

SENATE BILL NO. 179—COMMITTEE ON JUDICIARY
(ON BEHALF OF DISTRICT ATTORNEYS ASSOCIATION)

FEBRUARY 15, 2001

Referred to Committee on Judiciary

SUMMARY—Provides that statement of child regarding physical abuse is admissible in criminal proceeding under certain circumstances. (BDR 4-472)

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; providing that the statement of a child regarding physical abuse is admissible in a criminal proceeding under certain circumstances; 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 51.385 is hereby amended to read as follows:
2 51.385 1. In addition to any other provision for admissibility made
3 by statute or rule of court, a statement made by a child under the age of 10
4 years describing any act of sexual conduct performed with or on the child
5 *or any act of physical abuse of the child* is admissible in a criminal
6 proceeding regarding that *act of* sexual conduct *or physical abuse* if ~~the:~~
7 ~~(a) Court:~~
8 (a) *The court* finds, in a hearing out of the presence of the jury, that the
9 time, content and circumstances of the statement provide sufficient
10 circumstantial guarantees of trustworthiness; and
11 (b) ~~{Child either}~~ *The child* testifies at the proceeding or is unavailable
12 or unable to testify.
13 2. If the child is unavailable or unable to testify, written notice must be
14 given to the defendant at least 10 days before the trial of the prosecution's
15 intention to offer the statement in evidence.

