

(REPRINTED WITH ADOPTED AMENDMENTS)  
FIRST REPRINT S.B. 179

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SENATE BILL NO. 179—COMMITTEE ON JUDICIARY

(ON BEHALF OF DISTRICT ATTORNEYS ASSOCIATION)

FEBRUARY 15, 2001

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Referred to Committee on Judiciary

SUMMARY—Revises provisions governing admissibility in criminal proceeding of certain statements made by child. (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.

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AN ACT relating to evidence; providing that the statement of a child regarding physical abuse is admissible in a criminal proceeding under certain circumstances; identifying certain factors to be considered by the court in determining the trustworthiness of certain statements made by a child; 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. *In determining the trustworthiness of a statement, the court shall*  
14    *consider, without limitation, whether:*  
15    *(a) The statement was spontaneous;*  
16    *(b) The child was subjected to repetitive questioning;*  
17    *(c) The child had a motive to fabricate;*  
18    *(d) The child used terminology unexpected of a child of similar age;*  
19    *and*



\* S B 1 7 9 R 1 \*

- 1        *(e) The child was in a stable mental state.*  
2        3. If the child is unavailable or unable to testify, written notice must be  
3 given to the defendant at least 10 days before the trial of the prosecution's  
4 intention to offer the statement in evidence.

