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SENATE BILL NO. 368—SENATORS SPEARMAN AND PARKS

MARCH 20, 2019

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JOINT SPONSOR: ASSEMBLYWOMAN KRASNER

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Referred to Committee on Judiciary

**SUMMARY**—Revises provisions relating to protections for victims of crime. (BDR 2-166)

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

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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 victims of crime; eliminating the statute of limitations in civil actions to recover damages for certain sexual offenses; establishing a rebuttable presumption in civil actions concerning unwelcome or nonconsensual sexual conduct by a person in a position of authority over an alleged victim; revising provisions relating to confidential communications between a victim's advocate and certain victims; authorizing a child adjudicated delinquent for certain unlawful acts who was a victim of sex trafficking or involuntary servitude to petition the juvenile court to vacate the adjudication and seal all records relating thereto; eliminating the statute of limitations for sexual assault and various other sexual offenses; authorizing the imposition of an additional penalty against a person in a position of authority over another person who commits a sexual offense against the other person; establishing the Sexual Assault Victims' DNA Bill of Rights; increasing the time within which an extended order of protection against a person who allegedly committed a sexual assault may remain effective; increasing the term of imprisonment and authorized fine imposed upon a person who possesses a visual presentation depicting sexual conduct of a person under 16 years of age; exempting persons under 25 years of age from arrest or punishment for unlawful prostitution; revising provisions relating to sexual conduct between a law enforcement officer and a person in his or her custody; requiring the Department of Health and Human Services to develop a State Plan for Services for Victims of Crime; transferring the administration of the process governing the application and determination of eligibility for compensation from the Fund for the Compensation of Victims of Crime from the Department of Administration to the Department of Health and Human Services; authorizing the Director of the Department of Health and Human Services to adopt certain rules and regulations; revising provisions relating to investigations by an administrator of a public school into a report of bullying or cyber-bullying; revising provisions relating to facilities that offer services to persons with an intellectual disability or developmental disability; revising provisions relating to the testing of a person alleged to have committed a sexual offense; and providing other matters properly relating thereto.



\* S B 3 6 8 \*

**Legislative Counsel's Digest:**

Existing law provides that certain communications between a victim's advocate and a person who alleges that an act of domestic violence, human trafficking or sexual assault has been committed against the person is deemed to be confidential. Any such person who seeks advice, counseling or assistance from a victim's advocate generally has a privilege to refuse to disclose and to prevent any other person from disclosing such confidential communications. (NRS 49.2546, 49.2547) **Section 3** of this bill specifies that such confidential communications are not subject to discovery proceedings.

Existing law: (1) authorizes a person convicted of certain offenses who was the victim of sex trafficking or involuntary servitude to petition the court to vacate the judgment and seal all documents relating to the case; and (2) provides that if the court enters such an order, the court is also required to order sealed the records of the petitioner which relate to the judgment being vacated. (NRS 179.247) **Section 4** of this bill: (1) authorizes a child adjudicated delinquent for certain unlawful acts who was the victim of sex trafficking or involuntary servitude to petition the juvenile court to vacate the adjudication and seal all records relating to the adjudication; and (2) provides that if the juvenile court enters such an order, the juvenile court is also required to order sealed the records of the child which relate to the adjudication being vacated.

Existing law establishes the statutes of limitations for felonies and generally provides that an indictment must be found, or an information or complaint filed: (1) for certain specified felonies, including sex trafficking, within 4 years after the commission of the offense; (2) for sexual assault, within 20 years after the commission of the offense; and (3) for any other felony, within 3 years after the commission of the offense. (NRS 171.085) **Section 6** of this bill eliminates the statute of limitations for sexual assault and various other sexual offenses that are, depending on the circumstances, punishable as a felony, gross misdemeanor or misdemeanor, and provides that a prosecution for any such offense may be commenced at any time after the violation is committed. **Sections 7-10** of this bill make conforming changes.

Existing law provides that a civil action to recover damages for an injury to a person arising from the sexual abuse of the plaintiff which occurred when the plaintiff was less than 18 years of age generally must be commenced within 20 years after the plaintiff: (1) reaches 18 years of age; or (2) discovers or reasonably should have discovered that his or her injury was caused by the sexual abuse, whichever occurs later. (NRS 11.215) **Section 1** of this bill provides that there is no limitation of time within which a civil action to recover damages for such an injury or for the sexual assault of the plaintiff must be commenced and that any such action may be commenced at any time after the offense is committed.

Existing law establishes the imposition of a penalty for the commission of certain specified crimes that is in addition to the usual penalty imposed for the offense. (NRS 193.161-193.169) **Section 11** of this bill authorizes the imposition of an additional penalty against any person in a position of authority over another person who commits a sexual offense against the other person. **Section 11** provides that, in addition to the term of imprisonment prescribed for the crime, if the crime committed is: (1) a misdemeanor or gross misdemeanor, the person must be punished by imprisonment in the county jail for a term equal to the term of imprisonment prescribed for the crime; or (2) a felony, the person must be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years. **Section 11** also establishes the information that a court is required to consider in determining the length of the additional penalty imposed.

**Section 2** of this bill establishes a rebuttable presumption in any civil action concerning any unwelcome or nonconsensual sexual conduct, including sexual



harassment, that the sexual conduct was unwelcome or nonconsensual if the alleged perpetrator was a person in a position of authority over the alleged victim.

Existing law: (1) generally requires a law enforcement agency, within 30 days after receiving a sexual assault forensic evidence kit (hereinafter "SAFE kit") to submit the SAFE kit to the applicable forensic laboratory responsible for conducting a genetic marker analysis; and (2) requires the forensic laboratory to test a SAFE kit not later than 120 days after receiving it. (NRS 200.3786) **Sections 14 and 15** of this bill establish the Sexual Assault Victims' DNA Bill of Rights. **Section 15** requires a law enforcement agency, upon the request of a victim of sexual assault, to inform the victim of the status of the DNA testing of a SAFE kit or other crime scene evidence from the victim's case. **Section 15** also requires a law enforcement agency responsible for providing information to a victim to do so in a timely manner and, upon request, advise the victim of any significant changes in the information of which the law enforcement agency is aware. **Section 15** further establishes certain rights of a victim of sexual assault.

Existing law authorizes any person who reasonably believes that the crime of sexual assault has been committed against him or her by another person to petition a court for a temporary or extended order to restrict the conduct of the person who allegedly committed the sexual assault. (NRS 200.378) Existing law provides that any such extended order expires within a time fixed by the court not to exceed 1 year. (NRS 200.3782) **Section 17** of this bill increases the time within which such an extended order can expire to 5 years.

Existing law provides that a person who knowingly and willfully has in his or her possession any visual presentation depicting sexual conduct of a person under 16 years of age is guilty: (1) for the first offense, of a category B felony and must be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000; and (2) for any subsequent offense, of a category A felony and must be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of life with the possibility of parole, and may be further punished by a fine of not more than \$5,000. (NRS 200.730) **Section 18** of this bill: (1) increases the minimum term of imprisonment for a first or subsequent offense to 5 years; (2) increases the maximum term of imprisonment for a first offense to 20 years; and (3) increases the fine that may be imposed for a first or subsequent offense to \$250,000.

