

(Reprinted with amendments adopted on April 22, 2019)

FIRST REPRINT

A.B. 176

ASSEMBLY BILL NO. 176—ASSEMBLYMEN YEAGER;  
BENITEZ-THOMPSON AND KRASNER

FEBRUARY 18, 2019

JOINT SPONSOR: SENATOR CANNIZZARO

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.

~

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

AN ACT relating to crimes; enacting the Sexual Assault Survivors’ Bill of Rights; defining certain terms relating to victims of sexual assault; 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 appropriations; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law provides under certain circumstances that a person who: (1) subjects another person or child under the age of 14 years to sexual penetration; or (2) forces another person or child under the age of 14 years to make a sexual penetration on himself or herself or another, or on a beast, is guilty of sexual assault. (NRS 200.366) **Sections 2-29** of this bill enact the Sexual Assault Survivors’ Bill of Rights. **Section 15** of this bill defines the term “survivor” for purposes of the Bill of Rights, and certain other purposes, as a person who is the victim of a sexual assault or certain other persons if the victim is incompetent, deceased or a minor.

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



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

20 **Section 19** of this bill outlines a survivor's rights before and during a forensic  
21 medical examination and prescribe certain duties required of the medical provider.  
22 **Section 20** of this bill makes conforming changes to reflect a survivor's rights  
23 during an interview with a law enforcement official, prosecutor or defense attorney  
24 and such an interviewer's duties. **Section 21** of this bill affords a survivor the right  
25 to counsel under certain circumstances.

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

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

40 **Section 32** of this bill creates the Advisory Committee on Rights of Survivors  
41 of Sexual Assault, and **section 33** of this bill prescribes the duties of the Advisory  
42 Committee as related to sexual assault forensic evidence kits, sexual assault  
43 victims' advocates and the implementation of the rights guaranteed by the Sexual  
44 Assault Survivors' Bill of Rights.

45 Existing law requires a prosecutor to inform an alleged victim of sexual assault  
46 of the final disposition of the case if the case goes to trial. (NRS 200.3784) **Section**  
47 **35** of this bill additionally requires the prosecutor to provide, upon the written  
48 request of the alleged victim, the pretrial disposition of the case and information  
49 supplied by the sex offender registry regarding the defendant, if applicable.

50 Existing law sets forth certain requirements pertaining to the collection and  
51 analysis of sexual assault forensic evidence kits. (NRS 200.3786) **Section 36** of this  
52 bill requires: (1) a medical provider to notify a law enforcement agency within 72  
53 hours of conducting a forensic medical examination; and (2) the law enforcement  
54 agency to take possession of such a kit within 5 days of such notification.

55 Existing law requires the State to implement a statewide tracking system for  
56 sexual assault forensic evidence kits and to submit an annual report to the  
57 Legislature regarding certain data collected by forensic laboratories analyzing such  
58 kits. (NRS 200.3786, 200.3788) **Section 36** eliminates the requirement to make  
59 such a report. **Section 37** of this bill requires that the survivor be allowed to track or  
60 receive certain updates via Internet or telephone.

61 **Section 40** of this bill makes an appropriation of \$250,000 to the Office of the  
62 Attorney General for the implementation of the Sexual Assault Survivors' Bill of  
63 Rights and the Advisory Committee on Rights of Survivors of Sexual Assault.

64 **Section 40.5** of this bill makes an appropriation of \$750,000 for each fiscal  
65 year to the Office of the Attorney General for the purpose of awarding grants to  
66 organizations that will recruit and train persons to serve as sexual assault victims'  
67 advocates.



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 29, 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 the*  
27 *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.*

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

33       *(c) "Public school" has the meaning ascribed to it in*  
34 *NRS 388.127.*

35       **Sec. 11.** *"Medical provider" means any provider of health*  
36 *care, as defined in NRS 629.031, hospital, emergency medical*  
37 *facility or other facility conducting a forensic medical*  
38 *examination of a survivor.*

39       **Sec. 12.** (Deleted by amendment.)

