

Amendment No. 264

Assembly Amendment to Assembly Bill No. 122	(BDR 16-305)
Proposed by: Assembly Committee on Judiciary	
Amends: Summary: Yes 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) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

CSL/RBL



Date: 4/19/2017

A.B. No. 122—Revises provisions related to the State Board of Examiners
awarding compensation to victims of crime. (BDR 16-305)



ASSEMBLY BILL NO. 122—ASSEMBLYWOMAN BENITEZ-THOMPSON

PREFILED FEBRUARY 9, 2017

Referred to Committee on Judiciary

SUMMARY—Revises provisions related to the **manner in which the** State Board of Examiners ~~forwarding~~ **awards** compensation to **certain** victims of crime. (BDR 16-305)

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 victims of crime; removing the prohibition on awarding compensation to certain victims of crime who do not meet certain citizenship or residency requirements; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Board of Examiners to award compensation to certain victims of crime. (NRS 217.160, 217.180) Existing law prohibits compensation from being awarded to a victim who was not a citizen or lawful resident of the United States at the time of the crime or who is unable to provide proof of such citizenship or lawful residency. (NRS 217.220)

Section 2 of this bill removes that prohibition. **Section 1.3** of this bill revises the definition of "resident" for the purposes of provisions relating to the compensation of victims of crime to remove the requirement that a person must be a citizen or lawful resident of the United States in order to be a resident.

Under existing law, a victim of a crime who is a resident of this State is eligible for compensation in certain circumstances when the crime occurs outside this State, including when it is an act of international terrorism which occurred outside the United States. (18 U.S.C. § 2331; NRS 217.035, 217.070, 217.102) Sections 1, 1.5 and 1.7 of this bill authorize compensation to be paid to a victim of a crime committed in this State even if the victim was not a resident of this State.

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

Section 1. NRS 217.035 is hereby amended to read as follows:

217.035 "Crime" means:

1. An act or omission committed within this state which, if committed by an adult, is forbidden by law and punishable upon conviction by death, imprisonment, fine or other penal discipline; or

2. An act of international terrorism as defined in 18 U.S.C. § 2331(1) against a ~~resident~~ person.

~~Section 1.1.~~ **Sec. 1.3.** NRS 217.065 is hereby amended to read as follows:

217.065 “Resident” means a person who ~~+~~

~~1. Is a citizen of the United States or who is lawfully entitled to reside in the United States; and~~

~~2. During~~, during the 6 weeks preceding the date of the crime, was ~~+~~

~~(a) Domiciled~~ domiciled in this state ~~+~~ and

~~(b) Physically~~ physically present in this state, except for any temporary absence.

Sec. 1.5. NRS 217.070 is hereby amended to read as follows:

217.070 1. “Victim” means:

~~++~~ (a) A person who is physically injured or killed as the direct result of a criminal act;

~~++~~ (b) A minor who was involved in the production of pornography in violation of NRS 200.710, 200.720, 200.725 or 200.730;

~~++~~ (c) A minor who was sexually abused, as “sexual abuse” is defined in NRS 432B.100;

~~++~~ (d) A person who is physically injured or killed as the direct result of a violation of NRS 484C.110 or any act or neglect of duty punishable pursuant to NRS 484C.430 or 484C.440;

~~++~~ (e) A pedestrian who is physically injured or killed as the direct result of a driver of a motor vehicle who failed to stop at the scene of a crash involving the driver and the pedestrian in violation of NRS 484E.010;

~~++~~ (f) An older person who is abused, neglected, exploited, isolated or abandoned in violation of NRS 200.5099 or 200.50995;

~~++~~ (g) A ~~resident~~ person who is physically injured or killed as the direct result of an act of international terrorism as defined in 18 U.S.C. § 2331(1); or

~~++~~ (h) A person who is trafficked in violation of subsection 2 of NRS 201.300.

~~++~~ 2. The term includes ~~++ any~~ any person who was harmed by ~~any of these acts whether the act was committed by an adult or a minor.~~ an act listed in subsection 1, regardless of whether:

(a) The person is a resident of this State, a citizen of the United States or is lawfully entitled to reside in the United States; or

(b) The act was committed by an adult or a minor.

Sec. 1.7. NRS 217.102 is hereby amended to read as follows:

217.102 1. A resident who is a victim of a crime that occurred in a state other than the State of Nevada may apply to the Board for compensation if:

~~++~~ (a) The state in which the crime occurred does not have a program for compensating victims of crime for their injuries; or

~~++~~ (b) The resident is ineligible to receive compensation under the program of the other state.

2. A victim of a crime that occurred in this State who is not a resident of this State may apply to the Board for compensation in the same manner as a resident of this State.

Sec. 2. NRS 217.220 is hereby amended to read as follows:

217.220 1. Except as otherwise provided in subsections 2 and 3, compensation must not be awarded if the victim:

(a) Was injured or killed as a result of the operation of a motor vehicle, boat or airplane unless the vehicle, boat or airplane was used as a weapon in a deliberate attempt to harm the victim or unless the driver of the vehicle injured a pedestrian,

1 violated any of the provisions of NRS 484C.110 or the use of the vehicle was
2 punishable pursuant to NRS 484C.430 or 484C.440;

3 (b) ~~{Was not a citizen of the United States or was not lawfully entitled to reside~~
4 ~~in the United States at the time the incident upon which the claim is based occurred~~
5 ~~or the victim is unable to provide proof that the victim was a citizen of the United~~
6 ~~States or was lawfully entitled to reside in the United States at that time;~~

7 ~~—(e)}~~ Was a coconspirator, codefendant, accomplice or adult passenger of the
8 offender whose crime caused the victim's injuries;

9 ~~{(d)}~~ (c) Was injured or killed while serving a sentence of imprisonment in a
10 prison or jail;

11 ~~{(e)}~~ (d) Was injured or killed while living in a facility for the commitment or
12 detention of children who are adjudicated delinquent pursuant to title 5 of NRS; or

13 ~~{(f)}~~ (e) Fails to cooperate with law enforcement agencies. Such cooperation
14 does not require prosecution of the offender.

15 2. Paragraph (a) of subsection 1 does not apply to a minor who was physically
16 injured or killed while being a passenger in the vehicle of an offender who violated
17 NRS 484C.110 or is punishable pursuant to NRS 484C.430 or 484C.440.

18 3. A victim who is a relative of the offender or who, at the time of the
19 personal injury or death of the victim, was living with the offender in a continuing
20 relationship may be awarded compensation if the offender would not profit by the
21 compensation of the victim.

22 4. The compensation officer may deny an award if the compensation officer
23 determines that the applicant will not suffer serious financial hardship. In
24 determining whether an applicant will suffer serious financial hardship, the
25 compensation officer shall not consider:

26 (a) The value of the victim's dwelling;

27 (b) The value of one motor vehicle owned by the victim; or

28 (c) The savings and investments of the victim up to an amount equal to the
29 victim's annual salary.

30 **Sec. 3.** This act becomes effective on July 1, 2017.