Existing law prohibits any person from engaging in prostitution except in a licensed house of prostitution and provides that a prostitute who violates such a prohibition is guilty of a misdemeanor. (NRS 201.354) **Section 19** of this bill provides that a prostitute who is 25 years of age or older who violates such a provision is guilty of a misdemeanor, but a prostitute who is less than 25 years of age is deemed to be a victim and must not be arrested or subject to any punishment, but rather must be connected with any appropriate available services for victims of sexual offenses.

Existing law prohibits a person from voluntarily engaging in sexual conduct with a prisoner who is in lawful custody or confinement and provides that any person who violates such a prohibition is guilty of a category D felony. (NRS 212.187) Existing law defines the term "prisoner" for the purposes of such a prohibition as including any person held in custody under process of law or under lawful arrest. (NRS 208.085) **Section 20** of this bill: (1) clarifies that such a prohibition applies to a law enforcement officer who voluntarily engages in sexual conduct with a person who is in his or her custody; and (2) provides that if a law enforcement officer violates such a prohibition by voluntarily engaging in sexual conduct with a person who is in his or her custody, it is not a defense that the person in his or her custody consented to the sexual conduct.



Existing law establishes provisions governing the payment of compensation from the Fund for the Compensation of Victims of Crime to certain victims of criminal acts and provides that the process governing the application and determination of eligibility for compensation is administered by the Department of Administration. (NRS 217.010-217.270) **Section 22** of this bill transfers the administration of such a process to the Department of Health and Human Services. Existing law requires a compensation officer to review an application for compensation and, if the compensation officer denies the claim, authorizes the applicant to follow an appeals process that includes appealing the decision of an appeals officer to the State Board of Examiners, whose decision on the matter is final. (NRS 217.010, 217.117) **Section 24** of this bill authorizes the Director of the Department of Health and Human Services to adopt rules and regulations: (1) establishing the eligibility requirements for receiving compensation from the Fund; and (2) providing for administrative hearings to address appeals of the decisions of appeals officers. **Section 23** of this bill accordingly removes the provisions relating to the appeal of a decision of an appeals officer to the State Board of Examiners and authorizes an applicant to appeal such a decision in accordance with the regulations adopted by the Director.

**Section 21** of this bill requires the Department of Health and Human Services to: (1) develop a State Plan for Services for Victims of Crime for the purpose of ensuring that agencies which provide compensation to and services for victims of crime are coordinated in their efforts and use the same data; and (2) consult with each division of the Department and all other agencies which administer funds designated for victims of crime in the development thereof.

Existing law requires any teacher, administrator, coach or other staff member of a public school who witnesses any bullying or cyber-bullying on the premises of any school, at an activity sponsored by a school or on any school bus to report the violation to the administrator in charge of the school or his or her designee on the same day that the violation is witnessed. The administrator or designee is required to immediately begin an investigation into the report, which must be completed not later than 2 school days after the administrator or designee received the report. (NRS 388.1351) **Section 25** of this bill provides that such provisions must not be construed to place any limit on the time within which an investigation concerning any alleged act that constitutes sexual assault must be completed.

Existing law establishes provisions concerning persons with intellectual disabilities and persons with developmental disabilities, including provisions relating to facilities that offer services to such persons. (Chapter 435 of NRS) **Section 26** of this bill requires the Aging and Disability Services Division of the Department of Health and Human Services to ensure that each facility to which a person with an intellectual disability or a person with a developmental disability is able to be admitted provides: (1) training to each employee of the facility regarding the protocol that must be followed if the employee becomes aware of any sexual abuse of a person that is admitted to the facility; and (2) appropriate education to each person that is admitted to the facility that explains what sexual abuse is and how to report it.

Existing law requires: (1) the district health officer in a district or the Chief Medical Officer, or the designee thereof, to test a specimen obtained from an arrested person alleged to have committed a sexual offense for exposure to the human immunodeficiency virus and any commonly contracted sexually transmitted disease; and (2) the agency that has custody of the arrested person to obtain the specimen and submit it for testing. (NRS 441A.320) **Section 27** of this bill provides that unless the arrested person is afflicted with hemophilia or with a heart condition requiring the use of an anticoagulant as determined by a physician, the person may not refuse to submit to any blood test administered for the purpose of obtaining a specimen for testing.



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

**Section 1.** NRS 11.215 is hereby amended to read as follows:

11.215 1. ~~{Except as otherwise provided in subsection 2 and~~  
~~NRS 217.007,}~~ *There is no limitation of time within which* an  
action to recover damages for an injury to a person arising from the  
sexual abuse of the plaintiff which occurred when the plaintiff was  
less than 18 years of age ~~{must be commenced within 20 years after}~~  
*or the sexual assault of* the plaintiff ~~{:~~

~~— (a) Reaches 18 years of age; or~~

~~— (b) Discovers or reasonably should have discovered that his or~~  
~~her injury was caused by the sexual abuse,~~

~~↪ whichever occurs later.}~~ *must be commenced. Such an action*  
*may be commenced at any time after the offense is committed.*

2. An action to recover damages pursuant to NRS 41.1396  
must be commenced within 20 years after the occurrence of the  
following, whichever is later:

(a) The court enters a verdict in a related criminal case; or

(b) The victim reaches the age of 18 years.

3. As used in this section ~~{, “sexual”}~~:

(a) *“Sexual”* abuse” has the meaning ascribed to it in  
NRS 432B.100.

(b) *“Sexual assault” means a violation of NRS 200.366.*

**Sec. 2.** Chapter 41 of NRS is hereby amended by adding  
thereto a new section to read as follows:

*1. In any civil action concerning any unwelcome or*  
*nonconsensual sexual conduct, including, without limitation,*  
*sexual harassment, there is a rebuttable presumption that the*  
*sexual conduct was unwelcome or nonconsensual if the alleged*  
*perpetrator was a person in a position of authority over the alleged*  
*victim.*

*2. As used in this section:*

(a) *“Person in a position of authority” has the meaning*  
*ascribed to it in section 11 of this act.*

(b) *“Sexual harassment” has the meaning ascribed to it in*  
*NRS 176A.280.*

**Sec. 3.** NRS 49.2547 is hereby amended to read as follows:

49.2547 Except as otherwise provided in NRS 49.2549, a  
victim who seeks advice, counseling or assistance from a victim’s  
advocate has a privilege to refuse to disclose, and to prevent any  
other person from disclosing, confidential communications set forth  
in NRS 49.2546. *Any such confidential communications are not*  
*subject to discovery proceedings.*



1     **Sec. 4.** Chapter 62E of NRS is hereby amended by adding  
2 thereto a new section to read as follows:

