



Select Victims' Rights – Nevada

USING THIS RESOURCE

This resource is intended to provide a base of knowledge regarding crime victims' rights in Nevada and promising practices to ensure compliance with and enforcement of those rights. To keep this *Guide* as user-friendly as possible in light of the breadth, complexity and evolving nature of law, the *Guide* does not include all laws. The *Guide* is intended for informational purposes only. It does not constitute legal advice, nor does it substitute for legal advice. For more in-depth information about the laws governing privacy, confidentiality and privilege in Nevada see the companion resource: *Law Enforcement-Based Victim Services in Nevada: Privacy, Privilege and Confidentiality*.

The following icons are used throughout this resource to highlight key moments for the user.



= Promising Practices: As used in this *Guide*, the “promising practices” indicator highlights procedures, methods or techniques, grounded in victim-centered and trauma-informed research and experience, that afford victims meaningful rights in the justice system.



= Take Note: As used in this *Guide*, the “take note” indicator provides context for the law cited or discussed. For example, if a law has a particularly narrow application or does not explicitly prohibit an action the “take note” indicator is used to highlight or provide clarity around the law.

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¹ This table of contents and index of rights provides specific page references for many of the victims’ rights laws contained within this *Guide*. The referenced laws are often narrower in scope than the broader rights identified in the index and may contain components of multiple core rights. Not all of the laws contained within this *Guide* are referenced in the table of contents and index; therefore, it is recommended that this document be reviewed in full.

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<p>SELECT DEFINITIONS</p>	<p>Nevada Constitutional and Statutory Provisions</p>
<p>Constitutional Rights of Victims of Crime Definition.</p> <p>As used in this section, “victim” means any person directly and proximately harmed by the commission of a criminal offense under any law of this State. If the victim is less than 18 years of age, incompetent, incapacitated or deceased, the term includes the legal guardian of the victim or a representative of the victim’s estate, member of the victim’s family or any other person who is appointed by the court to act on the victim’s behalf, except that the court shall not appoint the defendant as such a person.</p> <p> This definition applies to Nevada’s constitutional victims’ rights provisions, as contained in Nevada Const. art. I, § 8A. These constitutional provisions are included below in the section “Select Crime Victims’ Rights.”</p>	<p>Nev. Const. art. I, § 8A(7).</p>
<p>Protection of Victim and Witnesses Act Definitions.</p> <p>As used in NRS 178.569 to 178.5698, inclusive, unless the context otherwise requires:</p> <ol style="list-style-type: none"> 1. “Relative” has the meaning ascribed to it in NRS 217.060. 2. “Victim of a crime” or “victim” includes a relative of a person: <ol style="list-style-type: none"> (a) Against whom a crime has been committed; or (b) Who has been injured or killed as a direct result of the commission of a crime. 	<p>Nev. Rev. Stat. Ann. § 178.569.</p>

 <p>These definitions apply to Nevada’s Protection of Victims and Witnesses Act, Nev. Rev. Stat. Ann. §§ 178.569 through 178.5698. These statutory provisions are included below in the section “Select Crime Victims’ Rights.”</p>	
<p>Sexual Assault Survivors’ Bill of Rights Definitions.</p> <p>Nev. Rev. Stat. Ann. § 178A.020. As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 178A.030 to 178A.140, inclusive, have the meanings ascribed to them in those sections.</p> <p>Nev. Rev. Stat. Ann. § 178A.030. “CODIS” has the meaning ascribed to it in NRS 176.09113.</p> <p>Nev. Rev. Stat. Ann. § 178A.040. “DNA profile” has the meaning ascribed to it in NRS 176.09115.</p> <p>Nev. Rev. Stat. Ann. § 178A.050. “Forensic laboratory” has the meaning ascribed to it in NRS 176.09117.</p> <p>Nev. Rev. Stat. Ann. § 178A.060. “Forensic medical examination” has the meaning ascribed to it in NRS 217.300.</p> <p>Nev. Rev. Stat. Ann. § 178A.070. “Genetic marker analysis” has the meaning ascribed to it in NRS 176.09118.</p> <p>Nev. Rev. Stat. Ann. § 178A.080. “Law enforcement agency” means any agency, office or bureau of this State or a political subdivision of this State, the primary duty of which is to enforce the law.</p> <p>Nev. Rev. Stat. Ann. § 178A.090.</p>	<p>Nev. Rev. Stat. Ann. §§ 178A.020 through 178A.140.</p>

1. "Law enforcement official" means:
 - (a) Any person employed by a law enforcement agency; or
 - (b) Any person employed by a public school, private school or institution of higher education whose primary duty is to enforce the law.
2. For purposes of this section:
 - (a) "Institution of higher education" has the meaning ascribed to it in NRS 179D.045.
 - (b) "Private school" means a nonprofit private elementary or secondary educational institution that is licensed in this State.
 - (c) "Public school" has the meaning ascribed to it in NRS 388.127.

Nev. Rev. Stat. Ann. § 178A.100.

"Medical provider" means any provider of health care, as defined in NRS 629.031, hospital, emergency medical facility or other facility conducting a forensic medical examination of a survivor.

Nev. Rev. Stat. Ann. § 178A.110.

"Sexual assault forensic evidence kit" has the meaning ascribed to it in NRS 200.364.

Nev. Rev. Stat. Ann. § 178A.120.


"Sexual assault victims' advocate" means a victims' advocate or other trained person who is employed or volunteers at an established center for the support of survivors.



Nev. Rev. Stat. Ann. § 178A.130.


"State DNA Database" means the database established pursuant to NRS 176.09121.

Nev. Rev. Stat. Ann. § 178A.140.


"Survivor" means a person who is a victim of sexual assault, as defined in NRS 217.280 or, if the victim is incompetent, deceased or a minor, the parent, guardian, spouse, legal representative or other person related to the victim within the second degree of consanguinity or affinity, unless such person is the defendant or accused or is convicted of the sexual assault.



 <p>These definitions apply to the Sexual Assault Survivors' Bill of Rights, Nev. Rev. Stat. Ann. §§ 178A.030 through 178A.140. Many of these statutory provisions are included below in the section "Select Crime Victims' Rights."</p>	
<p>Peace Officers' Duty to Provide Information to Domestic Violence Victims Definitions.</p> <p>(a) "Act of domestic violence" means any of the following acts committed by a person against his or her spouse, former spouse, any other person to whom he or she is related by blood or marriage, a person with whom he or she has had or is having a dating relationship, a person with whom he or she has a child in common, the minor child of any of those persons or his or her minor child:</p> <ol style="list-style-type: none"> (1) A battery. (2) An assault. (3) Compelling the other by force or threat of force to perform an act from which he or she has the right to refrain or to refrain from an act which he or she has the right to perform. (4) A sexual assault. (5) A knowing, purposeful or reckless course of conduct intended to harass the other. Such conduct may include, but is not limited to: <ol style="list-style-type: none"> (I) Stalking. (II) Arson. (III) Trespassing. (IV) Larceny. (V) Destruction of private property. (VI) Carrying a concealed weapon without a permit. (VII) Injuring or killing an animal. (6) False imprisonment. (7) Unlawful entry of the other's residence, or forcible entry against the other's will if there is a reasonably foreseeable risk of harm to the other from the entry. <p>(b) "Dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.</p>	<p>Nev. Rev. Stat. Ann. § 171.1225(3).</p>

<p> These definitions apply to Nev. Rev. Stat. Ann. § 171.1225(1)-(2), which are included below in the section “Select Crime Victims’ Rights.”</p>	
<p>Victims’ Sentencing-Related Rights Definitions.</p> <p>For the purposes of this section:</p> <p>(a) “Member of the military” has the meaning ascribed to it in NRS 176A.043.</p> <p>(b) “Relative” of a person includes:</p> <ol style="list-style-type: none"> (1) A spouse, parent, grandparent or stepparent; (2) A natural born child, stepchild or adopted child; (3) A grandchild, brother, sister, half brother or half sister; or (4) A parent of a spouse. <p>(c) “Veteran” has the meaning ascribed to it in NRS 176A.090.</p> <p>(d) “Victim” includes:</p> <ol style="list-style-type: none"> (1) A person, including a governmental entity, against whom a crime has been committed; (2) A person who has been injured or killed as a direct result of the commission of a crime; <p>and</p> <ol style="list-style-type: none"> (3) A relative of a person described in subparagraph (1) or (2). <p> These definitions apply to Nev. Rev. Stat. Ann. § 175.015(1)–(4), (6), which are included below in the section “Select Crime Victims’ Rights.”</p>	<p>Nev. Rev. Stat. Ann. § 176.015(5).</p>


<p>Victims' Right to Notice of Offender's Discharge, Conditional Release or Escape from the Division of Public and Behavioral Health of the Department of Health and Human Services Definitions.</p> <p>As used in this section, "victim" means:</p> <p>(a) A person, including, without limitation, a governmental entity, against whom an act has been committed for which the person committed to the custody of the Administrator has been charged;</p> <p>(b) A person who has been injured or killed as a direct result of the commission of an act for which the person committed to the custody of the Administrator has been charged; or</p> <p>(c) A relative of a person described in paragraph (a) or (b). For the purposes of this paragraph, a "relative" of a person includes:</p> <p>(1) A spouse, parent, grandparent or stepparent;</p> <p>(2) A natural born child, stepchild or adopted child;</p> <p>(3) A grandchild, brother, sister, half brother or half sister; or</p> <p>(4) A parent of a spouse.</p> <p> This definition of "victim" applies to Nev. Rev. Stat. Ann. § 178.4715, which is included below in the section "Select Crime Victims' Rights."</p>	<p>Nev. Rev. Stat. Ann. § 178.4715(6).</p>
<p>Sexual Assault and Seduction Definitions.</p> <p>As used in NRS 200.364 to 200.3788, inclusive, unless the context otherwise requires:</p> <ol style="list-style-type: none"> 1. "Forensic laboratory" has the meaning ascribed to it in NRS 176.09117. 2. "Forensic medical examination" has the meaning ascribed to it in NRS 217.300. 	<p>Nev. Rev. Stat. Ann. § 200.364.</p>


3. "Genetic marker analysis" has the meaning ascribed to it in NRS 176.09118.
4. "Offense involving a pupil or child" means any of the following offenses:
 - (a) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.
 - (b) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.
 - (c) Sexual conduct between certain employees or contractors of or volunteers for an entity which provides services to children and a person under the care, custody, control or supervision of the entity pursuant to NRS 201.555.
5. "Perpetrator" means a person who commits a sexual offense, an offense involving a pupil or sex trafficking.
6. "Sex trafficking" means a violation of subsection 2 of NRS 201.300.
7. "Sexual assault forensic evidence kit" means the forensic evidence obtained from a forensic medical examination.
8. "Sexual offense" means any of the following offenses:
 - (a) Sexual assault pursuant to NRS 200.366.
 - (b) Statutory sexual seduction pursuant to NRS 200.368.
9. "Sexual penetration" means cunnilingus, fellatio, or any intrusion, however slight, of any part of a person's body or any object manipulated or inserted by a person into the genital or anal openings of the body of another, including sexual intercourse in its ordinary meaning. The term does not include any such conduct for medical purposes.
10. "Statutory sexual seduction" means ordinary sexual intercourse, anal intercourse or sexual penetration committed by a person 18 years of age or older with a person who is 14 or 15 years of age and who is at least 4 years younger than the perpetrator.

<p>11. “Victim” means a person who is a victim of a sexual offense, an offense involving a pupil or child or sex trafficking.</p> <p>12. “Victim of sexual assault” has the meaning ascribed to it in NRS 217.280.</p> <p> These definitions apply to the portion of Nevada criminal law governing sexual assault and seduction, Nev. Rev. Stat. Ann. §§ 200.364 through 200.3788. Many of these statutory provisions are included below in the section “Select Crime Victims’ Rights.”</p>	
<p>Pardon and Parole Definitions.</p> <p>As used in NRS 213.005 to 213.100, inclusive, unless the context otherwise requires:</p> <ol style="list-style-type: none"> 1. “Board” means the State Board of Pardons Commissioners. 2. “Secretary” means the Secretary of the Board. 3. “Victim” includes: <ol style="list-style-type: none"> (a) A person, including a governmental entity, against whom a crime has been committed; (b) A person who has been injured or killed as a direct result of the commission of a crime; or (c) A relative of a person described in paragraph (a) or (b). For the purposes of this paragraph, a “relative” of a person includes: <ol style="list-style-type: none"> (1) A spouse, parent, grandparent or stepparent; (2) A natural born child, stepchild or adopted child; (3) A grandchild, brother, sister, half brother or half sister; or (4) A parent of a spouse. 	<p>Nev. Rev. Stat. Ann. § 213.005.</p>

<p> These definitions apply to the portion of Nevada law governing the duties of the State Board of Pardon Commissioners, Nev. Rev. Stat. Ann. §§ 213.005 through 213.100. Some of these provisions are included below in the section “Select Crime Victims’ Rights.”</p>	
<p>Assistance to Victims of Sexual Assault Definition.</p> <p>As used in NRS 217.280 to 217.350, inclusive, “victim of sexual assault” means a person who has been sexually assaulted as defined by NRS 200.366 or a person upon whom a sexual assault has been attempted.</p> <p> This definition applies to the portion of Nevada law providing assistance to victims of sexual assault, Nev. Rev. Stat. Ann. §§ 217.80 through 217.350. Many of these statutory provisions are included below in the section “Select Crime Victims’ Rights.”</p>	<p>Nev. Rev. Stat. Ann. § 217.280.</p>
<p>Address Confidentiality Program Definitions.</p> <p>As used in NRS 217.400 to 217.475, inclusive, unless the context otherwise requires:</p> <ol style="list-style-type: none"> 1. “Dating relationship” means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context. 2. “Division” means the Division of Child and Family Services of the Department of Health and Human Services. 3. “Domestic violence” means: <ol style="list-style-type: none"> (a) The attempt to cause or the causing of bodily injury to a family or household member or the placing of the member in fear of imminent physical harm by threat of force. 	<p>Nev. Rev. Stat. Ann. § 217.400.</p>

<p>(b) Any of the following acts committed by a person against a family or household member, a person with whom he or she had or is having a dating relationship or with whom he or she has a child in common, or upon his or her minor child or a minor child of that person:</p> <ul style="list-style-type: none"> (1) A battery. (2) An assault. (3) Compelling the other by force or threat of force to perform an act from which he or she has the right to refrain or to refrain from an act which he or she has the right to perform. (4) A sexual assault. (5) A knowing, purposeful or reckless course of conduct intended to harass the other. Such conduct may include, without limitation: <ul style="list-style-type: none"> (I) Stalking. (II) Arson. (III) Trespassing. (IV) Larceny. (V) Destruction of private property. (VI) Carrying a concealed weapon without a permit. (6) False imprisonment. (7) Unlawful entry of the other's residence, or forcible entry against the other's will if there is a reasonably foreseeable risk of harm to the other from the entry. <p>4. "Family or household member" means a spouse, a former spouse, a parent or other adult person who is related by blood or marriage or is or was actually residing with the person committing the act of domestic violence.</p> <p>5. "Participant" means an adult, child or incapacitated person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive.</p> <p>6. "Victim of domestic violence" includes the dependent children of the victim.</p> <p>7. "Victim of human trafficking" means a person who is a victim of:</p> <ul style="list-style-type: none"> (a) Involuntary servitude as set forth in NRS 200.463 or 200.464. (b) A violation of any provision of NRS 200.465. 	
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<p>(c) Trafficking in persons in violation of any provision of NRS 200.467 or 200.468. (d) Sex trafficking in violation of any provision of NRS 201.300. (e) A violation of NRS 201.320 or 201.395.</p> <p>8. "Victim of sexual assault" means a person who has been sexually assaulted as defined in NRS 200.366 or a person upon whom a sexual assault has been attempted.</p> <p>9. "Victim of stalking" means a person who is a victim of the crime of stalking or aggravated stalking as set forth in NRS 200.575.</p> <p> These definitions apply to the state's address confidentiality program, <i>id.</i> §§ 217.462 through 217.471. Some of these statutory provisions are included below in the section "Select Crime Victims' Rights."</p>	
<p>Victim Advocate-Victim Privilege Definitions.</p> <p>Nev. Rev. Stat. Ann. § 49.2542. "Domestic violence" means an act described in NRS 33.018.</p> <p>Nev. Rev. Stat. Ann. § 49.25425. "Human trafficking" means a violation of any provision of NRS 200.463 to 200.468, inclusive, 201.300, 201.320 or 201.395 or 18 U.S.C. § 1589, 1590 or 1591.</p> <p>Nev. Rev. Stat. Ann. § 49.2543. "Sexual assault" means a violation of NRS 200.366 or an attempt to violate or conspiracy to violate NRS 200.366.</p> <p>Nev. Rev. Stat. Ann. § 49.2544. "Victim" means a person who alleges that an act of domestic violence, human trafficking or sexual assault has been committed against the person.</p>	<p>Nev. Rev. Stat. Ann. §§ 49.2541 through 49.2546.</p>