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



1     **Sec. 13.5.** *“Sexual assault victims’ advocate” means a*  
2 *victims’ advocate or other trained person who is employed or*  
3 *volunteers at an established center for the support of survivors.*

4     **Sec. 14.** *“State DNA Database” means the database*  
5 *established pursuant to NRS 176.09121.*

6     **Sec. 15.** *“Survivor” means a person who is a victim of sexual*  
7 *assault, as defined in NRS 217.280 or, if the victim is incompetent,*  
8 *deceased or a minor, the parent, guardian, spouse, legal*  
9 *representative or other person related to the victim within the*  
10 *second degree of consanguinity or affinity, unless such person is*  
11 *the defendant or accused or is convicted of the sexual assault.*

12     **Sec. 16. 1.** *The rights provided to a survivor pursuant to the*  
13 *Sexual Assault Survivors’ Bill of Rights attach whenever the*  
14 *survivor is subject to:*

15         *(a) A forensic medical examination; or*

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

18     **2.** *A survivor retains the rights provided by the Sexual*  
19 *Assault Survivors’ Bill of Rights at all times, regardless of whether*  
20 *the survivor:*

21         *(a) Agrees to participate in the legal or criminal justice system;*

22         *(b) Agrees to speak to a law enforcement official, prosecutor*  
23 *or defense attorney; or*

24         *(c) Consents to a forensic medical examination.*

25     **Sec. 17. 1.** *A survivor has the right to consult with a sexual*  
26 *assault victims’ advocate during:*

27         *(a) Any forensic medical examination; and*

28         *(b) Any interview by a law enforcement official, prosecutor or*  
29 *defense attorney.*

30     **2.** *A survivor has the right to designate an attendant to*  
31 *provide support during:*

32         *(a) Any forensic medical examination; and*

33         *(b) Any interview by a law enforcement official, prosecutor or*  
34 *defense attorney.*

35     **Sec. 18. 1.** *Except as otherwise provided in this subsection,*  
36 *any communication between a survivor and a sexual assault*  
37 *victims’ advocate is privileged. Any information disclosed in the*  
38 *presence of a third party is not privileged unless the*  
39 *communication is privileged pursuant to other law.*

40     **2.** *A waiver of the right of a survivor to consult with a sexual*  
41 *assault victims’ advocate, pursuant to section 17 of this act, is a*  
42 *privilege.*

43     **3.** *A survivor retains the rights pursuant to section 17 of this*  
44 *act even if the survivor has waived such rights during a previous*  
45 *examination or interview.*



1       4. *Except with the consent of the survivor, the following are*  
2 *not admissible into evidence for any purpose:*

3       (a) *The waiver of a survivor pursuant to subsection 2.*

4       (b) *Any privileged communication between a survivor and a*  
5 *sexual assault victims' advocate.*

6       **Sec. 19. 1.** *If a survivor requests a consultation with a*  
7 *sexual assault victims' advocate or an attendant to provide support*  
8 *to the survivor pursuant to section 17 of this act, the medical*  
9 *provider shall summon the sexual assault victims' advocate or*  
10 *attendant before the commencement of the forensic medical*  
11 *examination.*

12       2. *If a sexual assault victims' advocate or an attendant to*  
13 *provide support to the survivor pursuant to section 17 of this act*  
14 *cannot be summoned in a timely manner, the medical provider*  
15 *shall inform the survivor of the ramifications of delaying the*  
16 *forensic medical examination.*

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

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

22       5. *Before a medical provider commences a forensic medical*  
23 *examination, the medical provider shall inform the survivor of his*  
24 *or her rights pursuant to the Sexual Assault Survivors' Bill of*  
25 *Rights and other relevant law by presenting a document developed*  
26 *by the Office of the Attorney General pursuant to section 27 of this*  
27 *act.*

28       6. *The person who presents to the survivor the document*  
29 *developed by the Office of the Attorney General pursuant to*  
30 *section 27 of this act shall sign a written acknowledgment*  
31 *indicating that the person presented the document to the survivor.*  
32 *The written acknowledgment must be retained in the case file of*  
33 *the survivor.*

34       **Sec. 20. 1.** *If a survivor exercises his or her right to consult*  
35 *with a sexual assault victims' advocate during an interview*  
36 *pursuant to section 17 of this act, the law enforcement officer,*  
37 *prosecutor or defense attorney conducting the interview, as*  
38 *applicable, shall summon the sexual assault victims' advocate*  
39 *before the commencement of the interview, unless no sexual*  
40 *assault victims' advocate can be summoned in a timely manner.*

