

Assembly Bill No. 586—Committee on Judiciary

CHAPTER.....

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:

Section 1. NRS 217.400 is hereby amended to read as follows:

217.400 As used in NRS 217.400 to 217.475, inclusive, unless the context otherwise requires:

1. “Dating relationship” means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.

2. “Division” means the division of child and family services of the department of human resources.

3. “Domestic violence” means:

(a) The attempt to cause or the causing of bodily injury to a family or household member or the placing of the member in fear of imminent physical harm by threat of force.

(b) Any of the following acts committed by a person against a family or household member, a person with whom he had or is having a dating relationship or with whom he has a child in common, or upon his minor child or a minor child of that person:

(1) A battery.

(2) An assault.

(3) Compelling the other by force or threat of force to perform an act from which he has the right to refrain or to refrain from an act which he has the right to perform.

(4) A sexual assault.

(5) A knowing, purposeful or reckless course of conduct intended to harass the other. Such conduct may include, without limitation:

(I) Stalking.

(II) Arson.

(III) Trespassing.

(IV) Larceny.

(V) Destruction of private property.

(VI) Carrying a concealed weapon without a permit.

(6) False imprisonment.

(7) Unlawful entry of the other’s residence, or forcible entry against the other’s will if there is a reasonably foreseeable risk of harm to the other from the entry.

4. “Family or household member” means a spouse, a former spouse, a parent or other adult person who is related by blood or marriage or is or was actually residing with the person committing the act of domestic violence.

5. “Participant” means an adult, child or incompetent person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive.

6. "Victim of domestic violence" includes the dependent children of the victim.

7. *"Victim of sexual assault" means a person who has been sexually assaulted as defined in NRS 200.366 or a person upon whom a sexual assault has been attempted.*

Sec. 2. NRS 217.410 is hereby amended to read as follows:

217.410 In a county whose population is 400,000 or more, the administrator of the division shall allocate 15 percent of all money granted to organizations in the county from the account for aid for victims of domestic violence to an organization in the county which has been specifically created to assist victims of ~~rape~~ *sexual assault*. The administrator of the division has the final authority in determining whether an organization may receive money pursuant to this ~~subsection~~ *section*. Any organization which receives money pursuant to this ~~subsection~~ *section* shall furnish reports to the administrator of the division as required by NRS 217.460. To be eligible for this money, the organization must receive at least 15 percent of its money from sources other than the Federal Government, the state, any local government or other public body or their instrumentalities. Any goods or services which are contributed to the organization may be assigned their reasonable monetary value for the purpose of complying with this requirement.

Sec. 3. NRS 217.462 is hereby amended to read as follows:

217.462 1. An adult person, a parent or guardian acting on behalf of a child, or a guardian acting on behalf of an incompetent person may apply to the secretary of state to have a fictitious address designated by the secretary of state serve as the address of the adult, child or incompetent person.

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

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

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

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

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

(1) Register to vote; or

(2) Change the address of his current registration;

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

(1) Service of process; and

(2) Receipt of mail;

(f) The signature of the applicant;

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

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

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

4. The secretary of state shall approve an application if it is accompanied by specific evidence, such as a copy of an applicable record of conviction, a temporary restraining order or other protective order, that

the adult, child or incompetent person has been a victim of domestic violence *or sexual assault* before the filing of the application.

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

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

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

- (a) Designate a fictitious address for the participant; and
- (b) Forward mail that he receives for a participant to the participant.

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

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

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

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

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

2. The secretary of state shall not cancel the fictitious address of a participant if, before the fictitious address of the participant is canceled, the participant shows to the satisfaction of the secretary of state that the participant remains in imminent danger of becoming a victim of domestic violence ~~H~~ *or sexual assault*.

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

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

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

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

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

- (a) Register to vote; and
- (b) Vote by absent ballot,

without revealing the confidential address of the person.

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

- (a) A section that contains the confidential address of the person; and
- (b) A section that contains the fictitious address of the person.

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

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

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

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

5. Notwithstanding any other provision of law ~~the~~ :

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

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

~~;~~ ~~and~~

~~(b) Shall~~

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

(1) Inspection or copying; or

(2) Inclusion in any list that is made available for public inspection, unless he is directed to do so by lawful order of a court of competent jurisdiction.

Sec. 7. The amendatory provisions of this act do not apply to offenses committed before the effective date of this act.

Sec. 8. This act becomes effective upon passage and approval.