<p>Nev. Rev. Stat. Ann. § 49.2545. “Victim’s advocate” means a person who works for a nonprofit program, a program of a university, state college or community college within the Nevada System of Higher Education or a program of a tribal organization which provides assistance to victims or who provides services to a victim of an alleged incident of sexual misconduct pursuant to sections 2 to 27, inclusive, or this act with or without compensation and who has received at least 20 hours of relevant training.</p> <p>Nev. Rev. Stat. Ann. § 49.2546. 1. A communication shall be deemed to be 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 or the program of a tribal organization for whom the victim’s advocate works.</p> <p> Under Nev. Rev. Stat. Ann. § 49.2541, these definitions apply to the statutes governing the victim advocate-victim privilege, Nev. Rev. Stat. Ann. §§ 49.2541 through 49.2549. This statutory privilege is included below in the section “Select Crime Victims’ Rights.”</p>	
<p>Uniform Child Witness Testimony by Alternative Methods Act Definitions.</p> <p>Nev. Rev. Stat. Ann. § 50.520.</p>	<p>Nev. Rev. Stat. Ann. §§ 50.510 through 50.550.</p>

“Alternative method” means a method by which a child witness testifies which does not include all of the following:

1. Having the child testify in person in an open forum;
2. Having the child testify in the presence and full view of the finder of fact and presiding officer; and
3. Allowing all of the parties to be present, to participate and to view and be viewed by the child.

Nev. Rev. Stat. Ann. § 50.530.

“Child witness” means a child under the age of 14 years who has been or will be called to testify in a proceeding.

Nev. Rev. Stat. Ann. § 50.540.

“Criminal proceeding” means:




1. A trial or hearing before a court in a prosecution of a person charged with violating a criminal law of this State; or
2. A delinquency proceeding which is conducted pursuant to title 5 of NRS.




Nev. Rev. Stat. Ann. § 50.550.





“Noncriminal proceeding” means a trial or hearing before a court or an administrative agency of this State having judicial or quasi-judicial powers, other than a criminal proceeding.










Under Nev. Rev. Stat. Ann. § 50.510, unless context requires otherwise, these definitions apply to the Uniform Child Witness Testimony by Alternative Methods Act, Nev. Rev. Stat. Ann. §§ 50.500 through 50.620.




<p>SELECT CRIME VICTIMS' RIGHTS</p>	<p>Nevada Constitutional and Statutory Provisions</p>
<p>Victims' Rights to Be Treated with Fairness and Respect for Their Privacy and Dignity and Be Free from Intimidation, Harassment and Abuse.</p> <p>Each person who is the victim of a crime is entitled . . . [t]o be treated with fairness and respect for his or her privacy and dignity, and to be free from intimidation, harassment and abuse, throughout the criminal or juvenile justice process.</p> <p> Nev. Const. art. I, § 8A(7) defines the term “victim” for the purposes of this provision. This definition is included above in the section “Select Definitions.”</p> <p> Nev. Rev. Stat. Ann. § 178A.290 also affords victims the right “[t]o be treated with fairness and respect for his or her privacy and dignity.” This statutory provision is included below.</p>	<p>Nev. Const. art. I, § 8A(1)(a).</p>
<p>Victims' Right to Reasonable Protection.</p> <p>Each person who is the victim of a crime is entitled . . . [t]o be reasonably protected from the defendant and persons acting on behalf of the defendant.</p> <p> Nev. Const. art. I, § 8A(7) defines the term “victim” for the purposes of this provision. This definition is included above in the section “Select Definitions.”</p>	<p>Nev. Const. art. I, § 8A(1)(b).</p>






<p> Nevada statutory provisions also recognize victims' right to protection. <i>See</i> Nev. Rev. Stat. Ann. § 178.5692 (all victims); Nev. Rev. Stat. Ann. § 178A.290 (sexual assault victims). These statutory provisions are included below.</p>	
<p>Victims' Right to Have Safety Considered with Respect to Bail and Release Conditions.</p> <p>Each person who is the victim of a crime is entitled . . . [t]o have the safety of the victim and the victim's family considered as a factor in fixing the amount of bail and release conditions for the defendant.</p> <p> Nev. Const. art. I, § 8A(7) defines the term "victim" for the purposes of this provision. This definition is included above in the section "Select Definitions."</p>	<p>Nev. Const. art. I, § 8A(1)(c).</p>
<p>Victims' Right to Prevent Disclosure of Confidential Information or Records to Defendant.</p> <p>Each person who is the victim of a crime is entitled . . . [t]o prevent the disclosure of confidential information or records to the defendant which could be used to locate or harass the victim or the victim's family.</p> <p> Nev. Const. art. I, § 8A(7) defines the term "victim" for the purposes of this provision. This definition is included above in the section "Select Definitions."</p>	<p>Nev. Const. art. I, § 8A(1)(d).</p>
<p>Victims' Rights to Refuse Interview or Deposition Request and to Set Reasonable Conditions on Interview to Which Victims Consent.</p>	<p>Nev. Const. art. I, § 8A(1)(e).</p>




<p>Each person who is the victim of a crime is entitled . . . [t]o refuse an interview or deposition request, unless under court order, and to set reasonable conditions on the conduct of any such interview to which the victim consents.</p> <p> Nev. Const. art. I, § 8A(7) defines the term “victim” for the purposes of this provision. This definition is included above in the section “Select Definitions.”</p>	
<p>Victims’ Right to Confer with the Prosecution.</p> <p>Each person who is the victim of a crime is entitled . . . [t]o reasonably confer with the prosecuting agency, upon request, regarding the case.</p> <p> Nev. Const. art. I, § 8A(7) defines the term “victim” for the purposes of this provision. This definition is included above in the section “Select Definitions.”</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully document a victim’s request to exercise rights.</p>	<p>Nev. Const. art. I, § 8A(1)(f).</p>
<p>Victims’ Right to Reasonable Notice of and Present at All Public Proceedings.</p> <p>Each person who is the victim of a crime is entitled . . . [t]o reasonable notice of all public proceedings, including delinquency proceedings, upon request, at which the defendant and the prosecutor are entitled to be present and of all parole or other postconviction release proceedings, and to be present at all such proceedings.</p> <p> Nev. Const. art. I, § 8A(7) defines the term “victim” for the purposes of this provision. This definition is included above in the section “Select Definitions.”</p>	<p>Nev. Const. art. I, § 8A(1)(g).</p>





<p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully document a victim’s request to exercise rights. Victims who wish to receive the type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies.</p>	
<p>Victims’ Right to be Heard at Any Public Proceeding Involving Release or Sentencing and at Any Parole Proceeding.</p> <p>Each person who is the victim of a crime is entitled . . . [t]o be reasonably heard, upon request, at any public proceeding, including any delinquency proceeding, in any court involving release or sentencing, and at any parole proceeding.</p> <p> Nev. Const. art. I, § 8A(7) defines the term “victim” for the purposes of this provision. This definition is included above in the section “Select Definitions.”</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully document a victim’s request to exercise rights. Victims who wish to receive the type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies.</p>	<p>Nev. Const. art. I, § 8A(1)(h).</p>
<p>Victims’ Right to a Timely Disposition.</p> <p>Each person who is the victim of a crime is entitled . . . [t]o the timely disposition of the case following the arrest of the defendant.</p>	<p>Nev. Const. art. I, § 8A(1)(i).</p>




<p> Nev. Const. art. I, § 8A(7) defines the term “victim” for the purposes of this provision. This definition is included above in the section “Select Definitions.”</p> <p> Nev. Rev. Stat. Ann. § 174.515 authorizes courts to deny a trial continuance or other postponement if the delay will adversely affect a child-victim’s mental or emotional health or well-being. Nev. Rev. Stat. Ann. § 174.519 requires prosecutors to request that the court give preference to cases involving child-victims when setting trial dates. Under this statute, when ruling on such a request, the court may also consider the effect a delay in beginning the trial might have on the child-victim’s mental or emotional health or well-being. These statutory provisions are included below.</p>	
<p>Victims’ Right to Provide Impact Information as Part of Presentence Investigation.</p> <p>Each person who is the victim of a crime is entitled . . . [t]o provide information to any public officer or employee conducting a presentence investigation concerning the impact of the offense on the victim and the victim’s family and any sentencing recommendations before the sentencing of the defendant.</p> <p> Nev. Const. art. I, § 8A(7) defines the term “victim” for the purposes of this provision. This definition is included above in the section “Select Definitions.”</p> <p> Nev. Rev. Stat. Ann. § 176.145, which governs the contents of presentence reports, requires that such reports contain: “[i]nformation concerning the effect that the offense committed by the defendant has had upon the victim, including, without limitation, any physical or psychological harm or financial loss suffered by the victim, to the extent that such information is available from the victim or other sources, but the provisions of this paragraph do not require any particular examination or testing of the victim, and the extent of any investigation or examination is solely at the discretion of the court or the Division [of Parole and Probation] and the extent of the information to be included in the report is solely</p>	<p>Nev. Const. art. I, § 8A(1)(j).</p>





<p>at the discretion of the Division.” Nev. Rev. Stat. Ann. § 176.145(1)(c). This statutory provision is not included in this document.</p>	
<p>Victims’ Right to Be Informed of Disposition of Case, Release or Escape.</p> <p>Each person who is the victim of a crime is entitled . . . [t]o be informed, upon request, of the conviction, sentence, place and time of incarceration, or other disposition of the defendant, the scheduled release date of the defendant and the release of or the escape by the defendant from custody.</p> <p> Nev. Const. art. I, § 8A(7) defines the term “victim” for the purposes of this provision. This definition is included above in the section “Select Definitions.”</p> <p> Nev. Rev. Stat. Ann. § 178.5698(1)–(2) also affords victims the right to information regarding defendant’s release and the case disposition. This statutory provision is included below.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully document a victim’s request to exercise rights. Victims who wish to receive the type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies.</p>	<p>Nev. Const. art. I, § 8A(1)(k).</p>
<p>Victims’ Right to Restitution.</p> <p>Each person who is the victim of a crime is entitled . . . [t]o full and timely restitution.</p>	<p>Nev. Const. art. I, § 8A(1)(l).</p>




<p> Nev. Const. art. I, § 8A(7) defines the term “victim” for the purposes of this provision. This definition is included above in the section “Select Definitions.”</p> <p> Victims should be informed that they are entitled to restitution upon the conviction of defendant for losses caused by defendant’s criminal conduct. Assisting victims with the documentation of their losses—including anticipated future expenses—is recommended from the earliest moments of the case.</p>	
<p>Victims’ Right to the Prompt Return of Property.</p> <p>Each person who is the victim of a crime is entitled . . . [t]o the prompt return of legal property when no longer needed as evidence.</p> <p> Nev. Const. art. I, § 8A(7) defines the term “victim” for the purposes of this provision. This definition is included above in the section “Select Definitions.”</p> <p> Nev. Rev. Stat. Ann. § 178.5696(2) affords victims the right to the expeditious return of property when it is no longer needed as evidence. This statutory provision is included below.</p> <p> It is a promising practice to have a policy and procedure in place that clearly defines what “prompt” means in the context of a victim’s right to return of property. Instructions should be ready and available to provide to victims, explaining how they may promptly obtain their property, in addition to the name of a person they may contact to check the status of the return.</p>	<p>Nev. Const. art. I, § 8A(1)(m).</p>

<p> If a defendant files a request for return of property, victims and the prosecution must be notified immediately to ensure that they have an opportunity to be meaningfully heard on the matter.</p>	
<p>Victims’ Rights to Notice of and Participation in Postconviction Proceedings.</p> <p>Each person who is the victim of a crime is entitled . . . [t]o be informed of all postconviction proceedings, to participate and provide information to the parole authority to be considered before the parole of the offender and to be notified, upon request, of the parole or other release of the offender.</p> <p> Nev. Const. art. I, § 8A(7) defines the term “victim” for the purposes of this provision. This definition is included above in the section “Select Definitions.”</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully document a victim’s request to exercise rights. Victims who wish to receive the type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies.</p>	<p>Nev. Const. art. I, § 8A(1)(n).</p>
<p>Victims’ Right to Have Safety Considered with Respect to Parole and Other Postjudgment Release Decisions.</p> <p>Each person who is the victim of a crime is entitled . . . [t]o have the safety of the victim, the victim’s family and the general public considered before any parole or other postjudgment release decision is made.</p>	<p>Nev. Const. art. I, § 8A(1)(o).</p>

<p> Nev. Const. art. I, § 8A(7) defines the term “victim” for the purposes of this provision. This definition is included above in the section “Select Definitions.”</p>	
<p>Victims’ Right to Priority in Receipt of Restitution Payments.</p> <p>Each person who is the victim of a crime is entitled . . . [t]o have all monetary payments, money and property collected from any person who has been ordered to make restitution be first applied to pay the amounts ordered as restitution to the victim.</p> <p> Nev. Const. art. I, § 8A(7) defines the term “victim” for the purposes of this provision. This definition is included above in the section “Select Definitions.”</p>	<p>Nev. Const. art. I, § 8A(1)(p).</p>
<p>Victims’ Rights to Information Regarding Rights.</p> <p>Each person who is the victim of a crime is entitled . . . [t]o be specifically informed of the rights enumerated in this section, and to have information concerning those rights be made available to the general public.</p> <p> Nev. Const. art. I, § 8A(7) defines the term “victim” for the purposes of this provision. This definition is included above in the section “Select Definitions.”</p> <p> A promising practice is to provide victims with this information as soon as possible. Consideration should be given to providing written information in the primary language of the victim, as well as in a form accessible to those with vision impairment.</p>	<p>Nev. Const. art. I, § 8A(1)(q).</p>
<p>Victims’ Right to Assert Rights; Victim Standing; Court’s Duty to Rule Promptly on Victims’ Requests.</p>	<p>Nev. Const. art. I, § 8A(2).</p>

<p>A victim has standing to assert the rights enumerated in this section in any court with jurisdiction over the case. The court shall promptly rule on a victim’s request. A defendant does not have standing to assert the rights of his or her victim. This section does not alter the powers, duties or responsibilities of a prosecuting attorney. A victim does not have the status of a party in a criminal proceeding.</p> <p> Nev. Const. art. I, § 8A(7) defines the term “victim” for the purposes of this provision. This definition is included above in the section “Select Definitions.”</p> <p> A promising practice, when notifying victims that they have standing to enforce their rights in court, is to let them know that they may do so personally or with the assistance of an attorney. This notice should include an explanation of the different roles of a prosecuting attorney vs. an attorney hired by the victim to represent their interests and assert their rights.</p>	
<p>Limitations on Effects of Rights Violations.</p> <p>Except as otherwise provided in subsection 4, no person may maintain an action against this State or any public officer or employee for damages or injunctive, declaratory or other legal or equitable relief on behalf of a victim of a crime as a result of a violation of this section or any statute enacted by the Legislature pursuant thereto. No such violation authorizes setting aside a conviction.</p> <p> Nev. Const. art. I, § 8A(7) defines the term “victim” for the purposes of this provision. This definition is included above in the section “Select Definitions.”</p>	<p>Nev. Const. art. I, § 8A(3).</p>
<p>Victims’ Right to Compel Duties Required by Victims’ Rights Laws.</p>	<p>Nev. Const. art. I, § 8A(4).</p>

