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ASSEMBLY BILL NO. 176—ASSEMBLYMAN YEAGER

FEBRUARY 18, 2019

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JOINT SPONSOR: SENATOR CANNIZZARO

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Referred to Committee on Judiciary

SUMMARY—Enacts the Sexual Assault Survivors’ Bill of Rights.  
(BDR 14-87)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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AN ACT relating to crimes; enacting the Sexual Assault Survivors’ Bill of Rights; defining certain terms relating to victims of sexual assault; authorizing the Attorney General to commence a civil action to enforce the Bill of Rights; creating the Advisory Committee on the Rights of Survivors of Sexual Assault; prescribing the membership and duties of the Advisory Committee; requiring certain information to be provided to a victim of sexual assault; revising certain provisions relating to sexual assault forensic analysis kits; making an appropriation; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law provides under certain circumstances that a person who: (1)  
2 subjects another person or child under the age of 14 years to sexual penetration; or  
3 (2) forces another person or child under the age of 14 years to make a sexual  
4 penetration on himself or herself or another, or on a beast, is guilty of sexual  
5 assault. (NRS 200.366) **Sections 2-30** of this bill enact the Sexual Assault  
6 Survivors’ Bill of Rights. **Section 15** of this bill defines the term “survivor” for  
7 purposes of the Bill of Rights, and certain other purposes, as a person who is the  
8 victim of a sexual assault or certain other persons if the victim is incompetent,  
9 deceased or a minor.

10 **Section 16** of this bill provides that the Sexual Assault Survivors’ Bill of Rights  
11 attaches when a survivor is subject to: (1) a forensic medical examination; or (2) an  
12 interview by a law enforcement official, prosecutor or defense attorney. **Section 17**  
13 of this bill grants a survivor the right to consult with: (1) a sexual assault counselor;



14 or (2) an attendant of the survivor's choosing for support during a sexual assault  
15 forensic medical examination and an interview with a law enforcement official,  
16 prosecutor or defense attorney. Further, **section 18** of this bill provides: (1) that  
17 certain communications between a sexual assault counselor and a survivor remain  
18 confidential and privileged; (2) that such privilege may be waived by the survivor;  
19 and (3) for the application of certain rules of evidence regarding such  
20 communications.

21 **Section 19** of this bill outlines a survivor's rights before and during a forensic  
22 medical examination and prescribe certain duties required of the medical provider.

23 **Section 20** of this bill makes conforming changes to reflect a survivor's rights  
24 during an interview with a law enforcement official, prosecutor or defense attorney  
25 and such an interviewer's duties. **Section 21** of this bill affords a survivor the right  
26 to counsel under certain circumstances.

27 **Sections 22-24** of this bill set forth procedures regarding the collection and  
28 analysis of forensic evidence kits. **Section 25** of this bill prohibits a defendant from  
29 challenging his or her conviction based on certain persons not adhering to such  
30 collection and analysis timelines. **Section 26** of this bill provides that forensic  
31 evidence from the sexual assault may not be used to prosecute a survivor under  
32 certain circumstances. **Section 27** of this bill requires the Office of the Attorney  
33 General to develop and make available certain information for a survivor regarding  
34 his or her sexual assault.

35 **Section 29** of this bill provides a survivor with certain rights regarding the legal  
36 process, such as being reasonably protected from the defendant, being allowed to  
37 wait at trial in a separate area from the defendant, requesting the court to clear  
38 certain persons from the courtroom when the survivor is testifying, authorizing the  
39 survivor to make a sentencing recommendation or survivor impact statement under  
40 certain circumstances and prohibiting the requirement of an examination by  
41 polygraph of the survivor before he or she is authorized to participate in certain  
42 legal processes.

43 **Section 30** of this bill authorizes: (1) a survivor to maintain an action to compel  
44 any duty required under the Sexual Assault Survivors' Bill of Rights; and (2) the  
45 Office of the Attorney General to commence a civil action against a public officer  
46 or employee for a violation of the Bill of Rights.

47 **Section 32** of this bill creates the Advisory Committee on Rights of Survivors  
48 of Sexual Assault, and **section 33** of this bill prescribes the duties of the Advisory  
49 Committee as related to sexual assault forensic evidence kits, sexual assault  
50 counselors and the implementation of the rights guaranteed by the Sexual Assault  
51 Survivors' Bill of Rights.

52 Existing law requires a prosecutor to inform an alleged victim of sexual assault  
53 of the final disposition of the case if the case goes to trial. (NRS 200.3784) **Section**  
54 **35** of this bill additionally requires the prosecutor to provide, upon the written  
55 request of the alleged victim, the pretrial disposition of the case, the location of the  
56 defendant under certain circumstances and information supplied by the sex offender  
57 registry regarding the defendant, if applicable.

58 With regards to collection and analysis requirements of sexual assault forensic  
59 evidence kits, existing law requires a law enforcement agency to submit such a kit to  
60 a forensic laboratory within 30 days of its receipt. The forensic laboratory is then  
61 required to test the kit within 120 days of its receipt. (NRS 200.3786) **Section 36** of  
62 this bill requires: (1) a medical provider to notify a law enforcement agency within  
63 24 hours of conducting a forensic medical examination; (2) the law enforcement  
64 agency to take possession of such a kit within 5 days of such notification; (3) the  
65 law enforcement agency to submit such a kit to a forensic laboratory within 5 days  
66 of the law enforcement agency taking possession of such a kit; and (4) the forensic  
67 laboratory to test the kit within 90 days of its receipt.



68 Existing law requires the State to implement a statewide tracking system for  
69 sexual assault forensic evidence kits and to submit an annual report to the  
70 Legislature regarding certain data collected by forensic laboratories analyzing such  
71 kits. (NRS 200.3786, 200.3788) **Section 36** additionally requires that such a report  
72 be posted on an Internet website that is accessible to the general public and  
73 additionally requires that the date on which each sexual assault forensic evidence  
74 kit was tested be added to such a report. **Section 37** of this bill requires that the  
75 survivor be allowed to track or receive certain updates via Internet or telephone.  
76 **Section 40** of this bill makes an appropriation of \$250,000 to the Office of the  
77 Attorney General for the implementation of the Sexual Assault Survivors' Bill of  
78 Rights and the Advisory Committee on Rights of Survivors of Sexual Assault.

