

Amendment No. 53

Assembly Amendment to Assembly Bill No. 116

(BDR 16-1)

Proposed by: Assembly Committee on Judiciary**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) **blue bold italics** is new language in the original bill; (2) **green bold italic underlining** is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) ~~orange double underlining~~ is deleted language in the original bill that is proposed to be retained in this amendment; and (6) **green bold dashed underlining** is newly added transitory language.

NCA/RRY



Date: 4/5/2009

A.B. No. 116—Revises provisions concerning compensation for victims of crime.
(BDR 16-1)



ASSEMBLY BILL NO. 116—ASSEMBLYMAN CARPENTER

PREFILED JANUARY 26, 2009

Referred to Committee on Judiciary

SUMMARY—Revises provisions concerning compensation for victims of crime.
(BDR 16-1)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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 crimes; requiring a law enforcement agency and juvenile court to provide certain requested investigative and police reports within a specific period; excluding contributory conduct of a victim of domestic violence or sexual assault from consideration in certain determinations of compensation to the victim; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

To receive compensation from the Fund for the Compensation of Victims of Crime, a fund which is created in existing law, a victim must submit an application to a compensation officer appointed by the State Board of Examiners, who conducts an investigation, determines eligibility and renders a decision about the payment of compensation to the victim. (NRS 217.090, 217.100, 217.260) During an investigation, a compensation officer may order certain reports, including investigative and police reports. (NRS 217.110)

Section 1 of this bill requires a law enforcement agency or juvenile court, as applicable, to provide the compensation officer with a copy of the requested investigative and police reports within 10 days after the receipt of such a request ~~or within 10 days after the report is completed, whichever is later.~~ **Section 2** of this bill exempts certain contributory conduct of a victim in cases involving domestic violence or sexual assault from the required considerations of a compensation officer in determining whether to make an order for compensation.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 217.110 is hereby amended to read as follows:

217.110 1. Upon receipt of an application for compensation, the compensation officer shall review the application to determine whether the applicant qualifies for compensation. The compensation officer shall deny the claim within 5 days after receipt of the application if the applicant's ineligibility is apparent from the facts stated in the application. The applicant may appeal the denial to a hearing officer within 15 days after the decision. If the hearing officer

determines that the applicant may be entitled to compensation, the hearing officer shall order the compensation officer to complete an investigation and render a decision pursuant to subsection 2. If the hearing officer denies the appeal, the applicant may appeal to an appeals officer pursuant to NRS 217.117.

2. If the compensation officer does not deny the application pursuant to subsection 1, or if he is ordered to proceed by the hearing officer, he shall conduct an investigation and, except as otherwise provided in subsection ~~4-1~~ 6, render a decision within 60 days after his receipt of the application or order. If, in conducting his investigation, the compensation officer believes that:

- (a) Reports on the previous medical history of the victim;
- (b) An examination of the victim and a report of that examination;
- (c) A report on the cause of death of the victim by an impartial medical expert;

or

- (d) Investigative or police reports,

would aid him in making his decision, the compensation officer may order the reports.

3. ~~Upon~~ ~~Within 10 days after receipt of the request of~~ If a compensation officer submits a request pursuant to subsection 2 for investigative or police reports which concern ~~it~~ :

(a) A natural person, other than a minor, who committed a crime against the victim, a law enforcement agency shall provide the compensation officer with a copy of the requested investigative or police reports ~~it or~~ within 10 days after receipt of the request or within 10 days after the reports are completed, whichever is later.

(b) A minor who committed a crime against the victim, a juvenile court or a law enforcement agency shall provide the compensation officer with a copy of the requested investigative or police reports ~~it~~ within 10 days after receipt of the request or within 10 days after the reports are completed, whichever is later.

4. *A law enforcement agency or a juvenile court shall not redact any information, except information deemed confidential, from an investigative or police report before providing a copy of the requested report to a compensation officer pursuant to subsection 3.*

5. Any reports obtained by a compensation officer pursuant to ~~this~~ subsection 3 are confidential and must not be disclosed except upon the lawful order of a court of competent jurisdiction.

~~4-1~~ 6. When additional reports are requested pursuant to subsection 2, the compensation officer shall render a decision in the case, including an order directing the payment of compensation ~~it~~ if compensation is due, within 15 days after receipt of the reports.

Sec. 2. NRS 217.180 is hereby amended to read as follows:

217.180 1. ~~It~~ *Except as otherwise provided in subsection 2, in determining whether to make an order for compensation, the compensation officer shall consider the provocation, consent or any other behavior of the victim that directly or indirectly contributed to his injury or death, the prior case or social history, if any, of the victim, the need of the victim or his dependents for financial aid and other relevant matters.*

2. *If the case involves a victim of domestic violence or sexual assault, the compensation officer shall not consider the provocation, consent or any other behavior of the victim that directly or indirectly contributed to his injury or death.*

3. If the applicant has received or is likely to receive an amount on account of his injury or the death of another from:

- (a) The person who committed the crime that caused the victim's injury or from anyone paying on behalf of the offender;

(b) Insurance;
(c) The employer of the victim; or
(d) Another private or public source or program of assistance,
→ the applicant shall report the amount received or that he is likely to receive to the compensation officer. Any of those sources that are obligated to pay an amount after the award of compensation shall pay the Board the amount of compensation that has been paid to the applicant and pay the remainder of the amount due to the applicant. The compensation officer shall deduct the amounts that the applicant has received or is likely to receive from those sources from the applicant's total expenses.

~~3.4~~ 4. An order for compensation may be made whether or not a person is prosecuted or convicted of an offense arising from the act on which the claim for compensation is based.

~~4.4~~ 5. As used in this section ~~the "public"~~ :

(a) *"Domestic violence" means an act described in NRS 33.018.*

(b) *"Public source or program of assistance" means:*

~~(a)~~ (1) Public assistance, as defined in NRS 422.050 and 422A.065;

~~(b)~~ (2) Social services provided by a social service agency, as defined in NRS 430A.080; or

~~(c)~~ (3) Other assistance provided by a public entity.

(c) *"Sexual assault" has the meaning ascribed to it in NRS 200.366.*

Sec. 3. This act becomes effective upon passage and approval.