3     ***1. If a child has been adjudicated delinquent for an unlawful***  
4 ***act listed in subsection 2, the child may petition the juvenile court***  
5 ***for an order:***

6       ***(a) Vacating the adjudication; and***

7       ***(b) Sealing all records relating to the adjudication.***

8     ***2. A child may file a petition pursuant to subsection 1 if the***  
9 ***child was adjudicated delinquent for an unlawful act in violation***  
10 ***of:***

11       ***(a) NRS 201.354, for engaging in prostitution or solicitation***  
12 ***for prostitution, provided that the child was not alleged to be a***  
13 ***customer of a prostitute;***

14       ***(b) NRS 207.200, for unlawful trespass;***

15       ***(c) Paragraph (b) of subsection 1 of NRS 463.350, for***  
16 ***loitering; or***

17       ***(d) A county, city or town ordinance, for loitering for the***  
18 ***purpose of solicitation or prostitution.***

19     ***3. The juvenile court may grant a petition filed pursuant to***  
20 ***subsection 1 if:***

21       ***(a) The petitioner was adjudicated delinquent for an unlawful***  
22 ***act described in subsection 2;***

23       ***(b) The participation of the petitioner in the unlawful act was***  
24 ***the result of the petitioner having been a victim of:***

25           ***(1) Trafficking in persons as described in the Trafficking***  
26 ***Victims Protection Act of 2000, 22 U.S.C. §§ 7101 et seq.; or***

27           ***(2) Involuntary servitude as described in NRS 200.463 or***  
28 ***200.4631; and***

29       ***(c) The petitioner files a petition pursuant to subsection 1 with***  
30 ***due diligence after the petitioner has ceased being a victim of***  
31 ***trafficking or involuntary servitude or has sought services for***  
32 ***victims of such trafficking or involuntary servitude.***

33     ***4. Before the court decides whether to grant a petition filed***  
34 ***pursuant to subsection 1, the court shall:***

35       ***(a) Notify the district attorney and the chief probation officer***  
36 ***or the Chief of the Youth Parole Bureau and allow any person***  
37 ***who has evidence that is relevant to consideration of the petition to***  
38 ***testify at the hearing on the petition; and***

39       ***(b) Take into consideration any reasonable concerns for the***  
40 ***safety of the petitioner, family members of the petitioner or other***  
41 ***victims that may be jeopardized by the granting of the petition.***

42     ***5. If the court grants a petition filed pursuant to subsection 1,***  
43 ***the court shall:***

44       ***(a) Vacate the adjudication and dismiss the accusatory***  
45 ***pleading; and***



(b) *Order sealed all records relating to the adjudication.*

6. *If a petition filed pursuant to subsection 1 does not satisfy the requirements of NRS 62H.130 or the juvenile court determines that the petition is otherwise deficient with respect to the sealing of the petitioner's record, the juvenile court may enter an order to vacate the adjudication and dismiss the accusatory pleading if the petitioner satisfies all requirements necessary for the adjudication to be vacated.*

7. *If the juvenile court enters an order pursuant to subsection 6, the court shall also order sealed all records of the petitioner which relate to the adjudication being vacated in accordance with paragraph (b) of subsection 5, regardless of whether any records relating to other adjudications are ineligible for sealing either by operation of law or because of a deficiency in the petition.*

**Sec. 5.** NRS 62H.130 is hereby amended to read as follows:

62H.130 1. If a child is less than 21 years of age, the child or a probation or parole officer on behalf of the child may petition the juvenile court for an order sealing all records relating to the child. ~~[The]~~ *Except as otherwise provided in section 4 of this act, the* petition may be filed:

(a) Not earlier than 3 years after the child was last adjudicated in need of supervision, adjudicated delinquent or placed under the supervision of the juvenile court pursuant to NRS 62C.230; and

(b) If, at the time the petition is filed, the child does not have any delinquent or criminal charges pending.

2. If a petition is filed pursuant to this section, the juvenile court shall notify the district attorney and, if a probation or parole officer is not the petitioner, the chief probation officer or the Chief of the Youth Parole Bureau.

3. The district attorney and the chief probation officer or any of their deputies, the Chief of the Youth Parole Bureau or his or her designee, or any other person who has evidence that is relevant to consideration of the petition may testify at the hearing on the petition.

4. Except as otherwise provided in subsection 6, after the hearing on the petition, if the juvenile court finds that during the applicable 3-year period, the child has not been convicted of a felony or of any misdemeanor involving moral turpitude and the child has been rehabilitated to the satisfaction of the juvenile court, the juvenile court:

(a) May enter an order sealing all records relating to the child if the child is less than 18 years of age; and

(b) Shall enter an order sealing all records relating to the child if the child is 18 years of age or older.



5. In determining whether a child has been rehabilitated to the satisfaction of the juvenile court pursuant to subsection 4, the juvenile court may consider:

(a) The age of the child;

(b) The nature of the offense and the role of the child in the commission of the offense;

(c) The behavior of the child after the child was last adjudicated in need of supervision or adjudicated delinquent, placed under the informal supervision of a probation officer pursuant to NRS 62C.200 or placed under the supervision of the juvenile court pursuant to NRS 62C.230;

(d) The response of the child to any treatment or rehabilitation program;

(e) The education and employment history of the child;

(f) The statement of the victim;

(g) The nature of any criminal offense for which the child was convicted;

(h) Whether the sealing of the record would be in the best interest of the child and the State; and

(i) Any other circumstance that may relate to the rehabilitation of the child.

6. If the juvenile court retains jurisdiction over a civil judgment and a person against whom the civil judgment was entered pursuant to NRS 62B.420, the case caption, case number and order entering the civil judgment must not be sealed until the civil judgment is satisfied or expires. After the civil judgment is satisfied or expires, the child or a person named as a judgment debtor may file a petition to seal such information.

**Sec. 6.** NRS 171.080 is hereby amended to read as follows:

171.080 There is no limitation of the time within which a prosecution for:

1. Murder must be commenced. It may be commenced at any time after the death of the person killed.

2. A violation of NRS **200.366, 200.368, 200.710, 200.720, 200.725, 200.727, 200.730, 201.180, 201.230, 201.540, 201.550, 201.555, 201.560 or** 202.445 must be commenced. It may be commenced at any time after the violation is committed.

**Sec. 7.** NRS 171.083 is hereby amended to read as follows:

171.083 1. If, at any time during the period of limitation prescribed in NRS 171.085 and 171.095, ~~[a victim of a sexual assault, a person authorized to act on behalf of a victim of a sexual assault, or]~~ a victim of sex trafficking or a person authorized to act on behalf of a victim of sex trafficking ~~[.]~~ files with a law enforcement officer a written report concerning the ~~[sexual assault or]~~ sex trafficking, the period of limitation prescribed in





1 NRS 171.085 and 171.095 is removed and there is no limitation of  
2 the time within which a prosecution for the ~~sexual assault or~~ sex  
3 trafficking must be commenced.