<p>A person may maintain an action to compel a public officer or employee to carry out any duty required by this section or any statute enacted by the Legislature pursuant thereto.</p> <p> Nev. Const. art. I, § 8A(7) defines the term “victim” for the purposes of this provision. This definition is included above in the section “Select Definitions.”</p>	
<p>Victims’ Constitutional Rights May Not Be Construed to Deny or Disparage Other Victims’ Rights.</p> <p>The granting of these rights to victims must not be construed to deny or disparage other rights possessed by victims. A parole authority shall extend the right to be heard at a parole hearing to any person harmed by the offender.</p> <p> Nev. Const. art. I, § 8A(7) defines the term “victim” for the purposes of this provision. This definition is included above in the section “Select Definitions.”</p>	<p>Nev. Const. art. I, § 8A(5).</p>
<p>Victims’ Right to Confidentiality of Personal Information.</p> <p>All personal information, including, but not limited to, a current or former address, which pertains to a victim, relative, witness or other person and which is received pursuant to the provisions of NRS 178.569 to 178.5698, inclusive, is confidential.</p> <p> Nev. Rev. Stat. Ann. § 178.569(2) defines the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p> <p> Nev. Const. art. I, § 8A(1)(d) provides for the right of victims “[t]o prevent the disclosure of confidential information or records to the defendant which could be used to</p>	<p>Nev. Rev. Stat. Ann. § 178.5691.</p>

<p>locate or harass the victim or the victim’s family.” This constitutional provision is included above.</p>	
<p>Victims’ Right to Protection from Harm or Threats of Harm Arising Out of Cooperation with the Prosecution.</p> <p>If a victim of a crime or a witness is cooperating with the prosecuting attorney in a criminal case and reasonably apprehends that he or she may suffer threats of harm or harm arising out of that cooperation, the sheriff of the county or the chief of police of the city shall, upon the written request of the victim or witness, investigate the circumstances, take adequate measures to protect the victim or witness where appropriate, and inform the victim or witness of the level of protection being provided.</p> <p> Nev. Rev. Stat. Ann. § 178.569(2) defines the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p> <p> Victims have related constitutional rights to be free from intimidation, harassment and abuse throughout the criminal justice process and to reasonable protection from the defendant and persons acting on the defendant’s behalf. Nev. Const. art. I, § 8A(1)(a)–(b). These constitutional provisions are included above.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights in writing. Agencies should carefully document a victim’s request to exercise rights.</p>	<p>Nev. Rev. Stat. Ann. § 178.5692.</p>
<p>Victims’ Right to Employer-Intercession Services by the Prosecutor or Law Enforcement; Victims’ Right to Notice of Rescheduled Proceedings.</p>	<p>Nev. Rev. Stat. Ann. § 178.5694.</p>

1. If it is difficult for such a victim or witness to assist in an investigation or cooperate with the prosecuting attorney because the victim or witness is being harassed, intimidated or subjected to conflicting requirements by his or her employer, the prosecuting attorney, sheriff or chief of police shall, upon the written request of the victim or witness, intercede on his or her behalf to minimize any loss of pay or other benefits which would result from his or her assistance or appearances in court.

2. If a proceeding in court to which such a victim or witness has been subpoenaed will not go on as scheduled, the prosecuting attorney shall:
 (a) Make a reasonable effort to notify the victim or witness of that fact; or
 (b) Provide a system of notification which allows the victim or witness to call by telephone and receive such information.

In any case, the prosecuting attorney shall, if the victim or witness so requests in writing and provides a current address, ensure that written notice is mailed to that address. If written notice would not be timely, the prosecuting attorney shall make a reasonable effort to notify the victim or witness by some other means.



Nev. Rev. Stat. Ann. § 178.569(2) defines the terms used in this provision. These definitions are included above in the section “Select Definitions.”






A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights in writing. Agencies should carefully document a victim’s request to exercise rights.










A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, of their employment-related rights.



A promising practice is to have a policy and procedure in place to provide employers with this information.

<p>Victims' Right to Separate Waiting Area in Courthouse.</p> <p>A court trying a criminal case shall provide victims and witnesses a secure waiting area which is not used by the members of the jury or the defendant and the defendant's family and friends.</p> <p> Nev. Rev. Stat. Ann. § 178.569(2) defines the terms used in this provision. These definitions are included above in the section "Select Definitions."</p> <p> Although this law is directed at courts, the same concept can and should be applied to law enforcement agencies when interacting with victims, victims' families, prosecution witnesses and the defendant, defendants' families and defense witnesses.</p>	<p>Nev. Rev. Stat. Ann. § 178.5696(1).</p>
<p>Victims' Rights to List of Property Held in Custody and to Expeditious Return of Property.</p> <p>A court or law enforcement agency which has custody of any stolen or other personal property belonging to such a victim or witness shall:</p> <p>(a) Upon the written request of the victim or witness, make available to the victim or witness a list describing the property held in custody, unless it is shown that the disclosure of the identity or nature of the property would seriously impede the investigation of the crime; or</p> <p>(b) Return the property to the victim or witness expeditiously when it is no longer needed as evidence.</p> <p> Nev. Rev. Stat. Ann. § 178.569(2) defines the terms used in this provision. These definitions are included above in the section "Select Definitions."</p>	<p>Nev. Rev. Stat. Ann. § 178.5696(2).</p>

<p> Nevada Const. art. I, § 8A(1)(m) provides victims with a constitutional right to the prompt return of property once it is no longer needed as evidence. This constitutional provision is included above.</p> <p> It is a promising practice to have a policy and procedure in place that clearly defines what “expeditiously” means in the context of the victim’s right to return of property. Instructions should be ready and available to provide to victims, explaining how they may promptly obtain their property, in addition to the name of a person they may contact to check the status of the return.</p> <p> If a defendant files a request for return of property, victims and the prosecution must be notified immediately to ensure that they have an opportunity to be meaningfully heard on the matter.</p>	
<p>Victims’ Right to Information Regarding Witness Fee.</p> <p>The prosecuting attorney shall inform each such witness of the fee to which the witness is entitled for testifying and how to obtain the fee.</p> <p> Nev. Rev. Stat. Ann. § 178.569(2) defines the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p>	<p>Nev. Rev. Stat. Ann. § 178.5696(3).</p>
<p>Victims’ Right to Information Regarding Defendant’s Release and Case Disposition; Prosecutor and Law Enforcement’s Duty to Provide Information.</p> <p>1. The prosecuting attorney, sheriff or chief of police shall, upon the request of a victim or witness, inform the victim or witness:</p>	<p>Nev. Rev. Stat. Ann. § 178.5698(1)–(2).</p>

<p>(a) When the defendant is released from custody at any time before or during the trial, including, without limitation, when the defendant is released pending trial or subject to electronic supervision;</p> <p>(b) If the defendant is so released, the amount of bail required, if any; and</p> <p>(c) Of the final disposition of the criminal case in which the victim or witness was directly involved.</p> <p>2. A request for information pursuant to subsection 1 must be made:</p> <p>(a) In writing; or</p> <p>(b) By telephone through an automated or computerized system of notification, if such a system is available.</p> <p> Nev. Rev. Stat. Ann. § 178.569(2) defines the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p> <p> Nev. Const. art. I, § 8A(1)(k) affords victims the right “[t]o be informed, upon request, of the conviction, sentence, place and time of incarceration, or other disposition of the defendant, the scheduled release date of the defendant and the release of or the escape by the defendant from custody.” This constitutional provision is included above.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully document a victim’s request to exercise rights. Victims who wish to receive the type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies.</p>	
<p>Rights of Victims of Sexual Offenses and Offenses Involving Use or Threatened Use of Violence to Documentation, Forms and Notice; Court’s Duty to Provide Information and Written Materials; Prison Warden’s Duty to Provide Notice.</p>	<p>Nev. Rev. Stat. Ann. § 178.5698(3)–(8).</p>

<p>3. If an offender is convicted of a sexual offense or an offense involving the use or threatened use of force or violence against the victim, the court shall provide:</p> <p>(a) To each witness, documentation that includes:</p> <ol style="list-style-type: none"> (1) A form advising the witness of the right to be notified pursuant to subsection 5; (2) The form that the witness must use to request notification in writing; and (3) The form or procedure that the witness must use to provide a change of address after a request for notification has been submitted. <p>(b) To each person listed in subsection 4, documentation that includes:</p> <ol style="list-style-type: none"> (1) A form advising the person of the right to be notified pursuant to subsection 5 or 6 and NRS 176.015, 176A.630, 178.4715, 209.392, 209.3923, 209.3925, 209.429, 209.521, 213.010, 213.040, 213.095 and 213.131 or NRS 213.10915; (2) The forms that the person must use to request notification; and (3) The forms or procedures that the person must use to provide a change of address after a request for notification has been submitted. <p>4. The following persons are entitled to receive documentation pursuant to paragraph (b) of subsection 3:</p> <ol style="list-style-type: none"> (a) A person against whom the offense is committed. (b) A person who is injured as a direct result of the commission of the offense. (c) If a person listed in paragraph (a) or (b) is under the age of 18 years, each parent or guardian who is not the offender. (d) Each surviving spouse, parent and child of a person who is killed as a direct result of the commission of the offense. (e) A relative of a person listed in paragraphs (a) to (d), inclusive, if the relative requests in writing to be provided with the documentation. <p>5. Except as otherwise provided in subsection 6, if the offense was a felony and the offender is imprisoned, the warden of the prison shall, if the victim or witness so requests in writing and provides a current address, notify the victim or witness at that address when the offender is released from the prison.</p>	
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6. If the offender was convicted of a violation of subsection 3 of NRS 200.366 or a violation of subsection 1, paragraph (a) of subsection 2 or subparagraph (2) of paragraph (b) of subsection 2 of NRS 200.508, the warden of the prison shall notify:

- (a) The immediate family of the victim if the immediate family provides their current address;
- (b) Any member of the victim's family related within the third degree of consanguinity, if the member of the victim's family so requests in writing and provides a current address; and
- (c) The victim, if the victim will be 18 years of age or older at the time of the release and has provided a current address, before the offender is released from prison.

7. The warden must not be held responsible for any injury proximately caused by the failure to give any notice required pursuant to this section if no address was provided to the warden or if the address provided is inaccurate or not current.

8. As used in this section:

- (a) "Immediate family" means any adult relative of the victim living in the victim's household.
- (b) "Sexual offense" means:
 - (1) Sexual assault pursuant to NRS 200.366;
 - (2) Statutory sexual seduction pursuant to NRS 200.368;
 - (3) Battery with intent to commit sexual assault pursuant to NRS 200.400;
 - (4) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive;
 - (5) Incest pursuant to NRS 201.180;
 - (6) Open or gross lewdness pursuant to NRS 201.210;
 - (7) Indecent or obscene exposure pursuant to NRS 201.220;
 - (8) Lewdness with a child pursuant to NRS 201.230;
 - (9) Sexual penetration of a dead human body pursuant to NRS 201.450;
 - (10) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540;
 - (11) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550;

<p>(12) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony;</p> <p>(13) An offense that, pursuant to a specific statute, is determined to be sexually motivated; or</p> <p>(14) An attempt to commit an offense listed in this paragraph.</p> <p> Nev. Rev. Stat. Ann. § 178.569(2) defines additional terms used in this provision. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully document a victim’s request to exercise rights. Victims who wish to receive the type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies.</p>	
<p>Domestic Violence and Sexual Assault Victims’ Right to Support Person Presence at Preliminary Hearings and Trial; Minor Victims’ Right to Support Person Presence at Preliminary Hearings and Trial.</p> <p>1. Except as otherwise provided in subsection 2, in a case involving any act of domestic violence pursuant to NRS 33.018, a violation of NRS 200.366, 200.368 or 200.373, a battery with intent to commit a sexual assault pursuant to NRS 200.400, a violation of any provision of NRS 200.5091 to 200.5099, inclusive, a violation of NRS 201.180, 201.210, 201.220 or 201.230 or an attempt or a conspiracy to commit any of these offenses, a witness may designate an attendant who must be allowed to attend the preliminary hearing and the trial during the witness’s testimony to provide support.</p> <p>2. In a case involving an offense in which a minor is a witness, the witness who is a minor may designate an attendant who must be allowed to attend the preliminary hearing and the trial during the witness’s testimony to provide support.</p>	<p>Nev. Rev. Stat. Ann. § 178.571.</p>

3. The attendant may be designated by a party as a witness and, except as otherwise provided in this section, must not be excluded from the proceedings. If a party designates the attendant as a witness, the attendant must be examined and cross-examined before any other witness testifies.

4. Except as otherwise provided in this subsection and subsection 5, the attendant must not be a reporter or editorial employee of any newspaper, periodical or press association or an employee of any radio or television station. The provisions of this subsection do not apply to an attendant to a witness in a case involving a violation of any provision of NRS 200.5091 to 200.50995, inclusive.


5. The parent, child, brother or sister of the witness may serve as the attendant of the witness whether or not the attendant is a reporter or an editorial employee of any newspaper, periodical or press association or an employee of any radio or television station, but the attendant shall not make notes during the hearing or trial.


6. The court:



(a) Shall, if the witness requests, allow the attendant to sit next to the witness while the witness is testifying; or


(b) May, if the witness requests that the attendant be in another location in the courtroom while the witness is testifying, allow the attendant to be in that location while the witness is testifying.


7. Except as otherwise provided in this subsection, the court shall allow the attendant to have physical contact with the witness while the witness is testifying, if the court determines that such contact is reasonably appropriate or necessary to provide support to the witness. If the attendant attempts to influence or affect in any manner the testimony of the witness during the giving of testimony or at any other time, the court shall exclude that attendant and allow the witness to designate another attendant.



