

ASSEMBLY BILL NO. 48—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED NOVEMBER 16, 2022

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to the privilege for communication between a victim of certain crimes and a victim’s advocate. (BDR 4-417)

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 privileges; revising provisions relating to the privilege for communication between a victim of certain crimes and a victim’s advocate; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law establishes a privilege for confidential communication between a victim of certain crimes and a victim’s advocate. (NRS 49.2541-49.2549) To be a “victim’s advocate,” as defined in existing law, a person must have received at least 20 hours of relevant training. (NRS 49.2545)

Sections 1 and 3 of this bill: (1) increase the required number of hours of training that a person must complete to be considered a victim’s advocate from 20 hours to 40 hours; and (2) require that such training must include instruction in certain topics and must be supervised by a victim’s advocate who has at least 1 year of experience in counseling victims. **Section 3** also provides that a person who works for a domestic violence, sexual assault or human trafficking services organization may be a victim’s advocate for the purposes of the privilege.

Section 2 of this bill makes a conforming change to indicate the proper placement of **section 1** within the Nevada Revised Statutes. **Section 4** of this bill makes a conforming change that is necessary as the result of the change relating to a domestic violence, sexual assault or human trafficking services organization in **section 3**.

Section 5 of this bill provides that notwithstanding the amendatory provisions of this bill, until January 1, 2024, the privilege for confidential communication between a victim and a victim’s advocate shall be deemed to apply to a communication between a victim and a victim’s advocate, regardless of whether or not the victim’s advocate has completed the required relevant training, as defined in



22 **section 1** of this bill, before October 1, 2023, if the victim’s advocate was serving
23 as a victim’s advocate before October 1, 2023.

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

1 **Section 1.** Chapter 49 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *“Relevant training” means at least 40 hours of instruction in:*

4 1. *Ethics;*

5 2. *Civil and criminal laws relating to domestic violence,*
6 *sexual assault or human trafficking;*

7 3. *Relevant laws relating to confidentiality of communication,*
8 *as defined in NRS 49.2546, and privileges pursuant to this*
9 *chapter;*

10 4. *Best practices relating to the media;*

11 5. *Trauma-informed care; and*

12 6. *Any other relevant topics necessary to meet the needs of*
13 *victims of domestic violence, sexual assault or human trafficking.*

14 *↪ Such training must be supervised by a victim’s advocate who*
15 *has at least 1 year of experience in counseling for a program or*
16 *service organization which provides services to victims of domestic*
17 *violence, sexual assault or human trafficking.*

18 **Sec. 2.** NRS 49.2541 is hereby amended to read as follows:

19 49.2541 As used in NRS 49.2541 to 49.2549, inclusive, the
20 words and terms defined in NRS 49.2542 to 49.2545, inclusive, *and*
21 *section 1 of this act* have the meanings ascribed to them in those
22 sections.

23 **Sec. 3.** NRS 49.2545 is hereby amended to read as follows:

24 49.2545 “Victim’s advocate” means a person *who has*
25 *completed relevant training and* who ~~{works}~~ , *with or without*
26 *compensation:*

27 1. *Works* for a nonprofit program, a program of a university,
28 state college or community college within the Nevada System of
29 Higher Education , ~~{or}~~ a program of a tribal organization *or a*
30 *domestic violence, sexual assault or human trafficking service*
31 *organization* which provides assistance to victims ; or ~~{who~~
32 ~~provides}~~

33 2. *Provides* services to a victim of an alleged incident of sexual
34 misconduct pursuant to NRS 396.125 to 396.1595, inclusive . ~~{;~~
35 ~~with or without compensation and who has received at least 20~~
36 ~~hours of relevant training.}~~

37 **Sec. 4.** NRS 49.2546 is hereby amended to read as follows:

38 49.2546 1. A communication shall be deemed to be
39 confidential if the communication is between a victim and a victim’s



advocate and is not intended to be disclosed to third persons other than:

(a) A person who is present to further the interest of the victim;

(b) A person reasonably necessary for the transmission of the communication; or

(c) A person who is participating in the advice, counseling or assistance of the victim, including, without limitation, a member of the victim's family.

2. As used in this section, "communication" includes, without limitation, all records concerning the victim and the services provided to the victim which are within the possession of:

(a) The victim's advocate; or

(b) The nonprofit program, the program of a university, state college or community college within the Nevada System of Higher Education, ~~for~~ the program of a tribal organization *or the domestic violence, sexual assault or human trafficking services organization* for whom the victim's advocate works.

Sec. 5. Notwithstanding the amendatory provisions of this act, until January 1, 2024, the privilege established in NRS 49.2546 shall be deemed to apply to a communication between a victim and a victim's advocate as provided in NRS 49.2541 to 49.2549, inclusive, regardless of whether or not the victim's advocate has completed the required relevant training, as defined in section 1 of this act, before October 1, 2023, if the victim's advocate was serving as a victim's advocate before October 1, 2023.

