

SENATE BILL NO. 234—SENATORS PORTER, JAMES AND TITUS

FEBRUARY 22, 2001

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing statements of victims of crimes at sentencing hearings. (BDR 14-1079)

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 sentencing; revising the provisions governing the statements of victims of crimes at sentencing hearings; 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 176.015 is hereby amended to read as follows:
2 176.015 1. Sentence must be imposed without unreasonable delay.
3 Pending sentence, the court may commit the defendant or continue or alter
4 the bail.
5 2. Before imposing sentence, the court shall:
6 (a) Afford counsel an opportunity to speak on behalf of the defendant;
7 and
8 (b) Address the defendant personally and ask him if he wishes to make
9 a statement in his own behalf and to present any information in mitigation
10 of punishment.
11 3. ~~Before~~ *After hearing any statements presented pursuant to*
12 *subsection 2 and before* imposing sentence, the court shall afford the
13 victim an opportunity to:
14 (a) Appear personally, by counsel or by personal representative; and
15 (b) Reasonably express any views concerning the crime, the person
16 responsible, the impact of the crime on the victim and the need for
17 restitution.
18 4. The prosecutor shall give reasonable notice of the hearing to impose
19 sentence to:
20 (a) The person against whom the crime was committed;
21 (b) A person who was injured as a direct result of the commission of the
22 crime;



- 1 (c) The surviving spouse, parents or children of a person who was killed
2 as a direct result of the commission of the crime; and
3 (d) Any other relative or victim who requests in writing to be notified of
4 the hearing.
5 Any defect in notice or failure of such persons to appear are not grounds
6 for an appeal or the granting of a writ of habeas corpus. All personal
7 information, including, but not limited to, a current or former address,
8 which pertains to a victim or relative and which is received by the
9 prosecutor pursuant to this subsection is confidential.
- 10 5. For the purposes of this section:
11 (a) "Relative" of a person includes:
12 (1) A spouse, parent, grandparent or stepparent;
13 (2) A natural born child, stepchild or adopted child;
14 (3) A grandchild, brother, sister, half brother or half sister; or
15 (4) A parent of a spouse.
16 (b) "Victim" includes:
17 (1) A person, including a governmental entity, against whom a crime
18 has been committed;
19 (2) A person who has been injured or killed as a direct result of the
20 commission of a crime; and
21 (3) A relative of a person described in subparagraph (1) or (2).
22 6. This section does not restrict the authority of the court to consider
23 any reliable and relevant evidence at the time of sentencing.