<p>8. A party may move to exclude a particular attendant for good cause, and the court shall hear the motion out of the presence of the jury, if any. If the court grants the motion, the witness may designate another attendant.</p>	
<p>Sexual Assault Survivors' Bill of Rights: Legislative Findings and Declarations.</p> <p>The Legislature hereby finds and declares that:</p> <ol style="list-style-type: none"> 1. Victims of sexual assault have a strong interest in the investigation and prosecution of their cases. 2. Law enforcement agencies have an obligation to victims of sexual assault to be responsive to the victims concerning the developments of forensic testing and the investigation of their cases. 3. The growth of the State DNA Database and CODIS makes it possible for many perpetrators of sexual assault to be identified after their first offense. <p> Nev. Rev. Stat. Ann. §§ 178A.020 through 178A.140 define the terms used in this provision. These definitions are included above in the section "Select Definitions."</p>	<p>Nev. Rev. Stat. Ann. § 178A.150.</p>
<p>Rights Under Sexual Assault Survivors' Act Attach When Victim is Subject to a Forensic Medical Examination or Interview by Law Enforcement or the Prosecution; Rights Retained Regardless of Whether Victim Participates in the Legal or Criminal Justice System, Speaks with Law Enforcement or Prosecutors, or Consents to a Forensic Examination.</p> <ol style="list-style-type: none"> 1. The rights provided to a survivor pursuant to the Sexual Assault Survivors' Bill of Rights attach whenever the survivor is subject to: <ol style="list-style-type: none"> (a) A forensic medical examination; or 	<p>Nev. Rev. Stat. Ann. § 178A.160.</p>



<p>(b) An interview by a law enforcement official or prosecutor.</p> <p>2. A survivor retains the rights provided by the Sexual Assault Survivors' Bill of Rights at all times, regardless of whether the survivor:</p> <ul style="list-style-type: none"> (a) Agrees to participate in the legal or criminal justice system; (b) Agrees to speak to a law enforcement official or prosecutor; or (c) Consents to a forensic medical examination. <p> Nev. Rev. Stat. Ann. §§ 178A.020 through 178A.140 define the terms used in this provision. These definitions are included above in the section "Select Definitions."</p>	
<p>Sexual Assault Victims' Rights to Consult with a Sexual Assault Victim Advocate and to Have a Support Person Present During Forensic Medical Examinations or Interviews by Law Enforcement or Prosecution; Exclusion of Support Person Under Certain Circumstances Involving Minors.</p> <p>1. A survivor has the right to consult with a sexual assault victims' advocate during:</p> <ul style="list-style-type: none"> (a) Any forensic medical examination; and (b) Any interview by a law enforcement official or prosecutor. <p>2. Except as otherwise provided in subsection 3, a survivor has the right to designate an attendant to provide support during:</p> <ul style="list-style-type: none"> (a) Any forensic medical examination; and (b) Any interview by a law enforcement official or prosecutor. <p>3. If a law enforcement official or prosecutor conducts an interview of a survivor who is a minor, the law enforcement official or prosecutor may exclude the attendant from the interview if the law enforcement official or prosecutor:</p> <ul style="list-style-type: none"> (a) Has successfully completed specialized training in interviewing survivors who are minors that meets the standards of the National Children's Alliance or its successor 	<p>Nev. Rev. Stat. Ann. § 178A.170.</p>



<p>organization or another national organization that provides specialized training in interviewing survivors who are minors; and (b) Determines, in his or her good faith, that the presence of the attendant would be detrimental to the purpose of the interview.</p> <p> Nev. Rev. Stat. Ann. §§ 178A.020 through 178A.140 define the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p> <p> A sexual assault victim retains these rights even if they have “waived such rights during a previous examination or interview.” Nev. Rev. Stat. Ann. § 178A.180(1). Additionally, except with the victim’s consent, the fact that the victim “waived the right to consult with a sexual assault victims’ advocate pursuant to NRS 178A.170 is not admissible into evidence for any purpose.” <i>Id.</i> at § 178A.180(2). These statutory provisions are not included in this document.</p>	
<p>Sexual Assault Victims’ Exercise of Rights Relating to Forensic Medical Examination; Sexual Assault Victims’ Rights to No Cost Forensic Medical Exam and to Use Shower After; Sexual Assault Victims’ Right to Notice of Rights; Written Acknowledgement to Be Signed by Person Who Presents Sexual Assault Victims with Written Notice of Rights.</p> <p>1. If a survivor requests a consultation with a sexual assault victims’ advocate or an attendant to provide support to the survivor pursuant to NRS 178A.170, the medical provider shall summon the sexual assault victims’ advocate or attendant before the commencement of the forensic medical examination.</p> <p>2. If a sexual assault victims’ advocate or an attendant to provide support to the survivor pursuant to NRS 178A.170 cannot be summoned in a timely manner, the medical provider shall inform the survivor of the ramifications of delaying the forensic medical examination.</p>	<p>Nev. Rev. Stat. Ann. § 178A.190.</p>



<p>3. A survivor must not be required to pay any expense related to a forensic medical examination pursuant to NRS 217.300.</p> <p>4. After the forensic medical examination, the survivor has the right to use a shower apparatus at no cost, unless a facility which includes a shower apparatus is not available.</p> <p>5. Before a medical provider commences a forensic medical examination, the medical provider shall inform the survivor of his or her rights pursuant to the Sexual Assault Survivors' Bill of Rights and other relevant law by presenting a document developed by the Office of the Attorney General pursuant to NRS 178A.270.</p> <p>6. The person who presents to the survivor the document developed by the Office of the Attorney General pursuant to NRS 178A.270 shall sign a written acknowledgment indicating that the person presented the document to the survivor. The written acknowledgment must be retained in the case file of the survivor.</p> <p> Nev. Rev. Stat. Ann. §§ 178A.020 through 178A.140 define the terms used in this provision. These definitions are included above in the section "Select Definitions."</p>	
<p>Sexual Assault Victims' Exercise of Rights Relating to Interview with Law Enforcement or Prosecution; Prohibition on Law Enforcement or Prosecution Discouraging Forensic Medical Examination; Sexual Assault Victims' Right to Notice of Rights; Written Acknowledgement to Be Signed by Person Who Presents Sexual Assault Victims with Written Notice of Rights.</p> <p>1. If a survivor exercises his or her right to consult with a sexual assault victims' advocate during an interview pursuant to NRS 178A.170, the law enforcement official or prosecutor conducting the interview, as applicable, shall summon the sexual assault victims' advocate before the commencement of the interview, unless no sexual assault victims' advocate can be summoned in a timely manner.</p>	<p>Nev. Rev. Stat. Ann. § 178A.200.</p>


<p>2. A survivor has the right to designate an attendant to provide support of his or her choosing during any interview by a law enforcement official or prosecutor pursuant to NRS 178A.170, unless the law enforcement official or prosecutor determines, in his or her good faith, that the presence of the attendant would be detrimental to the purpose of the interview.</p> <p>3. A survivor has the right to be interviewed by a law enforcement official of the gender of the choosing of the survivor. If no law enforcement official of that gender is available in a reasonably timely manner, the survivor may be interviewed by an available law enforcement official of a different gender only upon the consent of the survivor.</p> <p>4. A law enforcement official or prosecutor shall not discourage a survivor from receiving a forensic medical examination.</p> <p>5. Before commencing an interview with a survivor, the law enforcement official or prosecutor conducting the interview shall inform the survivor of his or her rights pursuant to the Sexual Assault Survivors' Bill of Rights and other relevant law.</p> <p>6. Any information conveyed by the law enforcement official or prosecutor pursuant to subsection 5 must be conveyed to the survivor by presenting a document developed by the Office of the Attorney General pursuant to NRS 178A.270.</p> <p>7. The person who presents to the survivor the document developed by the Office of the Attorney General pursuant to NRS 178A.270 shall sign a written acknowledgment indicating that the person presented the document to the survivor. The written acknowledgment must be retained in the case file of the survivor.</p> <p> Nev. Rev. Stat. Ann. §§ 178A.020 through 178A.140 define the terms used in this provision. These definitions are included above in the section "Select Definitions."</p>	
<p>Sexual Assault Survivors' Bill of Rights: Victims' Right to Counsel.</p>	<p>Nev. Rev. Stat. Ann. § 178A.210.</p>


<p>1. A survivor retains the right to have counsel present during any forensic medical examination, interview, investigation or other interaction with any representative of the legal or criminal justice system within this State pursuant to NRS 178A.160 to 178A.200, inclusive.</p> <p>2. The treatment of the survivor must not be affected or altered in any way as a result of the decision of the survivor to exercise his or her right to have counsel present during any forensic medical examination, interview, investigation or other interaction with the legal or criminal justice systems within this State.</p> <p> Nev. Rev. Stat. Ann. §§ 178A.020 through 178A.140 define the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to have a policy and procedure in place to ensure that sexual assault victims are notified, at the first opportunity, that they have the right to counsel during these interactions with Nevada’s legal and criminal justice systems. This notice should include an explanation of the different roles of a prosecuting attorney vs. an attorney hired by the victim to represent their interests and assert their rights.</p>	
<p>Sexual Assault Victims’ Right to Prompt Genetic Marker Analysis; Transport of Sexual Assault Forensic Evidence Kit; Preservation, Storage and Retention of Biological Evidence; Sexual Assault Victims’ Right to Information Regarding Timeline of Genetic Marker Analysis.</p> <p>1. A survivor has the right to prompt genetic marker analysis of a sexual assault forensic evidence kit pursuant to NRS 200.3786.</p> <p>2. A sexual assault forensic evidence kit must be transported to a forensic laboratory and analyzed pursuant to NRS 200.3786, unless the survivor requests in writing at any time</p>	<p>Nev. Rev. Stat. Ann. § 178A.220.</p>



<p>before such analysis, for the forensic laboratory to defer analysis of the sexual assault forensic evidence kit.</p> <p>3. Biological evidence, including, without limitation, a sexual assault forensic evidence kit, secured in connection with the investigation or prosecution of a criminal case must be preserved and stored in accordance with the provisions of this subsection and NRS 176.0912. A sexual assault forensic evidence kit that is in the custody of an agency of criminal justice must be retained for:</p> <p>(a) If the sexual assault forensic evidence kit is associated with an uncharged or unsolved sexual assault, at least 50 years.</p> <p>(b) If the sexual assault forensic evidence kit is associated with an unreported or anonymous sexual assault, at least 20 years.</p> <p>4. If a survivor has requested to defer analysis pursuant to subsection 2, the survivor may request that the forensic laboratory analyze the sexual assault forensic evidence kit at any later date before the expiration of the retention period pursuant to subsection 3.</p> <p>5. A survivor has the right to the information regarding the timeline of the genetic marker analysis of sexual assault forensic evidence kits pursuant to NRS 200.3786.</p> <p> Nev. Rev. Stat. Ann. §§ 178A.020 through 178A.140 define the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully document a victim’s request to exercise rights.</p>	
<p>Sexual Assault Victims’ Right to Be Informed of Results of Genetic Marker Analysis and DNA Profile Upon Request.</p>	<p>Nev. Rev. Stat. Ann. § 178A.230.</p>




<p>Upon the request of a survivor, he or she has the right to be informed of:</p> <ol style="list-style-type: none"> 1. The results of the genetic marker analysis of the sexual assault forensic evidence kit of the survivor; 2. Whether the analysis yielded a DNA profile; and 3. Whether the analysis yielded the DNA profile of the defendant or person accused or convicted of a crime against the survivor or a person already in CODIS. <p> Nev. Rev. Stat. Ann. §§ 178A.020 through 178A.140 define the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully document a victim’s request to exercise rights.</p>	
<p>Law Enforcement’s Failure to Take Possession of Sexual Assault Forensic Evidence Kit or Submit Such Evidence for Genetic Marker Analysis Within Timeline Does Not Impact Law Enforcement’s Authority to Later Take Possession of Evidence and Submit it for Analysis.</p> <p>The failure of a law enforcement agency to take possession of a sexual assault forensic evidence kit pursuant to the Sexual Assault Survivors’ Bill of Rights, or the failure of the law enforcement agency to submit such evidence for genetic marker analysis within the timeline prescribed pursuant to the Bill of Rights, does not alter:</p> <ol style="list-style-type: none"> 1. The authority of a law enforcement agency to take possession of that evidence or to submit that evidence to a forensic laboratory; and 	<p>Nev. Rev. Stat. Ann. § 178A.240.</p>

<p>2. The authority of the forensic laboratory to accept and analyze the evidence or to upload an eligible DNA profile obtained from such evidence to CODIS or the State DNA Database.</p> <p> Nev. Rev. Stat. Ann. §§ 178A.020 through 178A.140 define the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p>	
<p>Failure to Comply with Sexual Assault Survivors’ Bill of Rights Does Not Give Standing to Defendant to Challenge Conviction or Sentence or Constitute Grounds for Challenge.</p> <p>1. A defendant or person accused or convicted of a crime against a survivor does not have standing to seek to have his or her conviction or sentence set aside for any failure by a law enforcement agency, forensic laboratory or other relevant entity to comply with the timing requirements of the Sexual Assault Survivors’ Bill of Rights.</p> <p>2. Failure by a law enforcement agency, forensic laboratory or other relevant entity to comply with the requirements of the Sexual Assault Survivors’ Bill of Rights does not constitute grounds for challenging the validity of a match or any information in the State DNA Database during any criminal or civil proceeding, and any evidence of such a match or any information in the State DNA Database must not be excluded by a court on such grounds.</p> <p> Nev. Rev. Stat. Ann. §§ 178A.020 through 178A.140 define the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p>	<p>Nev. Rev. Stat. Ann. § 178A.250.</p>
<p>Prohibition on Use of Forensic Evidence from Sexual Assault to Prosecute Victim.</p> <p>Forensic evidence from a sexual assault may not be used:</p>	<p>Nev. Rev. Stat. Ann. § 178A.260.</p>

<p>1. To prosecute a survivor for any: (a) Misdemeanor; or (b) Offense related to a controlled substance.</p> <p>2. As a basis to search for further evidence of any unrelated misdemeanor or any offense related to a controlled substance that may have been committed by the survivor.</p> <p> Nev. Rev. Stat. Ann. §§ 178A.020 through 178A.140 define the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p>	
<p>Office of the Attorney General’s Duty to Develop and Make Available Document Explaining Sexual Assault Victims’ Rights; Contents of Document.</p> <p>1. The Office of the Attorney General shall: (a) Develop a document that explains the rights of a survivor pursuant to the Sexual Assault Survivors’ Bill of Rights and other relevant law; and (b) Make the document available to medical providers, law enforcement officials and prosecutors.</p> <p>2. The document must be in clear language that is comprehensible to a person proficient in English at the reading level of a fifth grader, accessible to persons with visual disabilities and available in all major languages of this State.</p> <p>3. The document must include, without limitation: (a) A clear statement that the survivor is not required to participate in the criminal justice system or to receive a forensic medical examination in order to retain the rights provided by the Sexual Assault Survivors’ Bill of Rights and other relevant law; (b) Means of contacting, by telephone or Internet, nearby sexual assault victims’ advocates and centers for support for victims of sexual assault; (c) Information about the availability of temporary and extended orders of protection pursuant to NRS 200.378;</p>	<p>Nev. Rev. Stat. Ann. § 178A.270.</p>

<p>(d) Instructions for requesting the results of the genetic marker analysis of the sexual assault forensic evidence kit of the survivor;</p> <p>(e) Information concerning state and federal funds for compensation for medical and other costs associated with the sexual assault; and</p> <p>(f) Information concerning any municipal, state or federal right to restitution for survivors in the event of a criminal trial.</p> <p> Nev. Rev. Stat. Ann. §§ 178A.020 through 178A.140 define the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p>	
<p>Law Enforcement’s Duty to Provide Copies of Reports to Sexual Assault Victim Upon Request; Prosecutor to Provide Information to Victim; Report by Forensic Laboratory; State to Establish Statewide Program to Track Sexual Assault Forensic Kits.</p> <p>1. Except as otherwise provided in this subsection, a law enforcement agency shall, upon written request by the survivor, furnish within 1 month, free, complete and unaltered copies of all reports of the law enforcement agency concerning the sexual assault, regardless of whether the report has been closed by the law enforcement agency. A law enforcement agency may, as appropriate, redact personal identifying information from any reports provided pursuant to this subsection. As used in this section, “personal identifying information” has the meaning ascribed to it in NRS 205.4617.</p> <p>2. A prosecutor shall, upon written request of a survivor, provide certain information to the survivor pursuant to NRS 200.3784.</p> <p>3. Each forensic laboratory shall submit the report concerning the status of sexual assault forensic evidence kits annually pursuant to NRS 200.3786.</p> <p>4. The State shall establish a statewide program to track sexual assault forensic evidence kits pursuant to NRS 200.3788.</p>	<p>Nev. Rev. Stat. Ann. § 178A.280.</p>