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

- 1 **Section 1.** Title 14 of NRS is hereby amended by adding  
2 thereto a new chapter to consist of the provisions set forth as  
3 sections 2 to 34, inclusive, of this act.
- 4 **Sec. 2.** *Sections 2 to 30, inclusive, of this act may be cited as*  
5 *the Sexual Assault Survivors' Bill of Rights.*
- 6 **Sec. 3.** *As used in this chapter, unless the context otherwise*  
7 *requires, the words and terms defined in sections 4 to 15,*  
8 *inclusive, of this act have the meaning ascribed to them in those*  
9 *sections.*
- 10 **Sec. 4.** *"CODIS" has the meaning ascribed to it in*  
11 *NRS 176.09113.*
- 12 **Sec. 5.** *"DNA profile" has the meaning ascribed to it in*  
13 *NRS 176.09115.*
- 14 **Sec. 6.** *"Forensic laboratory" has the meaning ascribed to it*  
15 *in NRS 176.09117.*
- 16 **Sec. 7.** *"Forensic medical examination" has the meaning*  
17 *ascribed to it in NRS 217.300.*
- 18 **Sec. 8.** *"Genetic marker analysis" has the meaning ascribed*  
19 *to it in NRS 176.09118.*
- 20 **Sec. 9.** *"Law enforcement agency" means any agency, office*  
21 *or bureau of this State or a political subdivision of this State, the*  
22 *primary duty of which is to enforce the law.*
- 23 **Sec. 10.** 1. *"Law enforcement official" means:*  
24 (a) *Any person employed by a law enforcement agency; or*  
25 (b) *Any person employed by a public school, private school or*  
26 *institution of higher education whose primary duty is to enforce*  
27 *the law.*
- 28 2. *For purposes of this section:*  
29 (a) *"Institution of higher education" has the meaning ascribed*  
30 *to it in NRS 179D.045.*



1 (b) "Private school" means a nonprofit private elementary or  
2 secondary educational institution that is licensed in this State.

3 (c) "Public school" has the meaning ascribed to it in  
4 NRS 388.127.

5 **Sec. 11.** "Medical provider" means any provider of health  
6 care, as defined in NRS 629.031, hospital, emergency medical  
7 facility or other facility conducting a forensic medical  
8 examination of a survivor.

9 **Sec. 12.** "Sexual assault counselor" means any counselor,  
10 victims' advocate or other trained person who is employed or  
11 volunteers at an established center for the support of survivors.

12 **Sec. 13.** "Sexual assault forensic evidence kit" has the  
13 meaning ascribed to it in NRS 200.364.

14 **Sec. 14.** "State DNA Database" means the database  
15 established pursuant to NRS 176.09121.

16 **Sec. 15.** "Survivor" means a person who is a victim of sexual  
17 assault, as defined in NRS 217.280 or, if the victim is incompetent,  
18 deceased or a minor, the parent, guardian, spouse, legal  
19 representative or other person related to the victim within the  
20 second degree of consanguinity or affinity, unless such person is  
21 the defendant or accused or is convicted of the sexual assault.

22 **Sec. 16. 1.** The rights provided to a survivor pursuant to the  
23 Sexual Assault Survivors' Bill of Rights attach whenever the  
24 survivor is subject to:

25 (a) A forensic medical examination; and

26 (b) An interview by a law enforcement official, prosecutor or  
27 defense attorney.

28 2. A survivor retains the rights provided by the Sexual  
29 Assault Survivors' Bill of Rights at all times, regardless of whether  
30 the survivor:

31 (a) Agrees to participate in the legal or criminal justice system;  
32 or

33 (b) Consents to a forensic medical examination.

34 **Sec. 17. 1.** A survivor has the right to consult with a sexual  
35 assault counselor during:

36 (a) Any forensic medical examination; and

37 (b) Any interview by a law enforcement official, prosecutor or  
38 defense attorney.

39 2. A survivor has the right to designate an attendant to  
40 provide support during:

41 (a) Any forensic medical examination; and

42 (b) Any interview by a law enforcement official, prosecutor or  
43 defense attorney.

44 **Sec. 18. 1.** Any communication between a survivor and a  
45 sexual assault counselor is confidential and privileged, including,



1 *without limitation, any information disclosed in the presence of a*  
2 *third party during:*

3 *(a) A forensic medical examination; and*

4 *(b) An interview by a law enforcement official, prosecutor or*  
5 *defense attorney.*

6 *2. The presence of a law enforcement official, prosecutor or*  
7 *defense attorney during a forensic medical examination does not*  
8 *operate to defeat any privilege guaranteed by law.*

9 *3. A waiver of the right of a survivor to consult with a sexual*  
10 *assault counselor, pursuant to section 17 of this act, is a privilege.*

11 *4. A survivor retains the rights pursuant to section 17 of this*  
12 *act even if the survivor has waived such rights during a previous*  
13 *examination or interview.*

14 *5. Except with the consent of the survivor, the following are*  
15 *not admissible into evidence for any purpose:*

16 *(a) The waiver of a survivor pursuant to subsection 3.*

17 *(b) Any communication between a survivor and a sexual*  
18 *assault counselor.*

19 **Sec. 19. 1. If a survivor requests a consultation with a**  
20 **sexual assault counselor or an attendant to provide support to the**  
21 **survivor pursuant to section 17 of this act, the medical provider**  
22 **shall summon the sexual assault counselor or attendant before the**  
23 **commencement of the forensic medical examination.**

