

SENATE BILL NO. 271—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE SECRETARY OF STATE)

MARCH 22, 2005

Referred to Committee on Judiciary

SUMMARY—Makes various changes concerning participants in program to assist victims of certain crime in maintaining confidential addresses. (BDR 16-577)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

~

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 stalking to obtain a fictitious address from the Secretary of State; authorizing a pupil who is a participant in the fictitious address program or whose parent or guardian is a participant in that program to attend any public school in this State; 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
3 the 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
7 ordinary association between persons in a business or social context.
8 2. “Division” means the Division of Child and Family Services
9 of the Department of Human Resources.
10 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.

8. "Victim of stalking" means a person who is a victim of the crime of stalking or aggravated stalking as set forth in NRS 200.575.

Sec. 2. 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



1 address designated by the Secretary of State serve as the address of
2 the adult, child or incompetent person.

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

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

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

9 (c) A telephone number at which the Secretary of State may
10 contact the applicant;

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

12 (1) Register to vote; or

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

14 (e) A designation of the Secretary of State as agent for the adult,
15 child or incompetent person for the purposes of:

16 (1) Service of process; and

17 (2) Receipt of mail;

18 (f) The signature of the applicant;

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

20 (h) Any other information required by the Secretary of State.

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

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

30 5. The Secretary of State shall approve or disapprove an
31 application for a fictitious address within 5 business days after the
32 application is filed.

33 **Sec. 3.** NRS 217.464 is hereby amended to read as follows:

34 217.464 1. If the Secretary of State approves an application,
35 he shall:

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

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

39 2. The Secretary of State shall not make any records containing
40 the name, confidential address or fictitious address of a participant
41 available for inspection or copying, unless:

42 (a) The address is requested by a law enforcement agency, in
43 which case the Secretary of State shall make the address available to
44 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.

3. *If a pupil is attending or wishes to attend a public school that is located outside the zone of attendance as authorized by paragraph (b) of subsection 2 of NRS 388.040 or a public school that is located in a school district other than the school district in which the pupil resides as authorized by section 6 of this act, the Secretary of State shall, upon request of the public school that the pupil is attending or wishes to attend, inform the public school of whether the pupil is a participant and whether the parent or legal guardian with whom the pupil resides is a participant. The Secretary of State shall not provide any other information concerning the pupil or the parent or legal guardian of the pupil to the public school.*

Sec. 4. 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 cancelled, 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 , ~~for~~ sexual assault ~~or~~ **or stalking.**

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. 5. NRS 388.040 is hereby amended to read as follows:

388.040 1. Except as otherwise provided in subsection 2, the board of trustees of a school district that includes more than one school which offers instruction in the same grade or grades may zone the school district and determine which pupils ~~shall~~ **must** attend each school.

2. The establishment of zones pursuant to subsection 1 does not preclude a pupil from attending a ~~charter school.~~ :

(a) *Charter school; or*

(b) *Public school outside the zone of attendance that the pupil is otherwise required to attend if the pupil has been issued a fictitious address pursuant to NRS 217.462 to 217.471, inclusive,*



1 *or the parent or legal guardian with whom the pupil resides has*
2 *been issued a fictitious address pursuant to NRS 217.462 to*
3 *217.471, inclusive.*

4 **Sec. 6.** Chapter 392 of NRS is hereby amended by adding
5 thereto a new section to read as follows:

6 *1. If a pupil has been issued a fictitious address pursuant to*
7 *NRS 217.462 to 217.471, inclusive, or the parent or legal guardian*
8 *with whom the pupil resides has been issued a fictitious address*
9 *pursuant to NRS 217.462 to 217.471, inclusive, the pupil may*
10 *attend a public school that is located in a school district other than*
11 *the school district in which the pupil resides.*

12 *2. If a pupil described in subsection 1 attends a public school*
13 *that is located in a school district other than the school district in*
14 *which the pupil resides:*

15 *(a) The pupil must be included in the count of pupils of the*
16 *school district in which the pupil attends school for the purposes*
17 *of apportionments and allowances from the State Distributive*
18 *School Account pursuant to NRS 387.121 to 387.126, inclusive.*

19 *(b) Neither the board of trustees of the school district in which*
20 *the pupil attends school nor the board of trustees of the school*
21 *district in which the pupil resides is required to provide*
22 *transportation for the pupil to attend the public school.*

23 *3. The provisions of this section do not apply to a pupil who is*
24 *ineligible to attend a public school pursuant to NRS 392.264 or*
25 *392.4675.*

26 **Sec. 7.** This act becomes effective upon passage and approval.