<p> Nev. Rev. Stat. Ann. §§ 178A.020 through 178A.140 define the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights in writing. Agencies should carefully document a victim’s request to exercise rights.</p>	
<p>Additional Rights of Victims of Sexual Assault: to Reasonable Protection; to Be Free from Intimidation, Harassment and Abuse; to Be Treated with Fairness and Respect for Their Privacy and Dignity; to Be Heard; to Not Be Required to Submit to Truth Telling Examination; to a Secure Waiting Area.</p> <p>1. In addition to any other right provided by law, a survivor has the right:</p> <ul style="list-style-type: none"> (a) In any civil or criminal case related to a sexual assault, to be reasonably protected from the defendant and persons acting on behalf of the defendant. (b) To be free from intimidation, harassment and abuse. (c) To be treated with fairness and respect for his or her privacy and dignity. (d) To be heard through a victim impact statement at any proceeding involving any plea, sentencing, postconviction decision or any other proceeding where the rights of the survivor are at issue. <p>2. A survivor must not be required to submit to an examination by polygraph as a prerequisite to filing an accusatory pleading or participating in any part of the criminal justice system.</p> <p>3. A court shall make reasonable efforts to provide the survivor and the family, friends and witnesses of the survivor with a secure waiting area or room that is separate from:</p> <ul style="list-style-type: none"> (a) The waiting area of the defendant and the family, friends, witnesses and attorneys of the defendant; and (b) The office of the prosecutor, if applicable. 	<p>Nev. Rev. Stat. Ann. § 178A.290.</p>

<p> Nev. Rev. Stat. Ann. §§ 178A.020 through 178A.140 define the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p> <p> Other constitutional and statutory provisions extend these same rights to all crime victims. <i>See, e.g.</i>, Nev. Const. art. I, § 8A(1)(a) (rights to be treated with fairness and respect for victims’ privacy and dignity and to be free from intimidation, harassment and abuse); <i>id.</i> at § 8A(1)(b) (right to reasonable protection); <i>id.</i> at § 8A(1)(h) (right to be heard at any public proceeding); Nev. Rev. Stat. Ann. § 178.5696(1) (right to separate waiting area); Nev. Rev. Stat. Ann. § 171.1228 (prohibition on conditioning investigation of sexual offense on victims’ submission to polygraph or other truth telling examination). These constitutional and statutory provisions are included above and below.</p> <p> A promising practice is to ensure that officers who work with victims of sexual offenses are aware that they cannot require victims to submit to a polygraph or other truth-telling examination or device.</p>	
<p>Peace Officers’ Duty to Provide Information to Domestic Violence Victims.</p> <p>1. When investigating an act of domestic violence, a peace officer shall:</p> <p>(a) Make a good faith effort to explain the provisions of NRS 171.137 pertaining to domestic violence and advise victims of all reasonable means to prevent further abuse, including advising each person of the availability of a shelter or other services in the community.</p> <p>(b) Provide a person suspected of being the victim of an act of domestic violence with a written copy of the following statements:</p> <p>(1) My name is Officer _____ (naming the investigating officer). Nevada law requires me to inform you of the following information.</p> <p>(2) If I have probable cause to believe that a battery has been committed against you, your minor child or the minor child of the person believed to have committed the battery in the last 24 hours by your spouse, your former spouse, any other person to whom you are related</p>	<p>Nev. Rev. Stat. Ann. § 171.1225.</p>

by blood or marriage, a person with whom you have had or are having a dating relationship or a person with whom you have a child in common, I am required, unless mitigating circumstances exist, to arrest the person suspected of committing the battery.

(3) If I am unable to arrest the person suspected of committing the battery, you have the right to request that the prosecutor file a criminal complaint against the person. I can provide you with information on this procedure. If convicted, the person who committed the battery may be placed on probation, ordered to see a counselor, put in jail or fined.


(4) The law provides that you may seek a court order for the protection of you, your minor children or any animal that is owned or kept by you, by the person who committed or threatened the act of domestic violence or by the minor child of either such person against further threats or acts of domestic violence. You do not need to hire a lawyer to obtain such an order for protection.



(5) An order for protection may require the person who committed or threatened the act of domestic violence against you to:


- (I) Stop threatening, harassing or injuring you or your children;
- (II) Move out of your residence;
- (III) Stay away from your place of employment;
- (IV) Stay away from the school attended by your children;
- (V) Stay away from any place you or your children regularly go;
- (VI) Avoid or limit all communication with you or your children;
- (VII) Stop physically injuring, threatening to injure or taking possession of any animal that is owned or kept by you or your children, either directly or through an agent; and
- (VIII) Stop physically injuring or threatening to injure any animal that is owned or kept by the person who committed or threatened the act or his or her children, either directly or through an agent.

(6) A court may make future orders for protection which award you custody of your children and require the person who committed or threatened the act of domestic violence against you to:

- (I) Pay the rent or mortgage due on the place in which you live;
- (II) Pay the amount of money necessary for the support of your children;
- (III) Pay part or all of the costs incurred by you in obtaining the order for protection; and

<p>(IV) Comply with the arrangements specified for the possession and care of any animal owned or kept by you or your children or by the person who committed or threatened the act or his or her children.</p> <p>(7) To get an order for protection, go to room number _____ (state the room number of the office at the court) at the court, which is located at _____ (state the address of the court). Ask the clerk of the court to provide you with the forms for an order of protection.</p> <p>(8) If the person who committed or threatened the act of domestic violence against you violates the terms of an order for protection, the person may be arrested and, if:</p> <p>(I) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;</p> <p>(II) The person has previously violated a temporary or extended order for protection; or</p> <p>(III) At the time of the violation or within 2 hours after the violation, the person has a concentration of alcohol of 0.08 or more in the person's blood or breath or an amount of a prohibited substance in the person's blood or urine, as applicable, that is equal to or greater than the amount set forth in subsection 3 or 4 of NRS 484C.110, the person will not be admitted to bail sooner than 12 hours after arrest.</p> <p>(9) You may obtain emergency assistance or shelter by contacting your local program against domestic violence at _____ (state name, address and telephone number of local program) or you may call, without charge to you, the Statewide Program Against Domestic Violence at _____ (state toll-free telephone number of Statewide Program).</p> <p>2. The failure of a peace officer to carry out the requirements set forth in subsection 1 is not a defense in a criminal prosecution for the commission of an act of domestic violence, nor may such an omission be considered as negligence or as causation in any civil action against the peace officer or the officer's employer.</p> <p>3. [definitions]</p> <p> Nev. Rev. Stat. Ann. § 171.1225(3) defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."</p>	

<p>Prohibition on Law Enforcement Conditioning Sexual Offense Investigation on Victims' Submission to Polygraph or Other Similar Truth Telling Examination.</p> <p>1. A law enforcement officer, prosecutor or other employee of a governmental entity shall not, as a condition of investigating an alleged sexual offense, request or require a victim of the alleged sexual offense to take or submit to a polygraphic examination or other similar examination that is used, or the results of which are used, for the purpose of rendering a diagnostic opinion regarding the honesty or dishonesty of a person.</p> <p>2. As used in this section, "sexual offense" has the meaning ascribed to it in NRS 179D.097.</p> <p> Nev. Rev. Stat. Ann. § 178A.290(2) also bars the use of polygraph examinations as a prerequisite to a sexual assault victim filing an accusatory pleading or participating in the criminal justice system. This statutory provision is included above.</p> <p> A promising practice is to ensure that officers who work with victims of sexual offenses are aware that they cannot require victims to submit to a polygraph or other truth-telling examination or device.</p>	<p>Nev. Rev. Stat. Ann. § 171.1228.</p>
<p>Videotaped Depositions of Victims of Sexual Abuse and Sex Trafficking and Child Witnesses: Ordered Upon Showing of Good Cause.</p> <p>1. A court on its own motion or on the motion of the district attorney may, for good cause shown, order the taking of a videotaped deposition of:</p> <p>(a) A victim of sexual abuse as that term is defined in NRS 432B.100;</p> <p>(b) A prospective witness in any criminal prosecution if the witness is less than 14 years of age;</p> <p>(c) A victim of sex trafficking as that term is defined in subsection 2 of NRS 201.300; or</p>	<p>Nev. Rev. Stat. Ann. § 174.227.</p>

<p>(d) A victim of facilitating sex trafficking as that term is defined in subsection 1 of NRS 201.301. There is a rebuttable presumption that good cause exists where the district attorney seeks to take the deposition of a person alleged to be the victim of sex trafficking. The court may specify the time and place for taking the deposition and the persons who may be present when it is taken.</p> <p>2. The district attorney shall give every other party reasonable written notice of the time and place for taking the deposition. The notice must include the name of the person to be examined. On the motion of a party upon whom the notice is served, the court:</p> <p>(a) For good cause shown may release the address of the person to be examined; and</p> <p>(b) For cause shown may extend or shorten the time.</p> <p>3. If at the time such a deposition is taken, the district attorney anticipates using the deposition at trial, the court shall so state in the order for the deposition and the accused must be given the opportunity to cross-examine the deponent in the same manner as permitted at trial.</p> <p>4. Except as limited by NRS 174.228, the court may allow the videotaped deposition to be used at any proceeding in addition to or in lieu of the direct testimony of the deponent. It may also be used by any party to contradict or impeach the testimony of the deponent as a witness. If only a part of the deposition is offered in evidence by a party, an adverse party may require the party to offer all of it which is relevant to the part offered and any party may offer other parts.</p> <p> This provision does not preclude a victim from testifying at a proceeding without the use of their videotaped deposition or testimony. Nev. Rev. Stat. Ann. § 174.231(2). This statutory provision is not included in this document.</p>	
<p>Videotaped Depositions Used in Lieu of Live Trial Testimony: Requirements for Use in Sexual Abuse Cases, Sex Trafficking Cases and All Other Cases.</p>	<p>Nev. Rev. Stat. Ann. § 174.228.</p>

A court may allow a videotaped deposition to be used instead of the deponent's testimony at trial only if:

1. In the case of a victim of sexual abuse, as that term is defined in NRS 432B.100:

(a) Before the deposition is taken, a hearing is held by a justice of the peace or district judge who finds that:

(1) The use of the videotaped deposition in lieu of testimony at trial is necessary to protect the welfare of the victim; and

(2) The presence of the accused at trial would inflict trauma, more than minimal in degree, upon the victim; and

(b) At the time a party seeks to use the deposition, the court determines that the conditions set forth in subparagraphs (1) and (2) of paragraph (a) continue to exist. The court may hold a hearing before the use of the deposition to make its determination.

2. In the case of a victim of sex trafficking as that term is defined in subsection 2 of NRS 201.300 or a victim of facilitating sex trafficking as that term is defined in subsection 1 of NRS 201.301:

(a) Before the deposition is taken, a hearing is held by a justice of the peace or district judge and the justice or judge finds that cause exists pursuant to paragraph (c) of subsection 1 of NRS 174.227; and

(b) Before allowing the videotaped deposition to be used at trial, the court finds that the victim is unavailable as a witness.

3. In all cases:



(a) A justice of the peace or district judge presides over the taking of the deposition;


(b) The accused is able to hear and see the proceedings;

(c) The accused is represented by counsel who, if physically separated from the accused, is able to communicate orally with the accused by electronic means;

(d) The accused is given an adequate opportunity to cross-examine the deponent subject to the protection of the deponent deemed necessary by the court; and

(e) The deponent testifies under oath.

<p> This provision does not preclude a victim from testifying at a proceeding without the use of their videotaped deposition or testimony. Nev. Rev. Stat. Ann. § 174.231(2). This statutory provision is not included in this document.</p>	
<p>Court May Consider Adverse Effect on Child-Victims When Deciding Whether to Continue or Otherwise Postpone a Trial.</p> <ol style="list-style-type: none"> 1. When an action is called for trial, or at any time previous thereto, the court may, upon sufficient cause shown by either party by affidavit, direct the trial to be postponed to another day. In all cases where a continuance is granted upon the application of either party the court may require, as a condition of granting such continuance, that the party applying therefor consent to taking, forthwith, or at any time to be fixed by the court, of the deposition of any witness summoned by the opposite party whose deposition has not previously been taken. 2. The court also may require all witnesses to enter into undertakings in such sum as the court may order, with or without sureties, to appear and testify on the day to which the case may be continued, but any witness who is unable to procure sureties for the witness's attendance may be discharged on the witness's own recognizance, upon giving a deposition in the manner prescribed in NRS 174.175 and 174.205. 3. If the trial involves acts committed against a child less than 16 years of age or involving acts witnessed by a child less than 16 years of age, the court may consider any adverse effect a continuance or other postponement might have upon the mental or emotional health or well-being of the child. The court may deny a continuance or other postponement if the delay will adversely affect the mental or emotional health or well-being of the child. <p> Nev. Const. art. I, § 8A(1)(i) guarantees victims the right to a timely disposition of a case following a defendant's arrest. This constitutional provision is included above.</p>	<p>Nev. Rev. Stat. Ann. § 174.515.</p>

<p>Prosecutor’s Duty to Request Court Give Preference in Setting Trial Date in Cases Involving Child-Victims; Court May Consider Effects of Delay in Commencement of Trial on Child-Victims.</p> <p>If the trial involves acts committed against a child less than 16 years of age or involving acts witnessed by a child less than 16 years of age, the prosecuting attorney shall request the court, in its discretion, to give preference in setting a date for the trial of the defendant. In making a ruling, the court may consider the effect a delay in the commencement of the trial might have on the mental or emotional health or well-being of the child.</p> <p> Nev. Const. art. I, § 8A(1)(i) guarantees victims the right to a timely disposition of a case following a defendant’s arrest. This constitutional provision is included above.</p>	<p>Nev. Rev. Stat. Ann. § 174.519.</p>
<p>Victims’ Sentencing-Related Rights: Right to Be Present and Heard at Sentencing Regarding the Impact of the Crime and the Need for Restitution; Right to Notice of Sentencing Hearing.</p> <p>1. Sentence must be imposed without unreasonable delay. Pending sentence, the court may commit the defendant or continue or alter the bail.</p> <p>2. Before imposing sentence, the court shall:</p> <p>(a) Afford counsel an opportunity to speak on behalf of the defendant; and</p> <p>(b) Address the defendant personally and ask the defendant if:</p> <p>(1) The defendant wishes to make a statement in his or her own behalf and to present any information in mitigation of punishment; and</p> <p>(2) The defendant is a veteran or a member of the military. If the defendant meets the qualifications of subsection 1 of NRS 176A.280, the court may, if appropriate, assign the defendant to:</p> <p>(I) A program of treatment established pursuant to NRS 176A.280; or</p> <p>(II) If a program of treatment established pursuant to NRS 176A.280 is not available for the defendant, a program of treatment established pursuant to NRS 176A.230 or 176A.250.</p>	<p>Nev. Rev. Stat. Ann. § 176.015.</p>

3. After hearing any statements presented pursuant to subsection 2 and before imposing sentence, the court shall afford the victim an opportunity to:

- (a) Appear personally, by counsel or by personal representative; and
- (b) Reasonably express any views concerning the crime, the person responsible, the impact of the crime on the victim and the need for restitution.

4. The prosecutor shall give reasonable notice of the hearing to impose sentence to:

- (a) The person against whom the crime was committed;
- (b) A person who was injured as a direct result of the commission of the crime;
- (c) The surviving spouse, parents or children of a person who was killed as a direct result of the commission of the crime; and
- (d) Any other relative or victim who requests in writing to be notified of the hearing.

Any defect in notice or failure of such persons to appear are not grounds for an appeal or the granting of a writ of habeas corpus. All personal information, including, but not limited to, a current or former address, which pertains to a victim or relative and which is received by the prosecutor pursuant to this subsection is confidential.

5. [definitions]





6. This section does not restrict the authority of the court to consider any reliable and relevant evidence at the time of sentencing.



Nev. Rev. Stat. Ann. § 176.015(5) defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”



Crime victims have constitutional rights related to the rights established in this statutory provision. *See, e.g.*, Nev. Const. art. I, § 8A(1)(g) (right to be present at all public proceedings) *id.* at § 8A(1)(h) (right to be heard at all public proceedings); *id.* at § 8A(1)(h) (right to restitution). These constitutional provisions are included above.