24 *2. If a sexual assault counselor or an attendant to provide*  
25 *support to the survivor pursuant to section 17 of this act cannot be*  
26 *summoned in a timely manner, the medical provider shall inform*  
27 *the survivor of the ramifications of delaying the forensic medical*  
28 *examination.*

29 *3. A survivor must not be required to pay any expense related*  
30 *to a forensic medical examination pursuant to NRS 217.300.*

31 *4. After the forensic medical examination, the survivor has*  
32 *the right to use a shower apparatus at no cost, unless a facility*  
33 *which includes a shower apparatus is not available.*

34 *5. Before a medical provider commences a forensic medical*  
35 *examination, the medical provider shall inform the survivor of his*  
36 *or her rights pursuant to the Sexual Assault Survivors' Bill of*  
37 *Rights and other relevant law by presenting a document developed*  
38 *by the Office of the Attorney General pursuant to section 27 of this*  
39 *act.*

40 *6. The document provided to the survivor pursuant to*  
41 *subsection 5 must be:*

42 *(a) Signed by the survivor; and*

43 *(b) Transmitted to the Office of the Attorney General by the*  
44 *medical provider to confirm its receipt by the Office of the*  
45 *Attorney General.*



1       **Sec. 20. 1.** *If a survivor exercises his or her right to consult*  
2 *with a sexual assault counselor during an interview pursuant to*  
3 *section 17 of this act, the law enforcement officer, prosecutor or*  
4 *defense attorney conducting the interview, as applicable, shall*  
5 *summon the sexual assault counselor before the commencement*  
6 *of the interview, unless no sexual assault counselor can be*  
7 *summoned in a timely manner.*

8       **2.** *A survivor has the right to designate an attendant to*  
9 *provide support of his or her choosing during any interview by a*  
10 *law enforcement officer, prosecutor or defense attorney pursuant*  
11 *to section 17 of this act, unless the law enforcement official,*  
12 *prosecutor or defense attorney determines, in his or her good*  
13 *faith, that the presence of the attendant would be detrimental to*  
14 *the purpose of the interview.*

15       **3.** *A survivor has the right to be interviewed by a law*  
16 *enforcement official of the gender of the choosing of the survivor.*  
17 *If no law enforcement official of that gender is available in a*  
18 *reasonably timely manner, the survivor may be interviewed by an*  
19 *available law enforcement official of a different gender only upon*  
20 *the consent of the survivor.*

21       **4.** *A law enforcement official, prosecutor or defense attorney*  
22 *shall not discourage a survivor from receiving a forensic medical*  
23 *examination.*

24       **5.** *Before commencing an interview with a survivor, the law*  
25 *enforcement official, prosecutor or defense attorney conducting*  
26 *the interview shall inform the survivor of his or her rights*  
27 *pursuant to the Sexual Assault Survivors' Bill of Rights and other*  
28 *relevant law.*

29       **6.** *Any information conveyed by the law enforcement official,*  
30 *prosecutor or defense attorney pursuant to subsection 5 shall be*  
31 *conveyed to the survivor by presenting a document developed by*  
32 *the Office of the Attorney General pursuant to section 27 of this*  
33 *act.*

34       **7.** *The document provided to the survivor pursuant to*  
35 *subsection 6 must be:*

36       **(a)** *Signed by the survivor; and*

37       **(b)** *Transmitted to the Office of the Attorney General by the*  
38 *law enforcement official, prosecutor or defense attorney, as*  
39 *applicable, to confirm its receipt by the Office of the Attorney*  
40 *General.*

41       **Sec. 21. 1.** *A survivor retains the right to have counsel*  
42 *present during any forensic medical examination, interview,*  
43 *investigation or other interaction with any representative of the*  
44 *legal or criminal justice system within this State pursuant to*  
45 *sections 16 to 20, inclusive, of this act.*



1       2. *The treatment of the survivor must not be affected or*  
2 *altered in any way as a result of the decision of the survivor to*  
3 *exercise his or her right to have counsel present during any*  
4 *forensic medical examination, interview, investigation or other*  
5 *interaction with the legal or criminal justice systems within this*  
6 *State.*

7       **Sec. 22.** 1. *A survivor has the right to prompt genetic*  
8 *marker analysis of a sexual assault forensic evidence kit pursuant*  
9 *to NRS 200.3786.*

10       2. *A sexual assault forensic evidence kit must be transported*  
11 *to a forensic laboratory and analyzed pursuant to NRS 200.3786,*  
12 *unless the survivor requests, in writing at any time prior to such*  
13 *analysis, for the forensic laboratory to defer analysis of the sexual*  
14 *assault forensic evidence kit.*

15       3. *The forensic laboratory shall retain the sexual assault*  
16 *forensic evidence kit for at least 4 years before it is destroyed, or*  
17 *until the survivor reaches 40 years of age if the survivor was a*  
18 *minor when the sexual assault occurred.*

19       4. *If a survivor has requested to defer analysis pursuant to*  
20 *subsection 2, the survivor may request that the forensic laboratory*  
21 *analyze the sexual assault forensic evidence kit at any later date*  
22 *before the expiration of the retention period pursuant to*  
23 *subsection 3.*

24       5. *A survivor has the right to the information regarding the*  
25 *timeline of the genetic marker analysis of sexual assault forensic*  
26 *evidence kits pursuant to NRS 200.3786.*

27       **Sec. 23.** 1. *Upon the request of a survivor, he or she has*  
28 *the right to be informed of:*

29       (a) *The results of the genetic marker analysis of the sexual*  
30 *assault forensic evidence kit of the survivor;*

31       (b) *Whether the analysis yielded a DNA profile; and*

32       (c) *Whether the analysis yielded the DNA profile of the*  
33 *defendant or person accused or convicted of a crime against the*  
34 *survivor or a person already in CODIS.*

35       2. *The survivor has the right to receive the information*  
36 *pursuant to subsection 1 through a secure and confidential*  
37 *message, in writing, from the forensic laboratory conducting the*  
38 *analysis of the sexual assault forensic evidence kit of the survivor.*  
39 *The message must include the telephone number of the forensic*  
40 *laboratory.*