4 2. If a written report is filed with a law enforcement officer  
5 pursuant to subsection 1, the law enforcement officer shall provide a  
6 copy of the written report to the victim or the person authorized to  
7 act on behalf of the victim.

8 3. If a victim of ~~a sexual assault or~~ sex trafficking is under a  
9 disability during any part of the period of limitation prescribed in  
10 NRS 171.085 and 171.095 and a written report concerning the  
11 ~~sexual assault or~~ sex trafficking is not otherwise filed pursuant to  
12 subsection 1, the period during which the victim is under the  
13 disability must be excluded from any calculation of the period of  
14 limitation prescribed in NRS 171.085 and 171.095.

15 4. For the purposes of this section, a victim of ~~a sexual assault~~  
16 ~~or~~ sex trafficking is under a disability if the victim is insane,  
17 intellectually disabled, mentally incompetent or in a medically  
18 comatose or vegetative state.

19 5. As used in this section, "law enforcement officer" means:

- 20 (a) A prosecuting attorney;  
21 (b) A sheriff of a county or the sheriff's deputy;  
22 (c) An officer of a metropolitan police department or a police  
23 department of an incorporated city; or  
24 (d) Any other person upon whom some or all of the powers of a  
25 peace officer are conferred pursuant to NRS 289.150 to 289.360,  
26 inclusive.

27 **Sec. 8.** NRS 171.085 is hereby amended to read as follows:  
28 171.085 Except as otherwise provided in NRS 171.080,  
29 171.083, 171.084 and 171.095, an indictment for:

30 1. Theft, robbery, burglary, forgery, arson, sex trafficking, a  
31 violation of NRS 90.570, a violation punishable pursuant to  
32 paragraph (c) of subsection 3 of NRS 598.0999 or a violation of  
33 NRS 205.377 must be found, or an information or complaint filed,  
34 within 4 years after the commission of the offense.

35 2. ~~Sexual assault must be found, or an information or~~  
36 ~~complaint filed, within 20 years after the commission of the offense.~~  
37 ~~—3.—~~ Any felony other than the felonies listed in ~~subsections~~  
38 **subsection 1** ~~and 2~~ must be found, or an information or complaint  
39 filed, within 3 years after the commission of the offense.

40 **Sec. 9.** NRS 171.090 is hereby amended to read as follows:  
41 171.090 Except as otherwise provided in NRS **171.080**,  
42 171.095, 202.885 and 624.800, an indictment for:

43 1. A gross misdemeanor must be found, or an information or  
44 complaint filed, within 2 years after the commission of the offense.



2. Any other misdemeanor must be found, or an information or complaint filed, within 1 year after the commission of the offense.

**Sec. 10.** NRS 171.095 is hereby amended to read as follows:

171.095 1. Except as otherwise provided in subsection 2 and NRS **171.080**, 171.083 and 171.084:

(a) If a felony, gross misdemeanor or misdemeanor is committed in a secret manner, an indictment for the offense must be found, or an information or complaint filed, within the periods of limitation prescribed in NRS 171.085, 171.090 and 624.800 after the discovery of the offense, unless a longer period is allowed by paragraph (b) or (c) or the provisions of NRS 202.885.

(b) An indictment must be found, or an information or complaint filed, for any offense constituting ~~[sexual abuse of a child as defined in NRS 432B.100 or]~~ sex trafficking of a child as defined in NRS 201.300 ~~[ ]~~ before the victim is:

(1) Thirty-six years old if the victim discovers or reasonably should have discovered that he or she was a victim of the ~~[sexual abuse or]~~ sex trafficking by the date on which the victim reaches that age; or

(2) Forty-three years old if the victim does not discover and reasonably should not have discovered that he or she was a victim of the ~~[sexual abuse or]~~ sex trafficking by the date on which the victim reaches 36 years of age.

(c) If a felony is committed pursuant to NRS 205.461 to 205.4657, inclusive, against a victim who is less than 18 years of age at the time of the commission of the offense, an indictment for the offense must be found, or an information or complaint filed, within 4 years after the victim discovers or reasonably should have discovered the offense.

2. If any indictment found, or an information or complaint filed, within the time prescribed in subsection 1 is defective so that no judgment can be given thereon, another prosecution may be instituted for the same offense within 6 months after the first is abandoned.

**Sec. 11.** Chapter 193 of NRS is hereby amended by adding thereto a new section to read as follows:

***1. Except as otherwise provided in NRS 193.169, any person in a position of authority over another person who commits a sexual offense against the other person shall, in addition to the term of imprisonment prescribed by statute for the crime, be punished, if the crime is a misdemeanor or gross misdemeanor, by imprisonment in the county jail for a term equal to the term of imprisonment prescribed by statute for the crime, and, if the crime is a felony, by imprisonment in the state prison for a minimum***



term of not less than 1 year and a maximum term of not more than 20 years.

2. In determining the length of the additional penalty imposed pursuant to this section, the court shall consider the following information:

(a) The facts and circumstances of the crime or criminal violation;

(b) The criminal history of the person;

(c) The impact of the crime or criminal violation on any victim;

(d) Any mitigating factors presented by the person; and

(e) Any other relevant information.

➔ The court shall state on the record that it has considered the information described in paragraphs (a) to (e), inclusive, in determining the length of the additional penalty imposed.

3. The sentence prescribed by this section:

(a) Must not exceed the sentence imposed for the crime or criminal violation; and

(b) Must run consecutively with the sentence prescribed by statute for the crime or criminal violation.

4. This section does not create any separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

5. As used in this section:

(a) "Person in a position of authority" means a parent, relative, household member, employer, supervisor, youth leader, scout leader, coach, mentor in a mentoring program, teacher, professor, counselor, school administrator, religious leader, doctor, nurse, psychologist, other health care provider, guardian ad litem, guardian, babysitter, police officer or other law enforcement officer or any other person who, by reason of his or her position, is able to exercise significant or undue influence over the victim.

(b) "Sexual offense" has the meaning ascribed to it in NRS 179D.097.

**Sec. 12.** NRS 193.169 is hereby amended to read as follows:

193.169 1. A person who is sentenced to an additional term of imprisonment pursuant to the provisions of subsection 1 of NRS 193.161, NRS 193.162, 193.163, 193.165, 193.166, 193.167, 193.1675, 193.1677, 193.168, subsection 1 of NRS 193.1685, NRS 453.3335, 453.3345, 453.3351 or subsection 1 of NRS 453.3353 **or section 11 of this act** must not be sentenced to an additional term of imprisonment pursuant to any of the other listed sections even if the person's conduct satisfies the requirements for imposing an



1 additional term of imprisonment pursuant to another one or more of  
2 those sections.