<p> Nev. Const. art. I, § 8A(1)(d) provides for the right of victims “[t]o prevent the disclosure of confidential information or records to the defendant which could be used to locate or harass the victim or the victim’s family.” This constitutional provision is included above.</p> <p> A promising practice is to be familiar with the acceptable formats for victim impact statements so that victims can be informed about all of their options. Depending on your jurisdiction’s law, victims may choose to: (1) read or speak their impact statement aloud at the sentencing proceeding, or have another person do it for them; (2) submit a written victim impact statement to the court in advance of sentencing; (3) provide an impact statement using technology to facilitate remote attendance; and/or (4) play or submit an impact statement that was created using audio and video technology.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights in writing. Agencies should carefully document a victim’s request to exercise rights. Victims who wish to receive the type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies.</p> <p> Victims should be informed that they are entitled to restitution upon the conviction of defendant for losses caused by defendant’s criminal conduct. Assisting victims with the documentation of their losses—including anticipated future expenses—is recommended from the earliest moments of the case.</p>	
<p>Victims’ Right to Notice of Offender’s Discharge, Conditional Release or Escape from the Division of Public and Behavioral Health of the Department of Health and Human</p>	<p>Nev. Rev. Stat. Ann. § 178.4715.</p>

Services; Administrator of the Division's Duty to Provide Notice; Victim Information Confidential.

1. If a person is committed to the custody of the Administrator and is subject to the provisions of NRS 178.463 to 178.471, inclusive, a victim of the person may request the Administrator or the Administrator's designee to notify the victim of the person's discharge, conditional release or escape from the custody of the Administrator by submitting to the Administrator:
 - (a) A written request for notification; and
 - (b) The current address of the victim.



2. If the Administrator or the Administrator's designee receives a request for notification pursuant to subsection 1, the Administrator or the Administrator's designee shall notify the victim if the person committed to the custody of the Administrator:
 - (a) Will be discharged or conditionally released pursuant to NRS 178.463 to 178.471, inclusive, at least 10 days before the discharge or release; or
 - (b) Has escaped from the custody of the Administrator.


3. A person described in subsection 1 must not be discharged or released from commitment, temporarily or otherwise, for any purpose unless notification of the discharge or release has been mailed to the last known address of every victim of the person who has requested notification pursuant to subsection 1.

4. The Administrator or the Administrator's designee may not be held responsible for any injury proximately caused by the failure to give any notice required pursuant to this section if no address was provided to the Administrator or the Administrator's designee or if the address provided is inaccurate or not current.


5. All personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Administrator or the Administrator's designee pursuant to this section is confidential.

6. [definitions]



<p> Nev. Const. art. I, § 8A(1)(d) provides for the right of victims “[t]o prevent the disclosure of confidential information or records to the defendant which could be used to locate or harass the victim or the victim’s family.” This constitutional provision is included above.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights in writing. Agencies should carefully document a victim’s request to exercise rights. Victims who wish to receive the type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies.</p>	
<p>Domestic Violence and Sexual Assault Victims’ Rights as Material Witnesses Regarding Bail and Detention.; Detained Victim Must Have an Attorney Appointed.</p> <p>1. If it appears by affidavit that the testimony of a person is material in any criminal proceeding and if it is shown that it may become impracticable to secure the person’s presence by subpoena, the magistrate may require bail for the person’s appearance as a witness, in an amount fixed by the magistrate. If the person fails to give bail the magistrate may:</p> <ul style="list-style-type: none"> (a) Commit the person to the custody of a peace officer pending final disposition of the proceeding in which the testimony is needed; (b) Order the person’s release if the person has been detained for an unreasonable length of time; and (c) Modify at any time the requirement as to bail. <p>2. Except as otherwise provided in subsection 3, every person detained as a material witness must be brought before a judge or magistrate as soon as practicable, but not later than 72</p>	<p>Nev. Rev. Stat. Ann. § 178.494.</p>

<p>hours after the beginning of the detention. The judge or magistrate shall consider the least restrictive means to secure the person's presence and make a determination whether:</p> <ul style="list-style-type: none"> (a) The amount of bail required to be given by the material witness should be modified; and (b) The detention of the material witness should continue. If the court determines that detention of the material witness should continue, the court must make written findings stating why detention should continue. <p>3. A person detained as a material witness pursuant to this section who is a victim of domestic violence or sexual assault:</p> <ul style="list-style-type: none"> (a) Must be brought before a judge or magistrate, as soon as practicable, but not later than 24 hours after the beginning of the detention; (b) May be detained or continue detention pursuant to a determination by telephone; and (c) Must have an attorney appointed by the judge or magistrate, who, to the extent practicable, shall participate in any determination regarding detention pursuant to this section. <p>4. The judge or magistrate shall:</p> <ul style="list-style-type: none"> (a) Set a schedule for the periodic review of whether the amount of bail required should be modified and whether detention should continue; and (b) Schedule the case in which the material witness will testify to take place as soon as possible if substantial rights of the defendant are not prejudiced. <p>5. As used in this section:</p> <ul style="list-style-type: none"> (a) "Domestic violence" means the commission of any act described in NRS 33.018. (b) "Sexual assault" has the meaning ascribed to it in NRS 49.2543. <p> Nev. Rev. Stat. Ann. § 50.205 provides similar rights for victims of domestic violence and sexual assault who are detained on material witness warrants. This statutory provision is included below.</p>	

<p>Victims' Right to Disclosures that May Be of Assistance to Obtain Redress for an Injury or Loss in a Civil Action.</p> <p>1. Agencies of criminal justice may disclose to victims of a crime, members of their families or their guardians the identity of persons suspected of being responsible for the crime, including juveniles who have been certified to stand trial as adults, together with information, including dispositions, which may be of assistance to the victim in obtaining redress for an injury or loss in a civil action. This disclosure may be made regardless of whether charges have been filed, and even if a prosecuting attorney has declined to file charges or the charge has been dismissed.</p> <p>2. Disclosure of investigative information pursuant to this section does not establish a duty to disclose any additional information concerning the same incident or make any disclosure of information obtained by an investigation, except as compelled by legal process.</p>	<p>Nev. Rev. Stat. Ann. § 179A.120.</p>
<p>Protections for Victims of Sexual Offenses, Offenses Involving a Pupil or Child or Sex Trafficking; Legislative Findings and Declarations.</p> <p>The Legislature finds and declares that:</p> <p>1. This State has a compelling interest in assuring that the victim of a sexual offense, an offense involving a pupil or child or sex trafficking:</p> <ul style="list-style-type: none"> (a) Reports the sexual offense, offense involving a pupil or child or sex trafficking to the appropriate authorities; (b) Cooperates in the investigation and prosecution of the sexual offense, offense involving a pupil or child or sex trafficking; and (c) Testifies at the criminal trial of the person charged with committing the sexual offense, offense involving a pupil or child or sex trafficking. <p>2. The fear of public identification and invasion of privacy are fundamental concerns for the victims of sexual offenses, offenses involving a pupil or child or sex trafficking. If these</p>	<p>Nev. Rev. Stat. Ann. § 200.377.</p>

<p>concerns are not addressed and the victims are left unprotected, the victims may refrain from reporting and prosecuting sexual offenses, offenses involving a pupil or child or sex trafficking.</p> <p>3. A victim of a sexual offense, an offense involving a pupil or child or sex trafficking may be harassed, intimidated and psychologically harmed by a public report that identifies the victim. A sexual offense, an offense involving a pupil or child or sex trafficking is, in many ways, a unique, distinctive and intrusive personal trauma. The consequences of identification are often additional psychological trauma and the public disclosure of private personal experiences.</p> <p>4. Recent public criminal trials have focused attention on these issues and have dramatized the need for basic protections for the victims of sexual offenses, offenses involving a pupil or child or sex trafficking.</p> <p>5. The public has no overriding need to know the individual identity of the victim of a sexual offense, an offense involving a pupil or child or sex trafficking.</p> <p>6. The purpose of NRS 200.3771 to 200.3774, inclusive, is to protect the victims of sexual offenses, offenses involving a pupil or child or sex trafficking from harassment, intimidation, psychological trauma and the unwarranted invasion of their privacy by prohibiting the disclosure of their identities to the public.</p> <p> Nev. Rev. Stat. Ann. § 200.364 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	
<p>Confidentiality of Reports and Records that Reveal Identity of Victims of Sexual Offenses, Offenses Involving a Pupil or Child or Sex Trafficking; Limitations on Confidentiality.</p> <p>1. Except as otherwise provided in this section, any information which is contained in:</p>	<p>Nev. Rev. Stat. Ann. § 200.3771.</p>

<p>(a) Court records, including testimony from witnesses;</p> <p>(b) Intelligence or investigative data, reports of crime or incidents of criminal activity or other information;</p> <p>(c) Records of criminal history, as that term is defined in NRS 179A.070; and</p> <p>(d) Records in the Central Repository for Nevada Records of Criminal History, that reveals the identity of a victim of a sexual offense, an offense involving a pupil or child or sex trafficking is confidential, including but not limited to the victim's photograph, likeness, name, address or telephone number.</p> <p>2. A defendant charged with a sexual offense, an offense involving a pupil or child or sex trafficking and the defendant's attorney are entitled to all identifying information concerning the victim in order to prepare the defense of the defendant. The defendant and the defendant's attorney shall not disclose this information except, as necessary, to those persons directly involved in the preparation of the defense.</p> <p>3. A court of competent jurisdiction may authorize the release of the identifying information, upon application, if the court determines that:</p> <p>(a) The person making the application has demonstrated to the satisfaction of the court that good cause exists for the disclosure;</p> <p>(b) The disclosure will not place the victim at risk of personal harm; and</p> <p>(c) Reasonable notice of the application and an opportunity to be heard have been given to the victim.</p> <p>4. Nothing in this section prohibits:</p> <p>(a) Any publication or broadcast by the media concerning a sexual offense, an offense involving a pupil or child or sex trafficking.</p> <p>(b) The disclosure of identifying information to any nonprofit organization or public agency whose purpose is to provide counseling, services for the management of crises or other assistance to the victims of crimes if:</p> <p>(1) The organization or agency needs identifying information of victims to offer such services; and</p>	
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<p>(2) The court or a law enforcement agency approves the organization or agency for the receipt of the identifying information.</p> <p>5. The willful violation of any provision of this section or the willful neglect or refusal to obey any court order made pursuant thereto is punishable as criminal contempt.</p> <p> Nev. Rev. Stat. Ann. § 200.364 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Nev. Const. art. I, § 8A(1)(d) provides for the right of victims “[t]o prevent the disclosure of confidential information or records to the defendant which could be used to locate or harass the victim or the victim’s family.” This constitutional provision is included above.</p>	
<p>Victims of Sexual Offenses, Offenses Involving a Pupil or Child or Sex Trafficking Right to Use a Pseudonym; Law Enforcement’s Duties to Provide Pseudonym Form; Law Enforcement and Court’s Compliance with Victims’ Request for Use of Pseudonym.</p> <p>1. A victim of a sexual offense, an offense involving a pupil or child or sex trafficking may choose a pseudonym to be used instead of the victim’s name on all files, records and documents pertaining to the sexual offense, offense involving a pupil or child or sex trafficking, including, without limitation, criminal intelligence and investigative reports, court records and media releases.</p> <p>2. A victim who chooses to use a pseudonym shall file a form to choose a pseudonym with the law enforcement agency investigating the sexual offense, offense involving a pupil or child or sex trafficking. The form must be provided by the law enforcement agency.</p> <p>3. If the victim files a form to use a pseudonym, as soon as practicable the law enforcement agency shall make a good faith effort to:</p>	<p>Nev. Rev. Stat. Ann. § 200.3772.</p>

- (a) Substitute the pseudonym for the name of the victim on all reports, files and records in the agency's possession; and
- (b) Notify the prosecuting attorney of the pseudonym.

The law enforcement agency shall maintain the form in a manner that protects the confidentiality of the information contained therein.

4. Upon notification that a victim has elected to be designated by a pseudonym, the court shall ensure that the victim is designated by the pseudonym in all legal proceedings concerning the sexual offense, offense involving a pupil or child or sex trafficking.

5. The information contained on the form to choose a pseudonym concerning the actual identity of the victim is confidential and must not be disclosed to any person other than the defendant or the defendant's attorney unless a court of competent jurisdiction orders the disclosure of the information. The disclosure of information to a defendant or the defendant's attorney is subject to the conditions and restrictions specified in subsection 2 of NRS 200.3771. A person who violates this subsection is guilty of a misdemeanor.




6. A court of competent jurisdiction may order the disclosure of the information contained on the form only if it finds that the information is essential in the trial of the defendant accused of the sexual offense, offense involving a pupil or child or sex trafficking, or the identity of the victim is at issue.



7. A law enforcement agency that complies with the requirements of this section is immune from civil liability for unknowingly or unintentionally:




- (a) Disclosing any information contained on the form filed by a victim pursuant to this section that reveals the identity of the victim; or
- (b) Failing to substitute the pseudonym of the victim for the name of the victim on all reports, files and records in the agency's possession.



Nev. Rev. Stat. Ann. § 200.364 defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."

<p> Nev. Const. art. I, § 8A(1)(d) provides for the right of victims “[t]o prevent the disclosure of confidential information or records to the defendant which could be used to locate or harass the victim or the victim’s family.” This constitutional provision is included above.</p> <p> A promising practice is to inform victims, at the earliest stages of the case, that they may request the use of a pseudonym to protect their privacy and to provide these victims with the pseudonym form.</p> <p> A promising practice is to have policies and procedures in place to protect victim privacy in the context of police reports and court files. For instance, even where victims do not elect to use a pseudonym, consideration should be given to using alternatives to full names—such as the use of initials only—to identify victims.</p>	
<p>Victims of Sexual Offenses, Offenses Involving a Pupil or Child or Sex Trafficking Right to Nondisclosure of Identity by Public Officer or Employee; Exceptions.</p> <p>1. A public officer or employee who has access to any records, files or other documents which include the photograph, likeness, name, address, telephone number or other fact or information that reveals the identity of a victim of a sexual offense, an offense involving a pupil or child or sex trafficking shall not intentionally or knowingly disclose the identifying information to any person other than:</p> <ul style="list-style-type: none"> (a) The defendant or the defendant’s attorney; (b) A person who is directly involved in the investigation, prosecution or defense of the case; (c) A person specifically named in a court order issued pursuant to NRS 200.3771; or (d) A nonprofit organization or public agency approved to receive the information pursuant to NRS 200.3771. <p>2. A person who violates the provisions of subsection 1 is guilty of a misdemeanor.</p>	<p>Nev. Rev. Stat. Ann. § 200.3773.</p>

<p> Nev. Rev. Stat. Ann. § 200.364 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	
<p>Victims of Sexual Offenses, Offenses Involving a Pupil or Child or Sex Trafficking Waiver of Confidentiality.</p> <p>The provisions of NRS 200.3771, 200.3772 and 200.3773 do not apply if the victim of the sexual offense, offense involving a pupil or child or sex trafficking voluntarily waives, in writing, the confidentiality of the information concerning the victim’s identity.</p> <p> Nev. Rev. Stat. Ann. § 200.364 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	<p>Nev. Rev. Stat. Ann. § 200.3774.</p>
<p>Victims’ Right to Notice of Offender’s Release or Escape; Department of Corrections’ Duty to Provide Notice.</p> <p>1. If a victim of an offender provides his or her current address to the Director and makes a written request for notification of the offender’s release or escape, the Director shall notify the victim if the offender:</p> <ul style="list-style-type: none"> (a) Will be released into the community for the purpose of employment, training or education, or for any other purpose for which release is authorized; or (b) Has escaped from the custody of the Department. <p>2. An offender must not be temporarily released into the community for any purpose unless notification of the release has been given to every victim of the offender who has requested notification and has provided his or her current address.</p>	<p>Nev. Rev. Stat. Ann. § 209.521.</p>

<p>3. The Director may not be held responsible for any injury proximately caused by the Director's failure to give any notice required pursuant to subsection 1 or 2 if no address was provided to the Director or the address provided is inaccurate or not current.</p> <p>4. All personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Director pursuant to this section is confidential.</p> <p>5. As used in this section, "victim" has the meaning ascribed to it in NRS 213.005.</p> <p> Nev. Rev. Stat. Ann. § 213.005 defines the term "victim" used in this statutory provision. This definition is included above in the section "Select Definitions."</p> <p> Nev. Const. art. I, § 8A(1)(d) provides for the right of victims "[t]o prevent the disclosure of confidential information or records to the defendant which could be used to locate or harass the victim or the victim's family." This constitutional provision is included above.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must "request" the exercise of certain rights in writing. Agencies should carefully document a victim's request to exercise rights. Victims who wish to receive the type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies.</p>	
<p>Victims' Right to Written Notice of a Meeting to Consider a Clemency Application; State Board of Pardons Commissioners' Duty to Provide Notice; Victims' Right to Submit Written Response to Application.</p>	<p>Nev. Rev. Stat. Ann. § 213.010.</p>

1. The State Board of Pardons Commissioners consists of the Governor, the justices of the Supreme Court and the Attorney General.
2. Meetings of the Board for the purpose of considering applications for clemency may be held semiannually or oftener, on such dates as may be fixed by the Board.
3. Except as otherwise provided in a policy adopted pursuant to NRS 213.035, the Board shall give written notice at least 15 days before a meeting to each victim of the crimes committed by each person whose application for clemency will be considered at the meeting, if the victim so requests in writing and provides his or her current address. If a current address is not provided, the Board may not be held responsible if the notice is not received by the victim. The victim may submit a written response to the Board at any time before the meeting. All personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Board pursuant to this subsection is confidential.






