of
33 domestic violence to an organization in the county which has been
34 specifically created to assist victims of ~~rape~~ *sexual assault*. The
35 administrator of the division has the final authority in determining whether
36 an organization may receive money pursuant to this ~~subsection~~ *section*.
37 Any organization which receives money pursuant to this ~~subsection~~
38 *section* shall furnish reports to the administrator of the division as required
39 by NRS 217.460. To be eligible for this money, the organization must
40 receive at least 15 percent of its money from sources other than the Federal
41 Government, the state, any local government or other public body or their
42 instrumentalities. Any goods or services which are contributed to the
43 organization may be assigned their reasonable monetary value for the
44 purpose of complying with this requirement.
45 **Sec. 3.** NRS 217.462 is hereby amended to read as follows:
46 217.462 1. An adult person, a parent or guardian acting on behalf of
47 a child, or a guardian acting on behalf of an incompetent person may apply
48 to the secretary of state to have a fictitious address designated by the



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1 secretary of state serve as the address of the adult, child or incompetent
2 person.

3 2. An application for the issuance of a fictitious address must include:

4 (a) Specific evidence showing that the adult, child or incompetent
5 person has been a victim of domestic violence *or sexual assault* before the
6 filing of the application;

7 (b) The address that is requested to be kept confidential;

8 (c) A telephone number at which the secretary of state may contact the
9 applicant;

10 (d) A question asking whether the person wishes to:

11 (1) Register to vote; or

12 (2) Change the address of his current registration;

13 (e) A designation of the secretary of state as agent for the adult, child or
14 incompetent person for the purposes of:

15 (1) Service of process; and

16 (2) Receipt of mail;

17 (f) The signature of the applicant;

18 (g) The date on which the applicant signed the application; and

19 (h) Any other information required by the secretary of state.

20 3. It is unlawful for a person knowingly to attest falsely or provide
21 incorrect information in the application. A person who violates this
22 subsection is guilty of a misdemeanor.

23 4. The secretary of state shall approve an application if it is
24 accompanied by specific evidence, such as a copy of an applicable record
25 of conviction, a temporary restraining order or other protective order, that
26 the adult, child or incompetent person has been a victim of domestic
27 violence *or sexual assault* before the filing of the application.

28 5. The secretary of state shall approve or disapprove an application for
29 a fictitious address within 5 business days after the application is filed.

30 **Sec. 4.** NRS 217.464 is hereby amended to read as follows:

31 217.464 1. If the secretary of state approves an application, he shall:

32 (a) Designate a fictitious address for the participant; and

33 (b) Forward mail that he receives for a participant to the participant.

34 2. The secretary of state shall not make *any records containing* the
35 *name*, confidential address *or fictitious address* of a participant available
36 for inspection or copying, unless:

37 (a) The address is requested by a law enforcement agency, in which
38 case the secretary of state shall make the address available to the law
39 enforcement agency; or

40 (b) He is directed to do so by lawful order of a court of competent
41 jurisdiction, in which case the secretary of state shall make the address
42 available to the person identified in the order.

43 **Sec. 5.** NRS 217.468 is hereby amended to read as follows:

44 217.468 1. Except as otherwise provided in subsections 2 and 3, the
45 secretary of state shall cancel the fictitious address of a participant 4 years
46 after the date on which the secretary of state approved the application.

47 2. The secretary of state shall not cancel the fictitious address of a
48 participant if, before the fictitious address of the participant is canceled, the
49 participant shows to the satisfaction of the secretary of state that the



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1 participant remains in imminent danger of becoming a victim of domestic
2 violence ~~+~~ *or sexual assault*.

3 3. The secretary of state may cancel the fictitious address of a
4 participant at any time if:

5 (a) The participant changes his confidential address from the one listed
6 in the application and fails to notify the secretary of state within 48 hours
7 after the change of address; or

8 (b) The secretary of state determines that false or incorrect information
9 was knowingly provided in the application.

10 **Sec. 6.** NRS 293.5002 is hereby amended to read as follows:

11 293.5002 1. The secretary of state shall establish procedures to allow
12 a person for whom a fictitious address has been issued pursuant to NRS
13 217.462 to 217.471, inclusive, to:

14 (a) Register to vote; and

15 (b) Vote by absent ballot,
16 without revealing the confidential address of the person.

17 2. In addition to establishing appropriate procedures or developing
18 forms pursuant to subsection 1, the secretary of state shall develop a form
19 to allow a person for whom a fictitious address has been issued to register
20 to vote or to change the address of his current registration. The form must
21 include:

22 (a) A section that contains the confidential address of the person; and

23 (b) A section that contains the fictitious address of the person.

24 3. Upon receiving a completed form from a person for whom a
25 fictitious address has been issued, the secretary of state shall:

26 (a) On the portion of the form that contains the fictitious address of the
27 person, indicate the county and precinct in which the person will vote and
28 forward this portion of the form to the appropriate county clerk; and

29 (b) File the portion of the form that contains the confidential address.

30 4. Notwithstanding any other provision of law, any request received by
31 the secretary of state pursuant to subsection 3 shall be deemed a request for
32 a permanent absent ballot.

33 5. Notwithstanding any other provision of law ~~+, the +~~ :

34 *(a) The* secretary of state and each county clerk ~~+~~

35 ~~-(a) Shall~~ *shall* keep the portion of the form developed pursuant to
36 subsection 2 that he retains separate from other applications for registration

37 ~~+, and~~

38 ~~-(b) Shall~~

39 *(b) The county clerk shall* not make the name, confidential address or
40 fictitious address of the person who has been issued a fictitious address
41 available for:

42 (1) Inspection or copying; or

43 (2) Inclusion in any list that is made available for public
44 inspection,

45 unless he is directed to do so by lawful order of a court of competent
46 jurisdiction.



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- 1 **Sec. 7.** The amendatory provisions of this act do not apply to offenses
- 2 committed before the effective date of this act.
- 3 **Sec. 8.** This act becomes effective upon passage and approval.