3 2. A person who is sentenced to an alternative term of  
4 imprisonment pursuant to subsection 3 of NRS 193.161, subsection  
5 3 of NRS 193.1685 or subsection 2 of NRS 453.3353 must not be  
6 sentenced to an additional term of imprisonment pursuant to  
7 subsection 1 of NRS 193.161, NRS 193.162, 193.163, 193.165,  
8 193.166, 193.167, 193.1675, 193.1677, 193.168, 453.3335,  
9 453.3345 or 453.3351 *or section 11 of this act* even if the person's  
10 conduct satisfies the requirements for imposing an additional term  
11 of imprisonment pursuant to another one or more of those sections.

12 3. This section does not:

13 (a) Affect other penalties or limitations upon probation or  
14 suspension of a sentence contained in the sections listed in  
15 subsection 1 or 2.

16 (b) Prohibit alleging in the alternative in the indictment or  
17 information that the person's conduct satisfies the requirements of  
18 more than one of the sections listed in subsection 1 or 2 and  
19 introducing evidence to prove the alternative allegations.

20 **Sec. 13.** Chapter 200 of NRS is hereby amended by adding  
21 thereto the provisions set forth as sections 14 and 15 of this act.

22 **Sec. 14.** *Section 15 of this act may be cited as the Sexual*  
23 *Assault Victims' DNA Bill of Rights.*

24 **Sec. 15. 1.** *The Legislature hereby finds and declares that:*

25 (a) *Victims of sexual assault have a strong interest in the*  
26 *investigation and prosecution of their cases.*

27 (b) *Law enforcement agencies have an obligation to victims of*  
28 *sexual assault to be responsive to the victims concerning the*  
29 *developments of forensic testing and the investigation of their*  
30 *cases.*

31 (c) *The growth of the State DNA Database and CODIS makes*  
32 *it possible for many perpetrators of sexual assault to be identified*  
33 *after their first offense.*

34 2. *Upon the request of a victim of sexual assault, the law*  
35 *enforcement agency investigating the sexual assault shall inform*  
36 *the victim of the status of the DNA testing of a sexual assault*  
37 *forensic evidence kit or other crime scene evidence from the*  
38 *victim's case. The law enforcement agency may require that such*  
39 *a request be in writing, and shall respond to such a request with*  
40 *an oral or written communication, including, without limitation, a*  
41 *communication sent by electronic mail if the victim has provided*  
42 *his or her electronic mail address to the law enforcement agency.*  
43 *This subsection must not be construed to require a law*  
44 *enforcement agency to communicate with a victim of sexual*  
45 *assault or the designee of the victim regarding the status of the*



1 *testing of a sexual assault forensic evidence kit if the victim or his*  
2 *or her designee does not specifically request such information.*

3 3. *Subject to the availability of sufficient resources to respond*  
4 *to requests for information, a victim of sexual assault has the*  
5 *following rights:*

6 (a) *The right to be informed of whether a DNA profile was*  
7 *obtained from the DNA testing of a sexual assault forensic*  
8 *evidence kit or other crime scene evidence from the victim's case.*

9 (b) *The right to be informed of whether a DNA profile*  
10 *obtained from the DNA testing of a sexual assault forensic*  
11 *evidence kit or other crime scene evidence from the victim's case*  
12 *has been entered into the State DNA Database.*

13 (c) *The right to be informed of whether there is a match*  
14 *between a DNA profile obtained from the DNA testing of a sexual*  
15 *assault forensic evidence kit or other crime scene evidence from*  
16 *the victim's case and a DNA profile contained in the State DNA*  
17 *Database, provided that disclosure of such information will not*  
18 *impede or compromise any ongoing investigation.*

19 4. *A victim of sexual assault may designate a sexual assault*  
20 *victim advocate or other support person of the victim's choosing to*  
21 *act as a recipient of the information required to be provided*  
22 *pursuant to this section.*

23 5. *A law enforcement agency responsible for providing*  
24 *information pursuant to this section shall do so in a timely*  
25 *manner and, upon request of the victim or his or her designee,*  
26 *advise the victim or designee of any significant changes in the*  
27 *information of which the law enforcement agency is aware. To be*  
28 *entitled to receive such notice, the victim or his or her designee*  
29 *shall keep the law enforcement agency informed of the name,*  
30 *address, telephone number and any electronic mail address of the*  
31 *person to whom the information should be provided and any*  
32 *changes thereto.*

33 6. *The provisions of this section are intended to encourage a*  
34 *law enforcement agency to notify victims of sexual assault of*  
35 *information that is in the possession of the law enforcement*  
36 *agency, not to affect the manner of or frequency with which such*  
37 *information is provided to the law enforcement agency.*

38 7. *A defendant or person convicted or accused of a crime*  
39 *against a victim of sexual assault has no standing to object to any*  
40 *failure to comply with this section. The failure by a law*  
41 *enforcement agency to provide a right or notice to a victim of*  
42 *sexual assault pursuant to this section cannot be used by a*  
43 *defendant to seek to have his or her conviction or sentence set*  
44 *aside.*

45 8. *As used in this section:*



1     (a) *“CODIS” has the meaning ascribed to it in*  
2 *NRS 176.09113.*

3     (b) *“State DNA Database” has the meaning ascribed to it in*  
4 *NRS 176.09119.*

5     **Sec. 16.** NRS 200.364 is hereby amended to read as follows:

6     200.364 As used in NRS 200.364 to 200.3788, inclusive, *and*  
7 *sections 14 and 15 of this act*, unless the context otherwise requires:

8     1. “Forensic laboratory” has the meaning ascribed to it in  
9 NRS 176.09117.

10    2. “Forensic medical examination” has the meaning ascribed to  
11 it in NRS 217.300.

12    3. “Genetic marker analysis” has the meaning ascribed to it in  
13 NRS 176.09118.

14    4. “Offense involving a pupil or child” means any of the  
15 following offenses:

16     (a) Sexual conduct between certain employees of a school or  
17 volunteers at a school and a pupil pursuant to NRS 201.540.

18     (b) Sexual conduct between certain employees of a college or  
19 university and a student pursuant to NRS 201.550.

20     (c) Sexual conduct between certain employees or contractors of  
21 or volunteers for an entity which provides services to children and a  
22 person under the care, custody, control or supervision of the entity  
23 pursuant to NRS 201.555.

24    5. “Perpetrator” means a person who commits a sexual offense,  
25 an offense involving a pupil or child or sex trafficking.

26    6. “Sex trafficking” means a violation of subsection 2 of  
27 NRS 201.300.

28    7. “Sexual assault forensic evidence kit” means the forensic  
29 evidence obtained from a forensic medical examination.

30    8. “Sexual offense” means any of the following offenses:

31     (a) Sexual assault pursuant to NRS 200.366.

32     (b) Statutory sexual seduction pursuant to NRS 200.368.

33    9. “Sexual penetration” means cunnilingus, fellatio, or any  
34 intrusion, however slight, of any part of a person’s body or any  
35 object manipulated or inserted by a person into the genital or anal  
36 openings of the body of another, including sexual intercourse in its  
37 ordinary meaning. The term does not include any such conduct for  
38 medical purposes.