41       **Sec. 24.** *The failure of a law enforcement agency to take*  
42 *possession of a sexual assault forensic evidence kit pursuant to the*  
43 *Sexual Assault Survivors' Bill of Rights, or the failure of the law*  
44 *enforcement agency to submit such evidence for genetic marker*



1 *analysis within the timeline prescribed pursuant to the Bill of*  
2 *Rights, does not alter:*

3 1. *The authority of a law enforcement agency to take*  
4 *possession of that evidence or to submit that evidence to a forensic*  
5 *laboratory; and*

6 2. *The authority of the forensic laboratory to accept and*  
7 *analyze the evidence or to upload a DNA profile obtained from*  
8 *such evidence to CODIS or the State DNA Database.*

9 **Sec. 25.** 1. *A defendant or person accused or convicted of a*  
10 *crime against a survivor does not have standing to seek to have his*  
11 *or her conviction or sentence set aside for any failure by a medical*  
12 *provider, law enforcement agency, forensic laboratory or other*  
13 *relevant entity to comply with the timing requirements of the*  
14 *Sexual Assault Survivors' Bill of Rights.*

15 2. *Failure by a medical provider, law enforcement agency,*  
16 *forensic laboratory or other relevant entity to comply with the*  
17 *requirements of the Sexual Assault Survivors' Bill of Rights does*  
18 *not constitute grounds for challenging the validity of a match or*  
19 *any information in the State DNA Database during any criminal*  
20 *or civil proceeding, and any evidence of such a match or any*  
21 *information in the State DNA Database must not be excluded by a*  
22 *court on such grounds.*

23 **Sec. 26.** *Forensic evidence from a sexual assault may not be*  
24 *used:*

25 1. *To prosecute a survivor for any:*

26 (a) *Misdemeanor; or*

27 (b) *Offense related to a controlled substance.*

28 2. *As a basis to search for further evidence of any unrelated*  
29 *misdemeanor or any offense related to a controlled substance that*  
30 *may have been committed by the survivor.*

31 **Sec. 27.** 1. *The Office of the Attorney General shall:*

32 (a) *Develop a document that explains the rights of a survivor*  
33 *pursuant to the Sexual Assault Survivors' Bill of Rights and other*  
34 *relevant law; and*

35 (b) *Make the document available to medical providers, law*  
36 *enforcement officials, prosecutors and defense attorneys.*

37 2. *The document must be in clear language that is*  
38 *comprehensible to a person proficient in English at the reading*  
39 *level of a fifth grader, accessible to persons with visual disabilities*  
40 *and available in all major languages of this State.*

41 3. *The document must include, without limitation:*

42 (a) *A clear statement that the survivor is not required to*  
43 *participate in the criminal justice system or to receive a forensic*  
44 *medical examination in order to retain the rights provided by the*  
45 *Sexual Assault Survivors' Bill of Rights and other relevant law;*





1       ***(b) Means of contacting, by telephone or Internet, nearby***  
2 ***sexual assault counselors and centers for support for victims of***  
3 ***sexual assault;***

4       ***(c) Information about the availability of temporary and***  
5 ***extended orders of protection pursuant to NRS 200.378;***

6       ***(d) Instructions for requesting the results of the genetic***  
7 ***marker analysis of the sexual assault forensic evidence kit of the***  
8 ***survivor;***

9       ***(e) Information concerning state and federal funds for***  
10 ***compensation for medical and other costs associated with the***  
11 ***sexual assault; and***

12       ***(f) Information concerning any municipal, state or federal***  
13 ***right to restitution for survivors in the event of a criminal trial.***

14       **Sec. 28. 1. A law enforcement agency shall, upon written**  
15 ***request by the survivor, furnish within 1 month, free, complete***  
16 ***and unaltered copies of all reports of the law enforcement agency***  
17 ***concerning the sexual assault, regardless of whether the report***  
18 ***has been closed by the law enforcement agency.***

19       **2. A prosecutor shall, upon written request of a survivor,**  
20 ***provide certain information to the survivor pursuant to***  
21 ***NRS 200.3784.***

22       **3. Each forensic laboratory shall submit the report**  
23 ***concerning the status of sexual assault forensic evidence kits***  
24 ***annually pursuant to NRS 200.3786.***

25       **Sec. 29. 1. In addition to any other right provided by law, a**  
26 ***survivor has the right:***

27       ***(a) In any civil or criminal case related to a sexual assault, to***  
28 ***be reasonably protected from the defendant and persons acting on***  
29 ***behalf of the defendant.***

30       ***(b) To be free from intimidation, harassment and abuse.***

31       ***(c) To be treated with fairness and respect for his or her***  
32 ***privacy and dignity.***

33       ***(d) To be heard through a victim impact statement at any***  
34 ***proceeding involving any plea, sentencing, postconviction decision***  
35 ***or any other proceeding where the rights of the survivor are at***  
36 ***issue.***

37       ***(e) To provide a sentencing recommendation to the relevant***  
38 ***official of the Division of Parole and Probation of the Department***  
39 ***of Public Safety conducting a presentence investigation.***

40       **2. A survivor shall not be required to submit to an**  
41 ***examination by polygraph as a prerequisite to filing an accusatory***  
42 ***pleading or participating in any part of the criminal justice system.***

43       **3. A court shall make reasonable efforts to provide the**  
44 ***survivor and the family, friends and witnesses of the survivor with***  
45 ***a secure waiting area or room that is separate from:***



1 (a) *The waiting area of the defendant and the family, friends,*  
2 *witnesses and attorneys of the defendant; and*

3 (b) *The office of the prosecutor, if applicable.*

4 4. *In any civil or criminal case, the court shall grant the*  
5 *request of a survivor that the court clear the courtroom of all*  
6 *persons when the survivor is testifying regarding the sexual*  
7 *assault, except the parties to the cause and their immediate*  
8 *families, guardians, attorneys and other personnel working at the*  
9 *direction of the attorney, officers of the court, jurors, newspaper*  
10 *reporters or broadcasters and court reporters, except if the*  
11 *survivor consents that witnesses designated by the prosecutor may*  
12 *remain in the courtroom.*