Nev. Rev. Stat. Ann. § 213.005 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”



Nev. Const. art. I, § 8A(1)(d) provides for the right of victims “[t]o prevent the disclosure of confidential information or records to the defendant which could be used to locate or harass the victim or the victim’s family.” This constitutional provision is included above.



A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights in writing. Agencies should carefully document a victim’s request to exercise rights. Victims who wish to receive the type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies.

<p>Victims' Right to Written Notice of Clemency; Duty of State Board of Pardons Commissioners to Provide Notice.</p> <p>If the Board remits a fine or forfeiture, commutes a sentence or grants a pardon, it shall give written notice of its action to the victim of the person granted clemency, if the victim so requests in writing and provides his or her current address. If a current address is not provided, the Board may not be held responsible if the notice is not received by the victim. All personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Board pursuant to this section is confidential.</p> <p> Nev. Rev. Stat. Ann. § 213.005 defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."</p> <p> Nev. Const. art. I, § 8A(1)(d) provides for the right of victims "[t]o prevent the disclosure of confidential information or records to the defendant which could be used to locate or harass the victim or the victim's family." This constitutional provision is included above.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must "request" the exercise of certain rights in writing. Agencies should carefully document a victim's request to exercise rights. Victims who wish to receive the type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies.</p>	<p>Nev. Rev. Stat. Ann. § 213.095.</p>
<p>Victims' Rights Regarding Parole Hearings: to Notice, to Be Present and to Be Heard; Duty of State Board of Parole Commissioners to Provide Notice.</p>	<p>Nev. Rev. Stat. Ann. § 213.131.</p>

<p>1. The Department of Corrections shall:</p> <ul style="list-style-type: none">(a) Determine when a prisoner sentenced to imprisonment in the state prison is eligible to be considered for parole;(b) Notify the Board of the eligibility of the prisoner to be considered for parole; and(c) Before a meeting to consider the prisoner for parole, compile and provide to the Board data that will assist the Board in determining whether parole should be granted. <p>2. If a prisoner is being considered for parole from a sentence imposed for conviction of a crime which involved the use of force or violence against a victim and which resulted in bodily harm to a victim and if original or duplicate photographs that depict the injuries of the victim or the scene of the crime were admitted at the trial of the prisoner or were part of the report of the presentence investigation and are reasonably available, a representative sample of such photographs must be included with the information submitted to the Board at the meeting. A prisoner may not bring a cause of action against the State of Nevada, its political subdivisions, agencies, boards, commissions, departments, officers or employees for any action that is taken pursuant to this subsection or for failing to take any action pursuant to this subsection, including, without limitation, failing to include photographs or including only certain photographs. As used in this subsection, "photograph" includes any video, digital or other photographic image.</p> <p>3. Meetings to consider prisoners for parole may be held semiannually or more often, on such dates as may be fixed by the Board. All meetings are quasi-judicial and must be open to the public. No rights other than those conferred pursuant to this section or pursuant to specific statute concerning meetings to consider prisoners for parole are available to any person with respect to such meetings.</p> <p>4. Except as otherwise provided in NRS 213.10915, not later than 5 days after the date on which the Board fixes the date of the meeting to consider a prisoner for parole, the Board shall notify the victim of the prisoner who is being considered for parole of the date of the meeting and of the victim's rights pursuant to this subsection, if the victim has requested notification in writing and has provided his or her current address or if the victim's current address is otherwise known by the Board. The victim of a prisoner being considered for</p>	
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parole may submit documents to the Board and may testify at the meeting held to consider the prisoner for parole. A prisoner must not be considered for parole until the Board has notified any victim of his or her rights pursuant to this subsection and the victim is given the opportunity to exercise those rights. If a current address is not provided to or otherwise known by the Board, the Board must not be held responsible if such notification is not received by the victim.

5. The Board may deliberate in private after a public meeting held to consider a prisoner for parole.

6. The Board of State Prison Commissioners shall provide suitable and convenient rooms or space for use of the State Board of Parole Commissioners.

7. Except as otherwise provided in NRS 213.10915, if a victim is notified of a meeting to consider a prisoner for parole pursuant to subsection 4, the Board shall, upon making a final decision concerning the parole of the prisoner, notify the victim of its final decision.

8. All personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Board pursuant to this section is confidential.


9. The Board may grant parole without a meeting, pursuant to NRS 213.1215 or 213.133, but the Board must not deny parole to a prisoner unless the prisoner has been given reasonable notice of the meeting and the opportunity to be present at the meeting. If the Board fails to provide notice of the meeting to the prisoner or to provide the prisoner with an opportunity to be present and determines that it may deny parole, the Board may reschedule the meeting.


10. During a meeting to consider a prisoner for parole, the Board shall allow the prisoner:
 (a) At his or her own expense, to have a representative present with whom the prisoner may confer; and


(b) To speak on his or her own behalf or to have his or her representative speak on his or her behalf.


11. Upon making a final decision concerning the parole of the prisoner, the Board shall provide written notice to the prisoner of its decision not later than 10 working days after the meeting and, if parole is denied, specific recommendations of the Board to improve the possibility of granting parole the next time the prisoner is considered for parole, if any.


12. For the purposes of this section, "victim" has the meaning ascribed to it in NRS 213.005.

 Nev. Rev. Stat. Ann. § 213.005 defines the term "victim" used in this statutory provision. This definition is included above in the section "Select Definitions."

 Nev. Const. art. I, § 8A(1)(o) guarantees victims the right to have the safety of the victims, their family and the general public considered before any parole or other postjudgment release decision is made. This constitutional provision is included above.

 Nev. Const. art. I, § 8A(1)(d) provides for the right of victims "[t]o prevent the disclosure of confidential information or records to the defendant which could be used to locate or harass the victim or the victim's family." This constitutional provision is included above.

 A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must "request" the exercise of certain rights in writing. Agencies should carefully document a victim's request to exercise rights. Victims who wish to receive the type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies.

<p>Sexual Assault Victims' Right to Initial Medical Care at No Cost.</p> <p>1. The county in whose jurisdiction a sexual assault is committed shall:</p> <p>(a) Pay any costs incurred for medical care for any physical injuries resulting from the sexual assault which is provided to the victim not later than 72 hours after the victim first arrives for treatment.</p> <p>(b) Pay any costs incurred by a hospital for the forensic medical examination of the victim.</p> <p>2. Any costs incurred pursuant to subsection 1:</p> <p>(a) Must not be charged directly to the victim of sexual assault.</p> <p>(b) Must be charged to the county in whose jurisdiction the offense was committed.</p> <p>3. The filing of a report with the appropriate law enforcement agency must not be a prerequisite to qualify for a forensic medical examination pursuant to this section.</p> <p>4. The costs associated with a forensic medical examination must not be included in the costs for medical treatment pursuant to NRS 217.310.</p> <p>5. As used in this section, "forensic medical examination" means an examination by a health care provider to obtain evidence from a victim of sexual assault.</p> <p> Nev. Rev. Stat. Ann. § 217.280 defines the term "victim of sexual assault" for the purposes of this provision. This definition is included above in the section "Select Definitions."</p>	<p>Nev. Rev. Stat. Ann. § 217.300.</p>
<p>Sexual Assault Victims' Rights Regarding Medical and Psychological Treatment.</p> <p>1. If any victim of sexual assault requires medical treatment for physical injuries as a result of the sexual assault, in addition to any initial emergency medical care provided, or if any victim or spouse of such a victim suffers emotional trauma as a result of the sexual assault, the victim or spouse may, upon submitting an affidavit as required by subsection 2, apply to</p>	<p>Nev. Rev. Stat. Ann. § 217.310.</p>

the board of county commissioners in the county where the sexual assault occurred for treatment at county expense.

2. The board shall approve an application for treatment upon receiving an affidavit from the applicant declaring that:

- (a) The applicant is a victim of sexual assault or spouse of such a victim;
- (b) The sexual assault occurred in the county; and
- (c) The victim requires medical treatment for physical injuries, or the victim or spouse has suffered emotional trauma, as a result of the sexual assault.

3. A victim who has suffered emotional trauma may select a relative or close friend to receive counseling with the victim if the counselor agrees that such companionship will be helpful to the victim. If the victim's application for treatment is approved, counseling for the relative or friend must also be approved.

4. A victim must file a report with the appropriate law enforcement agency or submit to a forensic medical examination pursuant to NRS 217.300 as a prerequisite for the victim or any other person eligible to qualify for treatment under the provisions of this section.



5. Whenever costs are incurred by a hospital for treatment which has been approved by the board of county commissioners pursuant to this section for the victim of a sexual assault and any other person eligible for treatment, the costs of the treatment, not to exceed \$1,000, must be charged to the county which authorized the treatment. Any remainder must be handled the same as other hospital costs.





Nev. Rev. Stat. Ann. § 217.280 defines the term "victim of sexual assault" for the purposes of this provision. This definition is included above in the section "Select Definitions."



The Board of County Commissioners may only order treatment under this provision if the victim applies within 60 days of the sexual assault and the sexual assault was "was

<p>reported to the police within 3 days after its occurrence, or if the offense could not reasonably have been reported within that period, within 3 days after the time when a report could reasonably have been made.” Nev. Rev. Stat. Ann. § 217.340. This statutory provision is not included in this document.</p>	
<p>Sexual Assault Victims’ Rights Regarding Psychological, Psychiatric and Marital Counseling.</p> <p>1. Upon approval by the board of county commissioners as provided in NRS 217.310, medical treatment for the victim’s physical injuries or treatment in the form of psychological, psychiatric and marital counseling for the victim, the victim’s spouse and any other eligible person must be made available at a county hospital or other facility with which the board may contract for the purpose of providing such treatment.</p> <p>2. Any costs for treatment provided pursuant to this section, not exceeding \$1,000, shall be paid by the county which authorized the treatment.</p> <p> Nev. Rev. Stat. Ann. § 217.280 defines the term “victim of sexual assault” for the purposes of this provision. This definition is included above in the section “Select Definitions.”</p> <p> The Board of County Commissioners may only order treatment under this provision if the victim applies within 60 days of the sexual assault and the sexual assault was “was reported to the police within 3 days after its occurrence, or if the offense could not reasonably have been reported within that period, within 3 days after the time when a report could reasonably have been made.” Nev. Rev. Stat. Ann. § 217.340. This statutory provision is not included in this document.</p>	<p>Nev. Rev. Stat. Ann. § 217.320.</p>

<p>Address Confidentiality Program: Eligibility, Application and Penalty for Providing False Information.</p> <p>1. An adult person, a parent or guardian acting on behalf of a child, or a guardian acting on behalf of an incapacitated person may apply to the Division to have a fictitious address designated by the Division serve as the address of the adult, child or incapacitated person.</p> <p>2. An application for the issuance of a fictitious address must include:</p> <ul style="list-style-type: none"> (a) Specific evidence showing that the adult, child or incapacitated person has been a victim of domestic violence, human trafficking, sexual assault or stalking before the filing of the application; (b) The address that is requested to be kept confidential; (c) A telephone number at which the Division may contact the applicant; (d) A question asking whether the person wishes to: <ul style="list-style-type: none"> (1) Register to vote; or (2) Change the address of his or her current registration; (e) A designation of the Division as agent for the adult, child or incapacitated person for the purposes of: <ul style="list-style-type: none"> (1) Service of process; and (2) Receipt of mail; (f) The signature of the applicant; (g) The date on which the applicant signed the application; and (h) Any other information required by the Division. <p>3. It is unlawful for a person knowingly to attest falsely or provide incorrect information in the application. A person who violates this subsection is guilty of a misdemeanor.</p> <p>4. The Division shall approve an application if it is accompanied by specific evidence, such as a copy of an applicable record of conviction, a temporary restraining order or other protective order, that the adult, child or incapacitated person has been a victim of domestic violence, human trafficking, sexual assault or stalking before the filing of the application.</p>	<p>Nev. Rev. Stat. Ann. § 217.462.</p>
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<p>5. The Division shall approve or disapprove an application for a fictitious address within 5 business days after the application is filed.</p> <p> Nev. Rev. Stat. Ann. § 217.400 defines the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p> <p> For additional information about Nevada’s address confidentiality program, <i>see</i> Nev. Rev. Stat. Ann. § 217.464 (participant mail forwarding; treatment by governmental entity or utility service provider; notification to schools); <i>id.</i> at § 217.466 (participant voter registration); <i>id.</i> at § 217.468 (program participation cancellation); <i>id.</i> at § 217.471 (adoption of procedures). One of these provisions is included below.</p>	
<p>Address Confidentiality Program: Mail Forwarding; Treatment by Governmental Entity or Utility Service Provider; Notification to School of Participation.</p> <p>1. If the Division approves an application, the Division shall:</p> <ul style="list-style-type: none"> (a) Designate a fictitious address for the participant; and (b) Forward mail that the Division receives for a participant to the participant. <p>2. Upon request of a participant, a governmental entity or provider of a utility service in this State to which the participant is required to provide an address shall allow the participant to use the fictitious address issued by the Division. A governmental entity or provider of a utility service who receives a request pursuant to this subsection shall not maintain a record of the confidential address of the participant, unless:</p> <ul style="list-style-type: none"> (a) The governmental entity or provider of a utility service is required to maintain the confidential address of the participant by federal, state or local law; or (b) The provision of service by a provider of a utility service is impossible without maintaining the confidential address of the participant. 	<p>Nev. Rev. Stat. Ann. § 217.464.</p>

If a governmental entity or provider of a utility service maintains a record of the confidential address of a participant pursuant to paragraph (a) or (b), the governmental entity or provider of a utility service must maintain and use the confidential address of the participant only to the extent as required by federal, state or local law or as necessary to provide a utility service.