39    10. “Statutory sexual seduction” means ordinary sexual  
40 intercourse, anal intercourse or sexual penetration committed by a  
41 person 18 years of age or older with a person who is 14 or 15 years  
42 of age and who is at least 4 years younger than the perpetrator.

43    11. “Victim” means a person who is a victim of a sexual  
44 offense, an offense involving a pupil or child or sex trafficking.



12. "Victim of sexual assault" has the meaning ascribed to it in NRS 217.280.

**Sec. 17.** NRS 200.3782 is hereby amended to read as follows:

200.3782 1. A temporary order issued pursuant to NRS 200.378 expires within such time, not to exceed 30 days, as the court fixes. If a petition for an extended order is filed within the period of a temporary order, the temporary order remains in effect until the hearing on the extended order is held.

2. On 2 days' notice to the party who obtained the temporary order, the adverse party may appear and move its dissolution or modification, and in that event, the court shall proceed to hear and determine such motion as expeditiously as the ends of justice require.

3. An extended order expires within such time, not to exceed ~~1 year~~ **5 years**, as the court fixes. A temporary order may be converted by the court, upon notice to the adverse party and a hearing, into an extended order effective for not more than ~~1 year~~ **5 years**.

**Sec. 18.** NRS 200.730 is hereby amended to read as follows:

200.730 A person who knowingly and willfully has in his or her possession for any purpose any film, photograph or other visual presentation depicting a person under the age of 16 years as the subject of a sexual portrayal or engaging in or simulating, or assisting others to engage in or simulate, sexual conduct:

1. For the first offense, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than ~~1 year~~ **5 years** and a maximum term of not more than ~~6~~ **20** years, and may be further punished by a fine of not more than ~~\$5,000~~ **\$250,000**.

2. For any subsequent offense, is guilty of a category A felony and shall be punished by imprisonment in the state prison for a minimum term of not less than ~~1 year~~ **5 years** and a maximum term of life with the possibility of parole, and may be further punished by a fine of not more than ~~\$5,000~~ **\$250,000**.

**Sec. 19.** NRS 201.354 is hereby amended to read as follows:

201.354 1. ~~It~~ **Except as otherwise provided in subsection 2,** *it* is unlawful for any person to engage in prostitution or solicitation therefor, except in a licensed house of prostitution.

2. A prostitute who ***is 25 years of age or older and who violates subsection 1 is guilty of a misdemeanor. A prostitute who is less than 25 years of age is deemed to be a victim and must not be arrested or subject to any punishment, but must be connected with any appropriate available services for victims of sexual offenses.***

3. Except as otherwise provided in subsection 5, a customer who violates subsection 1:





(a) For a first offense, is guilty of a misdemeanor and shall be punished as provided in NRS 193.150, and by a fine of not less than \$400.

(b) For a second offense, is guilty of a gross misdemeanor and shall be punished as provided in NRS 193.140, and by a fine of not less than \$800.

(c) For a third or subsequent offense, is guilty of a gross misdemeanor and shall be punished as provided in NRS 193.140, and by a fine of not less than \$1,300.

4. In addition to any other penalty imposed, the court shall order a person who violates subsection 3 to pay a civil penalty of not less than \$200 per offense. The civil penalty must be paid to the district attorney or city attorney of the jurisdiction in which the violation occurred. If the civil penalty imposed pursuant to this subsection:

(a) Is not within the person's present ability to pay, in lieu of paying the penalty, the court may allow the person to perform community service for a reasonable number of hours, the value of which would be commensurate with the civil penalty.

(b) Is not entirely within the person's present ability to pay, in lieu of paying the entire civil penalty, the court may allow the person to perform community service for a reasonable number of hours, the value of which would be commensurate with the amount of the reduction of the civil penalty.

5. A customer who violates subsection 1 by soliciting a child for prostitution:

(a) For a first offense, is guilty of a category E felony and shall be punished as provided in NRS 193.130, and by a fine of not more than \$5,000.

(b) For a second offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(c) For a third or subsequent offense, is guilty of a category C felony and shall be punished as provided in NRS 193.130. The court shall not grant probation to or suspend the sentence of a person punished pursuant to this paragraph.

6. Any civil penalty collected by a district attorney or city attorney pursuant to subsection 4 must be deposited in the county or city treasury, as applicable, to be used for:

(a) The enforcement of this section; and

(b) Programs of treatment for persons who solicit prostitution which are certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

➤ Not less than 50 percent of the money deposited in the county or city treasury, as applicable, pursuant to this subsection must be used for the enforcement of this section.





7. If a person who violates subsection 1 is ordered pursuant to NRS 4.373 or 5.055 to participate in a program for the treatment of persons who solicit prostitution, upon fulfillment of the terms and conditions of the program, the court may discharge the person and dismiss the proceedings against the person. If the court discharges the person and dismisses the proceedings against the person, a nonpublic record of the discharge and dismissal must be transmitted to and retained by the Division of Parole and Probation of the Department of Public Safety solely for the use of the courts in determining whether, in later proceedings, the person qualifies under this section for participation in a program of treatment for persons who solicit prostitution. Except as otherwise provided in this subsection, discharge and dismissal under this subsection is without adjudication of guilt and is not a conviction for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for a second or subsequent conviction or the setting of bail. Discharge and dismissal restores the person discharged, in the contemplation of the law, to the status occupied before the proceedings. The person may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge the proceedings in response to an inquiry made of the person for any purpose. Discharge and dismissal under this subsection may occur only once with respect to any person. A professional licensing board may consider a proceeding under this subsection in determining suitability for a license or liability to discipline for misconduct. Such a board is entitled for those purposes to a truthful answer from the applicant or licensee concerning any such proceeding with respect to the applicant or licensee.

8. Except as limited by subsection 9, if a person is discharged and the proceedings against the person are dismissed pursuant to subsection 7, the court shall, without a hearing, order sealed all documents, papers and exhibits in that person's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order. The court shall cause a copy of the order to be sent to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.

9. A professional licensing board is entitled, for the purpose of determining suitability for a license or liability to discipline for misconduct, to inspect and to copy from a record sealed pursuant to this section.



**Sec. 20.** NRS 212.187 is hereby amended to read as follows:

212.187 1. A prisoner who is in lawful custody or confinement, other than in the custody of the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 209.4886 or 209.4888 or residential confinement, and who voluntarily engages in sexual conduct with another person who is not an employee of or a contractor or volunteer for a prison is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. Except as otherwise provided in NRS 212.188, a person who voluntarily engages in sexual conduct with a prisoner who is in lawful custody or confinement, ~~[other than in the custody of the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 209.4886 or 209.4888 or residential confinement,]~~ *including, without limitation, a law enforcement officer who voluntarily engages in sexual conduct with a person who is in his or her custody,* is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. *If a law enforcement officer violates this section by voluntarily engaging in sexual conduct with a person who is in his or her custody, it is not a defense that the person in his or her custody consented to the sexual conduct.*

4. As used in this section ~~[, "sexual"]~~:

(a) *"Lawful custody or confinement" does not include being in the custody of the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 209.4886 or 209.4888 or residential confinement.*

(b) *"Sexual conduct"*:

~~[(a)]~~ (1) Includes acts of masturbation, sexual penetration or physical contact with another person's clothed or unclothed genitals or pubic area to arouse, appeal to or gratify the sexual desires of a person.