13 **Sec. 30.** 1. *A survivor may maintain an action to compel a*  
14 *public officer or employee to carry out any duty required pursuant*  
15 *to the Sexual Assault Survivors' Bill of Rights.*

16 2. *The Attorney General may investigate any violation of the*  
17 *Sexual Assault Survivors' Bill of Rights.*

18 3. *Any public officer or employee who violates the Sexual*  
19 *Assault Survivors' Bill of Rights is subject to a civil penalty of not*  
20 *more than \$1,000 for each violation. This penalty must be*  
21 *recovered in a civil action, brought in the name of the State of*  
22 *Nevada by the Attorney General.*

23 **Sec. 31.** *As used in sections 31 to 34, inclusive, of this act,*  
24 *"Advisory Committee" means the Advisory Committee on Rights*  
25 *of Survivors of Sexual Assault.*

26 **Sec. 32.** 1. *There is hereby created the Advisory Committee*  
27 *on Rights of Survivors of Sexual Assault.*

28 2. *The Advisory Committee consists of:*

29 (a) *The Attorney General;*

30 (b) *The Director of the Department of Corrections;*

31 (c) *One member who is a law enforcement official working for*  
32 *a local law enforcement agency, appointed by the Nevada Sheriffs'*  
33 *and Chiefs' Association;*

34 (d) *One member who is an attorney, appointed by the*  
35 *governing body of the State Bar of Nevada; and*

36 (e) *The following members appointed by the Attorney General:*

37 (1) *One member who is a survivor and a citizen or lawful*  
38 *resident of this State;*

39 (2) *One member who is a representative of an organization*  
40 *supporting the rights of survivors;*

41 (3) *One member who is a representative of a center of*  
42 *support for victims of sexual assault;*

43 (4) *One member who is a representative of a forensic*  
44 *laboratory;*



1           (5) *One member who is a representative of a university,*  
2 *state college or community college within the Nevada System of*  
3 *Higher Education whose duties of his or her occupation include*  
4 *direct services to victims of sexual assault and whose employer is*  
5 *not under investigation by the United States Department of*  
6 *Education for an alleged violation of 20 U.S.C. § 1092 or Title IX*  
7 *of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681 et*  
8 *seq.;*

9           (6) *One member who is a representative of an organization*  
10 *that provides services, education or outreach to minority*  
11 *communities;*

12           (7) *One member who is a representative of an organization*  
13 *that provides services, education or outreach to lesbian, gay,*  
14 *bisexual, transgender and questioning persons; and*

15           (8) *One member who is a nurse examiner who specializes*  
16 *in forensic medical examinations for sexual assault.*

17           3. *The Attorney General may appoint not more than three*  
18 *other persons to the Advisory Committee. The total membership of*  
19 *the Advisory Committee must not exceed 15 members.*

20           4. *If any organization listed in subsection 2 ceases to exist,*  
21 *the appointment required pursuant to that subsection must be*  
22 *made by the association's successor in interest or, if there is no*  
23 *successor in interest, by the Attorney General.*

24           5. *Each appointed member serves a term of 2 years. Members*  
25 *may be reappointed for additional terms of 2 years in the same*  
26 *manner as the original appointments. Any vacancy occurring in*  
27 *the membership of the Advisory Committee must be filled in the*  
28 *same manner as the original appointment not later than 30 days*  
29 *after the vacancy occurs.*

30           6. *At the first regular meeting of each odd-numbered year,*  
31 *the members of the Advisory Committee shall elect a Chair by*  
32 *majority vote who shall serve until the next Chair is elected.*

33           7. *The Advisory Committee shall meet at least once annually*  
34 *at a time and place specified by the Chair and may meet at such*  
35 *further times as deemed necessary by the Chair.*

36           8. *A majority of the members of the Advisory Committee*  
37 *constitutes a quorum for the transaction of business, and a*  
38 *majority of those members present at any meeting is sufficient for*  
39 *any official action taken by the Advisory Committee.*

40           9. *While engaged in the business of the Advisory Committee,*  
41 *to the extent of legislative appropriation, each member of the*  
42 *Advisory Committee is entitled to receive the per diem allowance*  
43 *and travel expenses provided for state officers and employees*  
44 *generally.*



1     10. *The Attorney General shall provide the staff necessary to*  
2 *carry out the duties of the Advisory Committee.*

3     **Sec. 33. 1.** *The Advisory Committee shall study practices*  
4 *that are nationally recognized and make recommendations*  
5 *regarding:*

6     (a) *Whether a need exists for additional sexual assault*  
7 *counselors for survivors and, if such a need exists, the Advisory*  
8 *Committee shall:*

9         (1) *Develop criteria to certify sexual assault counselors;*  
10 *and*

11         (2) *In conjunction with centers of support for victims of*  
12 *sexual assault, organizations for advocates of survivors and other*  
13 *relevant programs or organizations, create a plan for how the*  
14 *State can provide additional sexual assault counselors to meet*  
15 *such a need, and determine the cost of such a plan.*

16     (b) *Whether the need exists to expand the right of a survivor to*  
17 *a sexual assault counselor beyond the forensic medical*  
18 *examination and with a law enforcement official interview, and if*  
19 *such a need exists, the Advisory Committee shall:*

20         (1) *Identify the scope and nature of the need; and*

21         (2) *Make recommendations on how to best fill such a need.*

22     (c) *Whether a need exists to provide ongoing evaluation of the*  
23 *implementation of the rights of survivors pursuant to the Sexual*  
24 *Assault Survivors' Bill of Rights and, if such a need exists, the*  
25 *Advisory Committee shall:*

26         (1) *Identify the scope and nature of the need; and*

27         (2) *Make recommendations on how to best fill such a need,*  
28 *legislatively or otherwise.*

