

CHAPTER.....

AN ACT relating to victims of crime; revising certain provisions relating to the Fund for the Compensation of Victims of Crime; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes certain victims of crime to apply for and receive payment of compensation from the Fund for the Compensation of Victims of Crime under certain circumstances. (NRS 217.010-217.270) Existing law generally requires an application for compensation from the Fund to be filed: (1) not later than 24 months after the injury or death for which compensation is claimed; (2) not later than 60 months after the injury or death for which compensation is claimed if the applicant is a victim of sex trafficking or facilitating sex trafficking; or (3) before the applicant reaches 21 years of age if the applicant is a victim of sexual abuse or involved in the production of pornography and the applicant was a minor at the time of the injury. (NRS 217.100) **Section 1** of this bill makes various changes to require all applications for compensation from the Fund to be filed not later than 60 months after the injury or death for which compensation is claimed, unless the applicant was a minor at the time of the injury, in which case the application must be filed not later than 60 months after the applicant reaches 21 years of age.

Existing law authorizes the Director of the Department of Health and Human Services or a person designated by the Director to waive the limitation on the time for filing an application for compensation from the Fund for good cause shown if the injury or death for which compensation is claimed was the result of an incident or offense that was reported to the police within 5 days after its occurrence or within 5 days after the time when a report could reasonably have been made. (NRS 217.100) **Section 1** removes the condition that to be eligible for the waiver, the incident or offense that caused the injury or death for which compensation is claimed be reported to the police, thereby authorizing the Director or a person designated by the Director to waive the limitation on the time for filing an application for any good cause shown.

Existing law requires an application for compensation from the Fund to be accompanied by certain medical records that document the injury for which compensation is claimed. (NRS 217.100) **Section 1** removes this requirement and instead provides that the applicant may prove eligibility for compensation from the Fund by submitting certain documentary evidence of the injury or death for which compensation is claimed.

Existing law prohibits an award of compensation from the Fund under certain circumstances, including compensation to a victim of crime who fails to cooperate with a law enforcement agency. (NRS 217.220) **Section 2** of this bill removes the prohibition against the award of compensation from the Fund to a victim of a crime who fails to cooperate with a law enforcement agency.



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

Section 1. NRS 217.100 is hereby amended to read as follows:

217.100 1. Except as otherwise provided in subsection ~~[5.]~~ **2**, any person eligible for compensation under the provisions of NRS 217.010 to 217.270, inclusive, may apply to the Director for such compensation ~~[not]~~ :

(a) Except as otherwise provided in paragraph (b), not later than ~~[24 months after the injury or death for which compensation is claimed or, for a person who is a victim of sex trafficking or facilitating sex trafficking, not later than]~~ 60 months after the injury or death for which compensation is claimed ~~[, unless waived by the]~~ ; or

(b) If the applicant was a minor at the time of the injury, not later than 60 months after the applicant reaches 21 years of age.

2. *The* Director or a person designated by the Director *may waive the limitation on time described in subsection 1* for good cause shown. ~~[, and the personal injury or death was the result of an incident or offense that was reported to the police within 5 days of its occurrence or, if the incident or offense could not reasonably have been reported within that period, within 5 days of the time when a report could reasonably have been made.~~

~~—2. An]~~

3. *Except as otherwise provided in subsection 2, an* order for the payment of compensation must not be made unless the application is made within the time set forth in subsection 1.

~~[3.]~~ 4. Where the person entitled to make application is:

(a) A minor, the application may be made on his or her behalf by a parent or guardian.

(b) Mentally incapacitated, the application may be made on his or her behalf by a parent, guardian or other person authorized to administer his or her estate.

~~[4.—The]~~

5. *An* applicant ~~[must submit with his or her application the]~~ *may prove eligibility for compensation by submitting documentary evidence of the injury or death for which the applicant claims compensation, which may include, without limitation:*

(a) The reports, if reasonably available, from all physicians who, at the time of or subsequent to the victim's injury or death,



treated or examined the victim in relation to the injury for which compensation is claimed ~~[-]~~;

(b) A police report, investigative report or complaint which the victim filed with a law enforcement agency;

(c) A copy of an order for protection;

(d) A transcript of testimony given under oath or affirmation in a civil or criminal proceeding;

(e) A record of a governmental entity;

(f) A record from an organization which provides services to victims of crime;

(g) An affidavit of a qualified third party; or

(h) Other documentary evidence deemed sufficient by the Director.

~~[5. The limitations upon payment of compensation established in subsection 1 do not apply to a minor who is sexually abused or who is involved in the production of pornography. Such a minor must apply for compensation before reaching 21 years of age.]~~

6. As used in this section ~~[-]~~:

~~—(a) “Facilitating sex trafficking” means a violation of NRS 201.301.~~

~~—(b) “Sex trafficking” means a violation of subsection 2 of NRS 201.300.]~~, *“qualified third party” means:*

(a) A physician licensed to practice in this State;

(b) A psychiatrist licensed to practice medicine in this State and certified by the American Board of Psychiatry and Neurology, Inc. or the American Osteopathic Board of Neurology and Psychiatry of the American Osteopathic Association;

(c) A psychologist licensed to practice in this State;

(d) A social worker licensed to practice in this State;

(e) A registered nurse holding a master’s degree in the field of psychiatric nursing and licensed to practice professional nursing in this State;

(f) A marriage and family therapist or clinical professional counselor licensed to practice in this State pursuant to chapter 641A of NRS;

(g) A victim’s advocate as defined in NRS 49.2545; or

(h) Any member of the clergy of a church or religious society or denomination that is recognized as exempt under section 501(c)(3) of the Internal Revenue Code of 1986, 26 U.S.C. § 501(c)(3), who has been chosen, elected or appointed in conformity with the constitution, canons, rites, regulations or discipline of the church or religious society or denomination and who is 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, violated any of the provisions of NRS 484C.110 or the use of the vehicle was punishable pursuant to NRS 484C.430 or 484C.440;

(b) Was a coconspirator, codefendant, accomplice or adult passenger of the offender whose crime caused the victim's injuries;

(c) Was injured or killed while serving a sentence of imprisonment in a prison or jail; *or*

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

~~—(e) Fails to cooperate with law enforcement agencies. Such cooperation does not require prosecution of the offender.]~~

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

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

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

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

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

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