~~[(b)]~~ (2) Does not include acts of a person who has custody of a prisoner or an employee of or a contractor or volunteer for the prison in which the prisoner is confined that are performed to carry out the necessary duties of such a person, employee, contractor or volunteer.

**Sec. 21.** Chapter 217 of NRS is hereby amended by adding thereto a new section to read as follows:

*The Department of Health and Human Services:*

1. *Shall develop a State Plan for Services for Victims of Crime to ensure that agencies which provide compensation to and services for victims of crime are coordinated in their efforts and use the same data.*



2. *Shall consult with each division of the Department of Health and Human Services and all other agencies which administer a fund designated for victims of crime when developing the State Plan for Services for Victims of Crime.*

3. *May consult with any division of the Department of Health and Human Services or other agency which provides support for victims of crime when developing the State Plan for Services for Victims of Crime.*

**Sec. 22.** NRS 217.038 is hereby amended to read as follows:

217.038 "Department" means the Department of ~~Administration~~ *Health and Human Services.*

**Sec. 23.** NRS 217.117 is hereby amended to read as follows:

217.117 1. The applicant or the Director may, within 15 days after the hearing officer renders a decision, appeal the decision to an appeals officer. The appeals officer may hold a hearing or render a decision without a hearing. If the appeals officer holds a hearing, the appeals officer must give notice to the applicant, hold the hearing within 30 days after the notice, and render a decision in the case within 15 days after the hearing. The appeals officer shall render a decision in each case within 30 days after receiving the appeal and the record if a hearing is not held. The appeals officer may affirm, modify or reverse the decision of the hearing officer.

2. The appeals officer has the same powers as are vested in the hearing officer pursuant to NRS 217.113.

3. The applicant or the Director may, within 15 days after the appeals officer renders a decision, appeal the decision ~~to the Board. The Board shall consider the appeal on the record at its next scheduled meeting if the appeal and the record are received by the Board at least 5 days before the meeting. Within 15 days after the meeting the Board shall render its decision in the case or give notice to the applicant that a hearing will be held. The hearing must be held within 30 days after the notice is given and the Board shall render its decision in the case within 15 days after the hearing. The Board may affirm, modify or reverse the decision of the appeals officer.~~

~~4. The decision of the Board is final and not subject to judicial review.]~~ *in accordance with the regulations adopted by the Director pursuant to NRS 217.130.*

**Sec. 24.** NRS 217.130 is hereby amended to read as follows:

217.130 With the approval of the Board, the Director may adopt, rescind and amend rules and regulations ~~prescribing~~ *to carry out the provisions of NRS 217.010 to 217.270, inclusive, including, without limitation, rules and regulations:*

1. *Establishing the eligibility requirements for receiving compensation under the provisions of NRS 217.010 to 217.270, inclusive, in accordance with state and federal law;*



2. *Prescribing* the procedures to be followed in the filing of applications and proceedings under NRS 217.010 to 217.270, inclusive, and for such other matters as the Director deems appropriate ~~H~~; and

3. *Providing for administrative hearings to address appeals of the decisions of appeals officers pursuant to subsection 3 of NRS 217.117.*

**Sec. 25.** NRS 388.1351 is hereby amended to read as follows:

388.1351 1. Except as otherwise provided in NRS 388.13535, a teacher, administrator, coach or other staff member who witnesses a violation of NRS 388.135 or receives information that a violation of NRS 388.135 has occurred shall report the violation to the administrator or his or her designee as soon as practicable, but not later than a time during the same day on which the teacher, administrator, coach or other staff member witnessed the violation or received information regarding the occurrence of a violation.

2. Except as otherwise provided in this subsection, upon receiving a report required by subsection 1, the administrator or designee shall immediately take any necessary action to stop the bullying or cyber-bullying and ensure the safety and well-being of the reported victim or victims of the bullying or cyber-bullying and shall begin an investigation into the report. If the administrator or designee does not have access to the reported victim of the alleged violation of NRS 388.135, the administrator or designee may wait until the next school day when he or she has such access to take the action required by this subsection.

3. The investigation conducted pursuant to subsection 2 must include, without limitation:

(a) Except as otherwise provided in subsection 4, notification provided by telephone, electronic mail or other electronic means or provided in person, of the parents or guardians of all pupils directly involved in the reported bullying or cyber-bullying, as applicable, either as a reported aggressor or a reported victim of the bullying or cyber-bullying. The notification must be provided:

(1) If the bullying or cyber-bullying is reported before the end of school hours on a school day, before the school's administrative office closes on the day on which the bullying or cyber-bullying is reported; or

(2) If the bullying or cyber-bullying was reported on a day that is not a school day, or after school hours on a school day, before the school's administrative office closes on the school day following the day on which the bullying or cyber-bullying is reported.



(b) Interviews with all pupils whose parents or guardians must be notified pursuant to paragraph (a) and with all such parents and guardians.

4. If the contact information for the parent or guardian of a pupil in the records of the school is not correct, a good faith effort to notify the parent or guardian shall be deemed sufficient to meet the requirement for notification pursuant to paragraph (a) of subsection 3.

5. Except as otherwise provided in this subsection, an investigation required by this section must be completed not later than 2 school days after the administrator or designee receives a report required by subsection 1. If extenuating circumstances prevent the administrator or designee from completing the investigation required by this section within 2 school days after making a good faith effort, 1 additional school day may be used to complete the investigation.

6. An administrator or designee who conducts an investigation required by this section shall complete a written report of the findings and conclusions of the investigation. If a violation is found to have occurred, the report must include recommendations concerning the imposition of disciplinary action or other measures to be imposed as a result of the violation, in accordance with the policy governing disciplinary action adopted by the governing body. Subject to the provisions of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, the report must be made available, not later than 24 hours after the completion of the written report, to all parents or guardians who must be notified pursuant to paragraph (a) of subsection 3 as part of the investigation.

7. If a violation is found not to have occurred, information concerning the incident must not be included in the record of the reported aggressor.

8. Not later than 10 school days after receiving a report required by subsection 1, the administrator or designee shall meet with each reported victim of the bullying or cyber-bullying to inquire about the well-being of the reported victim and to ensure that the reported bullying or cyber-bullying, as applicable, is not continuing.

9. To the extent that information is available, the administrator or his or her designee shall provide a list of any resources that may be available in the community to assist a pupil to each parent or guardian of a pupil to whom notice was provided pursuant to this section as soon as practicable. Such a list may include, without limitation, resources available at no charge or at a reduced cost and may be provided in person or by electronic or regular mail. If such a



list is provided, the administrator, his or her designee, or any employee of the school or the school district is not responsible for providing such resources to the pupil or ensuring the pupil receives such resources.