29     2. *In fulfilling the duties prescribed by subsection 1, the*  
30 *Advisory Committee shall collect:*

31     (a) *Data regarding reporting of sexual assaults, arrests*  
32 *relating to sexual assaults, rates of prosecutions relating to sexual*  
33 *assaults, access to victims' services for survivors and any other*  
34 *relevant data necessary relating to sexual assaults for the*  
35 *deliberations and recommendations of the Advisory Committee*  
36 *and, if such data does not exist, the Advisory Committee shall*  
37 *encourage the creation and maintenance of such data; and*

38     (b) *Feedback from stakeholders, practitioners and leadership*  
39 *of state and local law enforcement agencies, victims' services,*  
40 *practitioners of forensic science and health care communities to*  
41 *inform the development of best practices for the future, or clinical*  
42 *guidelines regarding the care and treatment of survivors.*

43     3. *In undertaking the duties prescribed by subsection 1, the*  
44 *Advisory Committee may retain independent experts. Such experts*  
45 *may:*



1 (a) Request files and records from any law enforcement  
2 official. The information obtained from such a request must be  
3 kept strictly confidential and reported only as aggregated or  
4 anonymized data.

5 (b) Conduct confidential interviews with law enforcement  
6 officials, medical providers, sexual assault counselors and other  
7 such persons with direct knowledge of the response process for  
8 sexual assaults.

9 (c) Provide recommendations to the Advisory Committee.

10 4. On or before September 1 of each even-numbered year, the  
11 Advisory Committee shall:

12 (a) Prepare a report that includes the results of the  
13 assessments, developments and recommendations pursuant to this  
14 section.

15 (b) Submit the report prepared to paragraph (a) to the Director  
16 of the Legislative Counsel Bureau for submission to the  
17 Legislative Commission.

18 **Sec. 34. 1.** The Attorney General may apply for and accept  
19 any available grants and may accept any bequests, devises,  
20 donations or gifts from any public or private source to carry out  
21 the provisions of sections 31 to 34, inclusive, of this act.

22 2. Any money received pursuant to this section must be  
23 deposited in the Special Account for the Support of the Advisory  
24 Committee, which is hereby created in the State General Fund.  
25 Interest and income earned on money in the Account must be  
26 credited to the Account. Money in the Account may only be used  
27 for the support of the Advisory Committee and its activities  
28 pursuant to sections 31 to 34, inclusive, of this act.

29 **Sec. 35.** NRS 200.3784 is hereby amended to read as follows:

30 200.3784 1. ~~The~~ Upon written request of the alleged  
31 victim, the prosecuting attorney in any trial brought against a person  
32 on a charge of sexual assault shall *timely* inform the alleged victim  
33 of ~~the~~ :

34 (a) Any pretrial disposition of the case;

35 (b) The final disposition of the case ~~is~~ ;

36 (c) The location of a convicted defendant, including, without  
37 limitation, whenever the defendant receives temporary, provisional  
38 or final release from custody, escapes from custody, is moved to a  
39 facility of a different security level or reenters custody; and

40 (d) Information from the record of registration pursuant to  
41 NRS 179D.151 regarding the defendant, if applicable.

42 2. If the defendant is found guilty and the court issues an order  
43 or provides a condition of the sentence restricting the ability of the  
44 defendant to have contact with the victim or witnesses, the clerk of  
45 the court shall:



- 1 (a) Keep a record of the order or condition of the sentence; and
- 2 (b) Provide a certified copy of the order or condition of the
- 3 sentence to the victim and other persons named in the order.

4 **Sec. 36.** NRS 200.3786 is hereby amended to read as follows:

5 200.3786 1. *Within 24 hours after conducting a forensic*  
6 *medical examination, a medical provider shall notify the law*  
7 *enforcement agency having jurisdiction over the alleged sexual*  
8 *assault of the victim and the law enforcement agency shall take*  
9 *possession of the sexual assault forensic evidence kit.*

10 2. *If a law enforcement agency determines it does not have*  
11 *jurisdiction over an alleged sexual assault, the law enforcement*  
12 *agency shall notify the law enforcement agency having proper*  
13 *jurisdiction of such an assault within 5 days after taking*  
14 *possession of the sexual assault forensic evidence kit. After*  
15 *receiving such notice, the law enforcement agency with proper*  
16 *jurisdiction shall take possession of the sexual assault forensic*  
17 *evidence kit.*

18 3. Except as otherwise provided in this subsection, a law  
19 enforcement agency shall, not later than ~~30~~ 5 days after receiving  
20 *notice pursuant to subsection 1 or 2 of a sexual assault forensic*  
21 *evidence kit, submit the sexual assault forensic evidence kit to the*  
22 *applicable forensic laboratory responsible for conducting a genetic*  
23 *marker analysis. The provisions of this subsection do not apply to*  
24 *any noninvestigatory sexual assault forensic evidence kit associated*  
25 *with a victim who has chosen to remain anonymous.*

26 ~~2.~~ 4. *A law enforcement agency shall, not later than 5 days*  
27 *after receiving notice of a sexual assault forensic evidence kit,*  
28 *assign a criminal complaint number to the evidence.*

29 5. *Any law enforcement agency that submits a sexual assault*  
30 *forensic evidence kit to a forensic laboratory shall, immediately*  
31 *following such a submission, notify the victim of:*

32 (a) *The name, telephone number and address of the forensic*  
33 *laboratory; and*

34 (b) *The information contained in subsections 1, 2 and 3.*

35 6. A forensic laboratory shall, not later than ~~120~~ 90 days after  
36 receiving a sexual assault forensic evidence kit from a law  
37 enforcement agency, test the sexual assault forensic evidence kit ~~1~~,  
38 *unless the victim requests, in writing, to defer the genetic marker*  
39 *analysis of the sexual assault forensic evidence kit pursuant to*  
40 *section 22 of this act.*

41 7. Upon completion of a genetic marker analysis, the forensic  
42 laboratory shall include the DNA profile obtained from the genetic  
43 marker analysis in the State DNA Database and CODIS.