3. The Division, governmental entity or provider of a utility service to which a participant provides a fictitious address pursuant to this section shall not make any records containing the name, telephone number, confidential address, fictitious address or image of the participant available for inspection or copying, unless:

(a) The address is requested by a law enforcement agency, in which case the Division shall make the address available to the law enforcement agency;

(b) The Division, governmental entity or provider of a utility service is directed to do so by lawful order of a court of competent jurisdiction, in which case the Division, governmental entity or provider of a utility service shall make the address available to the person identified in the order; or



(c) The Division, governmental entity or provider of a utility service is required to do so by federal or state law.


4. If a pupil is attending or wishes to attend a public school that is located in a school district other than the school district in which the pupil resides as authorized by NRS 392.016, the Division shall, upon request of the public school that the pupil is attending or wishes to attend, inform the public school of whether the pupil is a participant and whether the parent or legal guardian with whom the pupil resides is a participant. The Division shall not provide any other information concerning the pupil or the parent or legal guardian of the pupil to the public school.



5. As used in this section, "governmental entity" means any:


(a) Institution, board, commission, bureau, council, department, division, authority or other unit of government of this State, including, without limitation, an agency of this State or of a political subdivision of this State; and

(b) Incorporated city, county, unincorporated town, township, school district or other public district or agency designed to perform local governmental functions.


<p> Nev. Rev. Stat. Ann. § 217.400 defines the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p> <p> For additional information about Nevada’s address confidentiality program, <i>see</i> Nev. Rev. Stat. Ann. § 217.462 (program eligibility; application; penalty for providing false information); <i>id.</i> at § 217.466 (participant voter registration); <i>id.</i> at § 217.468 (program participation cancellation); <i>id.</i> at § 217.471 (adoption of procedures). One of these provisions is included above.</p>	
<p>Admissibility of Evidence Regarding Effects of Domestic Violence.</p> <p>1. Except as otherwise provided in subsection 2, evidence of domestic violence and expert testimony concerning the effect of domestic violence, including, without limitation, the effect of physical, emotional or mental abuse, on the beliefs, behavior and perception of the alleged victim of the domestic violence that is offered by the prosecution or defense is admissible in a criminal proceeding for any relevant purpose, including, without limitation, when determining:</p> <p>(a) Whether a defendant is excepted from criminal liability pursuant to subsection 8 of NRS 194.010, to show the state of mind of the defendant.</p> <p>(b) Whether a defendant in accordance with NRS 200.200 has killed another in self-defense, toward the establishment of the legal defense.</p> <p>2. Expert testimony concerning the effect of domestic violence may not be offered against a defendant pursuant to subsection 1 to prove the occurrence of an act which forms the basis of a criminal charge against the defendant.</p> <p>3. As used in this section, “domestic violence” means the commission of any act described in NRS 33.018.</p>	<p>Nev. Rev. Stat. Ann. § 48.061.</p>


<p>Limitations on Sexual Assault Defendant's Ability to Present Evidence of Victims' Previous Sexual Conduct to Prove Consent.</p> <p>In any prosecution for sexual assault or for attempt to commit or conspiracy to commit a sexual assault, if the accused desires to present evidence of any previous sexual conduct of the victim of the crime to prove the victim's consent:</p> <ol style="list-style-type: none"> 1. The accused must first submit to the court a written offer of proof, accompanied by a sworn statement of the specific facts that the accused expects to prove and pointing out the relevance of the facts to the issue of the victim's consent. 2. If the court finds that the offer of proof is sufficient, the court shall order a hearing out of the presence of the jury, if any, and at the hearing allow the questioning of the victim regarding the offer of proof. 3. At the conclusion of the hearing, if the court determines that the offered evidence: <ol style="list-style-type: none"> (a) Is relevant to the issue of consent; and (b) Is not required to be excluded under NRS 48.035, <p>the court shall make an order stating what evidence may be introduced by the accused and the nature of the questions which the accused is permitted to ask. The accused may then present evidence or question the victim pursuant to the order.</p> <p> Nev. Rev. Stat. Ann. § 50.090 prohibits the introduction of evidence of a sexual assault victim's previous sexual conduct by defendant "to challenge the victim's credibility as a witness unless the prosecutor has presented evidence or the victim has testified concerning such conduct, or the absence of such conduct, in which case the scope of the accused's cross-examination of the victim or rebuttal must be limited to the evidence presented by the prosecutor or victim." This statutory provision is included below.</p>	<p>Nev. Rev. Stat. Ann. § 48.069.</p>
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<p>Exclusion of Evidence of Sexual Assault Victims' Address and Telephone Number.</p> <p>1. In any prosecution for sexual assault, the district attorney may, by written motion upon reasonable prior notice to the accused, move to exclude evidence of the victim's address and telephone number. The court may order that such evidence be excluded from the proceedings if the court finds that the probative value of the evidence is outweighed by the creation of substantial danger to the victim.</p> <p>2. This section does not limit the defendant's right to discover or investigate such evidence.</p> <p> Nev. Const. art. I, § 8A(1)(a) also provides victims with a constitutional right to privacy and the right to be free from intimidation, harassment and abuse. This constitutional provision is included above.</p>	<p>Nev. Rev. Stat. Ann. § 48.071.</p>
<p>Victim Advocate-Victim Privilege.</p> <p>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.</p> <p> Nev. Rev. Stat. Ann. §§ 49.2541 through 49.2546 define the terms used in this privilege. These definitions are included above in the section "Select Definitions."</p>	<p>Nev. Rev. Stat. Ann. § 49.2547.</p>
<p>Exceptions to the Victim Advocate-Victim Privilege.</p> <p>There is no privilege pursuant to NRS 49.2547 if:</p>	<p>Nev. Rev. Stat. Ann. § 49.2549.</p>


<p>1. The purpose of the victim in seeking services from a victim’s advocate is to enable or aid any person to commit or plan to commit what the victim knows or reasonably should have known is a crime or fraud;</p> <p>2. The communication concerns a report of abuse or neglect of a child, older person or vulnerable person in violation of NRS 200.508 or 200.5093, but only as to that portion of the communication;</p> <p>3. The communication is relevant to an issue of breach of duty by the victim’s advocate to the victim or by the victim to the victim’s advocate; or</p> <p>4. Disclosure of the communication is otherwise required by law.</p> <p> Nev. Rev. Stat. Ann. §§ 49.2541 through 49.2546 define the terms used in this privilege. These definitions are included above in the section “Select Definitions.”</p>	
<p>Rape Shield Law.</p> <p>In any prosecution for sexual assault or statutory sexual seduction or for attempt to commit or conspiracy to commit either crime, the accused may not present evidence of any previous sexual conduct of the victim of the crime to challenge the victim’s credibility as a witness unless the prosecutor has presented evidence or the victim has testified concerning such conduct, or the absence of such conduct, in which case the scope of the accused’s cross-examination of the victim or rebuttal must be limited to the evidence presented by the prosecutor or victim.</p>	<p>Nev. Rev. Stat. Ann. § 50.090.</p>
<p>Domestic Violence and Sexual Assault Victims Rights Regarding Material Witness Warrants.</p>	<p>Nev. Rev. Stat. Ann. § 50.205.</p>



<p>1. In case of failure of a witness to attend, the court or officer issuing the subpoena, upon proof of the service thereof and of the failure of the witness, may issue a warrant to the sheriff of the county to arrest the witness and bring the witness before the court or officer where the attendance of the witness was required.</p> <p>2. Upon the arrest of a witness pursuant to subsection 1, the court or officer issuing the warrant shall appoint an attorney to represent the witness and provide the attorney:</p> <p>(a) With the last known contact information of the witness; and</p> <p>(b) Notice of every proceeding.</p> <p>3. Except as otherwise provided in subsection 4, every witness detained pursuant to a warrant issued pursuant to this section must be brought before the court or officer as soon as practicable but not later than 72 hours after the beginning of the detention. The court or officer shall consider the least restrictive means to secure the presence of the witness and make a determination whether the detention of the witness should continue. If the court determines that the detention of the witness should continue, the court must make written findings stating why detention should continue.</p> <p>4. A person detained as a witness pursuant to this section who is a victim of domestic violence or sexual assault:</p> <p>(a) Must be brought before the court or officer as soon as practicable but not later than 24 hours after the beginning of the detention;</p> <p>(b) May be detained or continue detention pursuant to a determination by telephone; and</p> <p>(c) To the extent practicable, must have the attorney appointed pursuant to subsection 2 participate in any determination pursuant to this section.</p> <p>5. The court or officer shall:</p> <p>(a) Set a schedule for the periodic review of whether detention should continue; and</p> <p>(b) Schedule the case in which the witness will testify to take place as soon as possible if substantial rights of the defendant are not prejudiced.</p> <p>6. As used in this section:</p>	
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<p>(a) "Domestic violence" means the commission of any act described in NRS 33.018. (b) "Sexual assault" has the meaning ascribed to it in NRS 49.2543.</p> <p> Nev. Rev. Stat. Ann. § 178.494 provides similar rights for victims of domestic violence and sexual assault who are detained as material witnesses upon failure to make bail. This statutory provision is included above.</p>	
<p>Admissibility of Expert Testimony Regarding Behavior or Mental or Physical Condition of Victims of Sexual Assault.</p> <p>In any prosecution for sexual assault, expert testimony is not inadmissible to show that the victim's behavior or mental or physical condition is consistent with the behavior or condition of a victim of sexual assault.</p>	<p>Nev. Rev. Stat. Ann. § 50.345.</p>
<p>Admissibility of Expert Testimony Regarding Defendant's Behavior Preparing a Child or Vulnerable Person for Sexual Assault.</p> <p>1. In any criminal or juvenile delinquency action, expert testimony offered by the prosecution or defense which concerns the behavior of a defendant in preparing a child under the age of 18 years or a vulnerable person as defined in NRS 200.5092 for sexual abuse by the defendant is admissible for any relevant purpose. Such expert testimony may concern, without limitation:</p> <p>(a) The effect on the victim from the defendant creating a physical or emotional relationship with the victim before the sexual abuse; and (b) Any behavior of the defendant that was intended to reduce the resistance of the victim to the sexual abuse or reduce the likelihood that the victim would report the sexual abuse.</p> <p>2. As used in this section, "sexual abuse" has the meaning ascribed to it in NRS 432B.100.</p>	<p>Nev. Rev. Stat. Ann. § 50.350.</p>

<p>Uniform Child Witness Testimony by Alternative Methods Act: Applicability.</p> <p>1. The provisions of NRS 50.500 to 50.620, inclusive, apply to the testimony of a child witness in a criminal or noncriminal proceeding.</p> <p>2. The provisions of NRS 50.500 to 50.620, inclusive, do not preclude:</p> <p>(a) In a noncriminal proceeding, any other procedure permitted by law for a child witness to testify; or</p> <p>(b) In a delinquency proceeding which is conducted pursuant to title 5 of NRS, testimony by a child witness in a closed forum as authorized by NRS 62D.010.</p> <p> Nev. Rev. Stat. Ann. §§ 50.510 through 50.550 define the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p>	<p>Nev. Rev. Stat. Ann. § 50.560.</p>
<p>Uniform Child Witness Testimony by Alternative Methods Act: Hearing to Determine Whether to Allow Testimony by Alternative Method.</p> <p>1. The presiding officer in a criminal or noncriminal proceeding:</p> <p>(a) May order a hearing to determine whether to allow a child witness to testify by an alternative method.</p> <p>(b) For good cause shown, shall order the hearing upon motion of a party, a child witness, or a natural person determined by the presiding officer to have sufficient standing to act on behalf of the child.</p> <p>2. A hearing to determine whether to allow a child witness to testify by an alternative method must be conducted on the record after reasonable notice to all parties, any nonparty movant, and any other person the presiding officer specifies. The child’s presence is not required at the hearing unless ordered by the presiding officer. In conducting the hearing, the presiding officer is not bound by rules of evidence except the rules of privilege.</p>	<p>Nev. Rev. Stat. Ann. § 50.570.</p>

<p>Uniform Child Witness Testimony by Alternative Methods Act: Standards for Determining Whether a Child-Victim May Testify By Alternative Methods.</p> <p>1. In a criminal proceeding, the presiding officer may allow a child witness to testify by an alternative method only in the following situations:</p> <p>(a) The child may testify otherwise than in an open forum in the presence and full view of the finder of fact if the presiding officer finds by clear and convincing evidence that the child would suffer serious emotional trauma that would substantially impair the child’s ability to communicate with the finder of fact if required to testify in the open forum.</p> <p>(b) The child may testify other than face-to-face with the defendant if the presiding officer finds by clear and convincing evidence that the child would suffer serious emotional trauma that would substantially impair the child’s ability to communicate with the finder of fact if required to be confronted face-to-face by the defendant.</p> <p>2. In a noncriminal proceeding, the presiding officer may allow a child witness to testify by an alternative method if the presiding officer finds by a preponderance of the evidence that allowing the child to testify by an alternative method is necessary to serve the best interests of the child or enable the child to communicate with the finder of fact. In making this finding, the presiding officer shall consider:</p> <p>(a) The nature of the proceeding;</p> <p>(b) The age and maturity of the child;</p> <p>(c) The relationship of the child to the parties in the proceeding;</p> <p>(d) The nature and degree of emotional trauma that the child may suffer in testifying; and</p> <p>(e) Any other relevant factor.</p> <p> Nev. Rev. Stat. Ann. §§ 50.510 through 50.550 define the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p>	<p>Nev. Rev. Stat. Ann. § 50.580.</p>
<p>Uniform Child Witness Testimony by Alternative Methods Act: Factors for Determining Whether to Permit Alternative Methods.</p>	<p>Nev. Rev. Stat. Ann. § 50.590.</p>

<p>If the presiding officer determines that a standard pursuant to NRS 50.580 has been met, the presiding officer shall determine whether to allow a child witness to testify by an alternative method. In making this determination, the presiding officer shall consider:</p> <ol style="list-style-type: none"> 1. Alternative methods reasonably available; 2. Available means for protecting the interests of or reducing emotional trauma to the child without resorting to an alternative method; 3. The nature of the case; 4. The relative rights of the parties; 5. The importance of the proposed testimony of the child; 6. The nature and degree of emotional trauma that the child may suffer if an alternative method is not used; and 7. Any other relevant factor. <p> Nev. Rev. Stat. Ann. §§ 50.510 through 50.550 define the terms used in this provision. These definitions are included above in the section "Select Definitions."</p>	
<p>Uniform Child Witness Testimony by Alternative Methods Act: Order Regarding Testimony by Alternative Methods.</p> <ol style="list-style-type: none"> 1. An order allowing or disallowing a child witness to testify by an alternative method must state the findings of fact and conclusions of law that support the presiding officer's determination. 2. An order allowing a child witness to testify by an alternative method must: 	<p>Nev. Rev. Stat. Ann. § 50.600.</p>

<p>(a) State the method by which the child is to testify;</p> <p>(b) List any natural person or category of natural person allowed to be in, or required to be excluded from, the presence of the child during the testimony;</p> <p>(c) State any special conditions necessary to facilitate a party’s right to examine or cross-examine the child;</p> <p>(d) State any condition or limitation upon the participation of natural persons present during the testimony of the child; and</p> <p>(e) State any other condition necessary for taking or presenting the testimony.</p> <p>3. The alternative method ordered by the presiding officer may be no more restrictive of the rights of the parties than is necessary under the circumstances to serve the purposes of the order.</p> <p> Nev. Rev. Stat. Ann. §§ 50.510 through 50.550 define the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p>	
<p>Uniform Child Witness Testimony by Alternative Methods Act: Right of Party to Examine Child Witness.</p> <p>An alternative method ordered by the presiding officer must permit a full and fair opportunity for examination or cross-examination of the child witness by each party.</p> <p> Nev. Rev. Stat. Ann. §§ 50.510 through 50.550 define the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p>	<p>Nev. Rev. Stat. Ann. § 50.610.</p>

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