10. The parent or guardian of a pupil involved in the reported violation of NRS 388.135 may appeal a disciplinary decision of the administrator or his or her designee, made against the pupil as a result of the violation, in accordance with the policy governing disciplinary action adopted by the governing body. Not later than 30 days after receiving a response provided in accordance with such a policy, the parent or guardian may submit a complaint to the Department. The Department shall consider and respond to the complaint pursuant to procedures and standards prescribed in regulations adopted by the Department.

11. If a violation of NRS 388.135 is found to have occurred, the parent or guardian of a pupil who is a victim of bullying or cyber-bullying may request that the board of trustees of the school district in which the pupil is enrolled to assign the pupil to a different school in the school district. Upon receiving such a request, the board of trustees shall, in consultation with the parent or guardian of the pupil, assign the pupil to a different school.

12. A principal or his or her designee shall submit a monthly report to the direct supervisor of the principal that includes for the school the number of:

(a) Reports received pursuant to subsection 1;

(b) Times in which a violation of NRS 388.135 is found to have occurred; and

(c) Times in which no violation of NRS 388.135 is found to have occurred.

13. A direct supervisor who receives a monthly report pursuant to subsection 12 shall, each calendar quarter, submit a report to the Office for a Safe and Respectful Learning Environment that includes, for the schools for which the direct supervisor has received a monthly report in the calendar quarter, the:

(a) Total number of reports received pursuant to subsection 1;

(b) Number of times in which a violation of NRS 388.135 is found to have occurred; and

(c) Number of times in which no violation of NRS 388.135 is found to have occurred.

14. School hours and school days are determined for the purposes of this section by the schedule established by the governing body for the school.

*15. The provisions of this section must not be construed to place any limit on the time within which an investigation*



1 *concerning any alleged act that constitutes sexual assault must be*  
2 *completed.*

3 **Sec. 26.** Chapter 435 of NRS is hereby amended by adding  
4 thereto a new section to read as follows:

5 *The Division shall ensure that each facility to which a person*  
6 *with an intellectual disability or a person with a developmental*  
7 *disability is able to be admitted pursuant to this chapter provides:*

8 1. *Training to each employee of the facility regarding the*  
9 *protocol that must be followed if the employee becomes aware of*  
10 *any sexual abuse of a person with an intellectual disability or a*  
11 *person with a developmental disability that is admitted to the*  
12 *facility; and*

13 2. *Education to each person with an intellectual disability or*  
14 *person with a developmental disability that is admitted to the*  
15 *facility which:*

16 (a) *Is appropriate with regard to the level of the person's*  
17 *intellectual and developmental abilities; and*

18 (b) *Explains what sexual abuse is and how to report sexual*  
19 *abuse.*

20 **Sec. 27.** NRS 441A.320 is hereby amended to read as follows:

21 441A.320 1. If the alleged victim or a witness to a crime  
22 alleges that the crime involved the sexual penetration of the victim's  
23 body, the health authority shall perform the tests set forth in  
24 subsection 2 as soon as practicable after the arrest of the person  
25 alleged to have committed the crime, but not later than 48 hours  
26 after the person is charged with the crime by indictment or  
27 information, unless the person alleged to have committed the crime  
28 is a child who will be adjudicated in juvenile court and then not later  
29 than 48 hours after the petition is filed with the juvenile court  
30 alleging that the child is delinquent for committing such an act.

31 2. If the health authority is required to perform tests pursuant to  
32 subsection 1, it must test a specimen obtained from the arrested  
33 person for exposure to the human immunodeficiency virus and any  
34 commonly contracted sexually transmitted disease, regardless of  
35 whether the person or, if the person is a child, the parent or guardian  
36 of the child consents to providing the specimen. The agency that has  
37 custody of the arrested person shall obtain the specimen and submit  
38 it to the health authority for testing. The health authority shall  
39 perform the test in accordance with generally accepted medical  
40 practices. *Unless the arrested person is afflicted with hemophilia*  
41 *or with a heart condition requiring the use of an anticoagulant as*  
42 *determined by a physician, the arrested person may not refuse to*  
43 *submit to any blood test administered for the purpose of this*  
44 *section.*



3. In addition to the test performed pursuant to subsection 2, the health authority shall perform such follow-up tests for the human immunodeficiency virus as may be deemed medically appropriate.

4. As soon as practicable, the health authority shall disclose the results of all tests performed pursuant to subsection 2 or 3 to:

(a) The victim or to the victim's parent or guardian if the victim is a child; and

(b) The arrested person and, if the person is a child, to the parent or guardian of the child.

5. If the health authority determines, from the results of a test performed pursuant to subsection 2 or 3, that a victim of sexual assault may have been exposed to the human immunodeficiency virus or any commonly contracted sexually transmitted disease, it shall, at the request of the victim, provide him or her with:

(a) An examination for exposure to the human immunodeficiency virus and any commonly contracted sexually transmitted disease to which the health authority determines the victim may have been exposed;

(b) Counseling regarding the human immunodeficiency virus and any commonly contracted sexually transmitted disease to which the health authority determines the victim may have been exposed; and

(c) A referral for health care and other assistance, as appropriate.

6. If the court in:

(a) A criminal proceeding determines that a person has committed a crime; or

(b) A proceeding conducted pursuant to title 5 of NRS determines that a child has committed an act which, if committed by an adult, would have constituted a crime,

involving the sexual penetration of a victim's body, the court shall, upon application by the health authority, order that child or other person to pay any expenses incurred in carrying out this section with regard to that child or other person and that victim.

7. The Board shall adopt regulations identifying, for the purposes of this section, sexually transmitted diseases which are commonly contracted.

8. As used in this section:

(a) "Sexual assault" means a violation of NRS 200.366.

(b) "Sexual penetration" has the meaning ascribed to it in NRS 200.364.

**Sec. 28.** The amendatory provisions of:

1. Section 1 of this act apply to a plaintiff who, before October 1, 2019, was sexually abused while less than 18 years of





1 age or sexually assaulted if the applicable statute of limitations has  
2 not yet expired on October 1, 2019.

3 2. Section 6 of this act apply to a person who:

4 (a) Committed a violation of NRS 200.366, 200.368, 200.710,  
5 200.720, 200.725, 200.727, 200.730, 201.180, 201.230, 201.540,  
6 201.550, 201.555 or 201.560 before October 1, 2019, if the  
7 applicable statute of limitations has commenced but has not yet  
8 expired on October 1, 2019.

9 (b) Commits a violation of NRS 200.366, 200.368, 200.710,  
10 200.720, 200.725, 200.727, 200.730, 201.180, 201.230, 201.540,  
11 201.550, 201.555 or 201.560 on or after October 1, 2019.

12 3. Section 11 of this act apply to an offense committed on or  
13 after October 1, 2019.

③