44 ~~3.~~ 8. Each forensic laboratory that receives a sexual assault  
45 forensic evidence kit from a law enforcement agency shall, on or



1 before January 31 of each year, submit a report to the Director of the  
2 Legislative Counsel Bureau for *publishing on an Internet website*  
3 *that is accessible to the general public and* transmittal to the  
4 Legislature, if the Legislature is in session, or to the Legislative  
5 Commission, if the Legislature is not in session. If the Legislature is  
6 in session, the Director shall ensure that each member of the  
7 Assembly and Senate Standing Committees on Judiciary receives a  
8 copy of the report. The report must contain:

9 (a) With regard to any sexual assault forensic evidence kit  
10 received by the forensic laboratory before January 1, 2015:

11 (1) The total number of such sexual assault forensic evidence  
12 kits tested during the immediately preceding calendar year; and

13 (2) The total number of such sexual assault forensic evidence  
14 kits that have not been tested.

15 (b) With regard to any sexual assault forensic evidence kit  
16 received by the forensic laboratory on or after January 1, 2015:

17 (1) The total number of such sexual assault forensic evidence  
18 kits tested during the immediately preceding calendar year and, for  
19 each such sexual assault forensic evidence kit, the date on which:

20 (I) The forensic evidence was obtained from a forensic  
21 medical examination;

22 (II) The sexual assault forensic evidence kit was  
23 submitted to the forensic laboratory; ~~and~~

24 (III) *The sexual assault forensic evidence kit was tested*  
25 *by the forensic laboratory; and*

26 (IV) The DNA profile obtained from the genetic marker  
27 analysis was included in the State DNA Database and CODIS.

28 (2) The total number of such sexual assault forensic evidence  
29 kits that have not been tested and, for each such sexual assault  
30 forensic evidence kit, the date on which:

31 (I) The forensic evidence was obtained from a forensic  
32 medical examination; and

33 (II) The sexual assault forensic evidence kit was  
34 submitted to the forensic laboratory.

35 ~~[4.]~~ 9. As used in this section:

36 (a) "CODIS" has the meaning ascribed to it in NRS 176.09113.

37 (b) "State DNA Database" has the meaning ascribed to it in  
38 NRS 176.09119.

39 **Sec. 37.** NRS 200.3788 is hereby amended to read as follows:

40 200.3788 1. A statewide program to track sexual assault  
41 forensic evidence kits must be established in this State. The  
42 Attorney General shall, pursuant to the recommendation of the  
43 Sexual Assault Kit Working Group, designate a department or  
44 division of the Executive Department of State Government to  
45 establish the program. The designated department or division may



1 contract with any appropriate public or private agency, organization  
2 or institution to carry out the provisions of this section.

3 2. The program to track sexual assault forensic evidence kits  
4 must:

5 (a) Track the location and status of sexual assault forensic  
6 evidence kits, including, without limitation, the initial forensic  
7 medical examination, receipt by a law enforcement agency and  
8 receipt and genetic marker analysis at a forensic laboratory.

9 (b) Allow providers of health care who perform forensic medical  
10 examinations, law enforcement agencies, prosecutors, forensic  
11 laboratories and any other entities having sexual assault forensic  
12 evidence kits in their custody to track the status and location of  
13 sexual assault forensic evidence kits.

14 (c) Allow a victim of sexual assault to anonymously track or  
15 receive, *by telephone or on an Internet website*, updates regarding  
16 the status and location of his or her sexual assault forensic evidence  
17 kit.

18 3. The department or division designated pursuant to  
19 subsection 1 shall, on or before January 1 and July 1 of each year,  
20 submit to the Governor and the Director of the Legislative Counsel  
21 Bureau for transmittal to the Subcommittee to Review DNA of the  
22 Advisory Commission on the Administration of Justice and post on  
23 the Internet website maintained by the department or division a  
24 report concerning the statewide program to track sexual assault  
25 forensic evidence kits. The report must include:

26 (a) The number of sexual assault forensic evidence kits in the  
27 program in each county.

28 (b) The number of sexual assault forensic evidence kits for  
29 which genetic marker analysis has been completed for each county  
30 for the last 6 months.

31 (c) The number of sexual assault forensic evidence kits added to  
32 the program in each county during the last 6 months.

33 (d) The number of sexual assault forensic evidence kits for  
34 which genetic marker analysis has been requested but not completed  
35 for each county.

36 (e) For this State as a whole and each county, the average and  
37 median time between a forensic medical examination and receipt of  
38 a sexual assault forensic evidence kit by a forensic laboratory for  
39 genetic marker analysis, overall and for the last 6 months.

40 (f) For this State as a whole and each county, the average and  
41 median time between receipt of a sexual assault forensic evidence  
42 kit by a forensic laboratory and genetic marker analysis, overall and  
43 for the last 6 months.





1 (g) The number of sexual assault forensic evidence kits in each  
2 county awaiting genetic marker analysis for more than 1 year and 6  
3 months after forensic medical examination.

4 4. Each law enforcement agency, prosecutor, forensic  
5 laboratory and provider of health care who performs forensic  
6 medical examinations in this State shall participate in the statewide  
7 program to track sexual assault forensic evidence kits for the  
8 purpose of tracking the status of any sexual assault forensic  
9 evidence kits in the custody of the agency, prosecutor, laboratory or  
10 provider, or a third party under contract with such agency,  
11 prosecutor, laboratory or provider.

12 5. Any agency or person who acts pursuant to this section in  
13 good faith and without gross negligence is immune from civil  
14 liability for those acts.

15 6. The department or division designated pursuant to  
16 subsection 1 may apply for and accept any gift, donation, bequest,  
17 grant or other source of money to carry out the provisions of this  
18 section.

19 7. As used in this section, "Sexual Assault Kit Working  
20 Group" means the statewide working group led by the Office of the  
21 Attorney General to create policies and procedures to address the  
22 backlog of sexual assault forensic evidence kits that have not been  
23 tested.

24 **Sec. 38.** Section 28 of this act is hereby amended to read as  
25 follows:

26 Sec. 28. 1. A law enforcement agency shall, upon  
27 written request by the survivor, furnish within 1 month, free,  
28 complete and unaltered copies of all reports of the law  
29 enforcement agency concerning the sexual assault, regardless  
30 of whether the report has been closed by the law enforcement  
31 agency.

32 2. A prosecutor shall, upon written request of a survivor,  
33 provide certain information to the survivor pursuant to  
34 NRS 200.3784.

35 3. Each forensic laboratory shall submit the report  
36 concerning the status of sexual assault forensic evidence kits  
37 annually pursuant to NRS 200.3786.

38 ***4. The State shall establish a statewide program to***  
39 ***track sexual assault forensic evidence kits pursuant to***  
40 ***NRS 200.3788.***

41 **Sec. 39.** Section 33 of this act is hereby amended to read as  
42 follows:

43 Sec. 33. 1. The Advisory Committee shall study  
44 practices that are nationally recognized and make  
45 recommendations regarding:



1 (a) Whether a need exists for additional sexual assault  
2 counselors for survivors and, if such a need exists, the  
3 Advisory Committee shall:

4 (1) Develop criteria to certify sexual assault  
5 counselors; and

6 (2) In conjunction with centers of support for victims  
7 of sexual assault, organizations for advocates of survivors and  
8 other relevant programs or organizations, create a plan for  
9 how the State can provide additional sexual assault  
10 counselors to meet such a need, and determine the cost of  
11 such a plan.

12 (b) Whether the need exists to expand the right of a  
13 survivor to a sexual assault counselor beyond the forensic  
14 medical examination and with a law enforcement official  
15 interview, and if such a need exists, the Advisory Committee  
16 shall:

17 (1) Identify the scope and nature of the need; and

18 (2) Make recommendations on how to best fill such a  
19 need.

20 (c) Whether a need exists to provide ongoing evaluation  
21 of the implementation of the rights of survivors pursuant to  
22 the Sexual Assault Survivors' Bill of Rights and, if such a  
23 need exists, the Advisory Committee shall:

24 (1) Identify the scope and nature of the need; and

25 (2) Make recommendations on how to best fill such a  
26 need, legislatively or otherwise.

27 *(d) The effectiveness of the statewide program to track*  
28 *sexual assault forensic evidence kits pursuant to*  
29 *NRS 200.3788.*

30 2. In fulfilling the duties prescribed by subsection 1, the  
31 Advisory Committee shall collect:

32 (a) Data regarding reporting of sexual assaults, arrests  
33 relating to sexual assaults, rates of prosecutions relating to  
34 sexual assaults, access to victims' services for survivors and  
35 any other relevant data necessary relating to sexual assaults  
36 for the deliberations and recommendations of the Advisory  
37 Committee and, if such data does not exist, the Advisory  
38 Committee shall encourage the creation and maintenance of  
39 such data; and

40 (b) Feedback from stakeholders, practitioners and  
41 leadership of state and local law enforcement agencies,  
42 victims' services, practitioners of forensic science and health  
43 care communities to inform the development of best practices  
44 for the future, or clinical guidelines regarding the care and  
45 treatment of survivors.



1           3. In undertaking the required duties of the Advisory  
2 Committee, the Advisory Committee may retain independent  
3 experts. Such experts may:

4           (a) Request files and records from any law enforcement  
5 official. The information obtained from such a request must  
6 be kept strictly confidential and reported only as aggregated  
7 or anonymized data.

8           (b) Conduct confidential interviews with law enforcement  
9 officials, medical providers, sexual assault counselors and  
10 other such persons with direct knowledge of the response  
11 process for sexual assaults.

12           (c) Provide recommendations to the Advisory Committee.

13           4. On or before September 1 of each even-numbered  
14 year, the Advisory Committee shall:

15           (a) Produce a report that includes the results of the  
16 assessments, developments and recommendations pursuant to  
17 subsections 1 and 2.

18           (b) Submit the report prepared to paragraph (a) to the  
19 Director of the Legislative Counsel Bureau for submission to  
20 the Legislative Commission.

21           **Sec. 40.** There is hereby appropriated from the State General  
22 Fund to the Office of the Attorney General the sum of \$250,000 for  
23 the purposes of implementing the Sexual Assault Survivors' Bill of  
24 Rights pursuant to sections 2 to 30, inclusive, of this act and  
25 creating the Advisory Committee on Rights of Survivors of Sexual  
26 Assault pursuant to sections 31 to 34, inclusive, of this act.

27           **Sec. 41.** Any remaining balance of the appropriation made by  
28 section 40 of this act must not be committed for expenditure after  
29 June 30, 2021, by the entity to which the appropriation is made or  
30 any entity to which money from the appropriation is granted or  
31 otherwise transferred in any manner, and any portion of the  
32 appropriated money remaining must not be spent for any purpose  
33 after September 17, 2021, by either the entity to which the money  
34 was appropriated or the entity to which the money was subsequently  
35 granted or transferred, and must be reverted to the State General  
36 Fund on or before September 17, 2021.

37           **Sec. 42.** The provisions of subsection 1 of NRS 218D.380 do  
38 not apply to any provision of this act which adds or revises a  
39 requirement to submit a report to the Legislature.

40           **Sec. 43.** 1. This section and sections 40, 41 and 42 of this act  
41 become effective upon passage and approval.

42           2. Sections 1 to 36, inclusive, of this act become effective:

43           (a) Upon passage and approval for the purpose of adopting  
44 regulations and performing any other preparatory administrative  
45 tasks that are necessary to carry out the provisions of this act; and



- 1 (b) On January 1, 2020, for all other purposes.  
2 3. Sections 37, 38 and 39 of this act become effective on  
3 January 1, 2021.

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