41       2. *A survivor has the right to designate an attendant to*  
42 *provide support of his or her choosing during any interview by a*  
43 *law enforcement officer, prosecutor or defense attorney pursuant*  
44 *to section 17 of this act, unless the law enforcement official,*  
45 *prosecutor or defense attorney determines, in his or her good*



1 *faith, that the presence of the attendant would be detrimental to*  
2 *the purpose of the interview.*

3 3. *A survivor has the right to be interviewed by a law*  
4 *enforcement official of the gender of the choosing of the survivor.*  
5 *If no law enforcement official of that gender is available in a*  
6 *reasonably timely manner, the survivor may be interviewed by an*  
7 *available law enforcement official of a different gender only upon*  
8 *the consent of the survivor.*

9 4. *A law enforcement official, prosecutor or defense attorney*  
10 *shall not discourage a survivor from receiving a forensic medical*  
11 *examination.*

12 5. *Before commencing an interview with a survivor, the law*  
13 *enforcement official, prosecutor or defense attorney conducting*  
14 *the interview shall inform the survivor of his or her rights*  
15 *pursuant to the Sexual Assault Survivors' Bill of Rights and other*  
16 *relevant law.*

17 6. *Any information conveyed by the law enforcement official,*  
18 *prosecutor or defense attorney pursuant to subsection 5 must be*  
19 *conveyed to the survivor by presenting a document developed by*  
20 *the Office of the Attorney General pursuant to section 27 of this*  
21 *act.*

22 7. *The person who presents to the survivor the document*  
23 *developed by the Office of the Attorney General pursuant to*  
24 *section 27 of this act shall sign a written acknowledgment*  
25 *indicating that the person presented the document to the survivor.*  
26 *The written acknowledgment must be retained in the case file of*  
27 *the survivor.*

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

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

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

42 2. *A sexual assault forensic evidence kit must be transported*  
43 *to a forensic laboratory and analyzed pursuant to NRS 200.3786,*  
44 *unless the survivor requests, in writing at any time prior to such*



1 *analysis, for the forensic laboratory to defer analysis of the sexual*  
2 *assault forensic evidence kit.*

3 *3. Biological evidence, including, without limitation, a sexual*  
4 *assault forensic evidence kit, secured in connection with the*  
5 *investigation or prosecution of a criminal case must be preserved*  
6 *and stored in accordance with the provisions of this subsection*  
7 *and NRS 176.0912. A sexual assault forensic evidence kit that is*  
8 *in the custody of an agency of criminal justice must be retained*  
9 *for:*

10 *(a) If the sexual assault forensic evidence kit is associated with*  
11 *an uncharged or unsolved sexual assault, at least 50 years.*

12 *(b) If the sexual assault forensic evidence kit is associated with*  
13 *an unreported or anonymous sexual assault, at least 20 years.*

14 *4. If a survivor has requested to defer analysis pursuant to*  
15 *subsection 2, the survivor may request that the forensic laboratory*  
16 *analyze the sexual assault forensic evidence kit at any later date*  
17 *before the expiration of the retention period pursuant to*  
18 *subsection 3.*

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

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

24 *1. The results of the genetic marker analysis of the sexual*  
25 *assault forensic evidence kit of the survivor;*

26 *2. Whether the analysis yielded a DNA profile; and*

27 *3. Whether the analysis yielded the DNA profile of the*  
28 *defendant or person accused or convicted of a crime against the*  
29 *survivor or a person already in CODIS.*

30 **Sec. 24.** *The failure of a law enforcement agency to take*  
31 *possession of a sexual assault forensic evidence kit pursuant to the*  
32 *Sexual Assault Survivors' Bill of Rights, or the failure of the law*  
33 *enforcement agency to submit such evidence for genetic marker*  
34 *analysis within the timeline prescribed pursuant to the Bill of*  
35 *Rights, does not alter:*

36 *1. The authority of a law enforcement agency to take*  
37 *possession of that evidence or to submit that evidence to a forensic*  
38 *laboratory; and*

39 *2. The authority of the forensic laboratory to accept and*  
40 *analyze the evidence or to upload an eligible DNA profile obtained*  
41 *from such evidence to CODIS or the State DNA Database.*

42 **Sec. 25.** *1. A defendant or person accused or convicted of a*  
43 *crime against a survivor does not have standing to seek to have his*  
44 *or her conviction or sentence set aside for any failure by a medical*  
45 *provider, law enforcement agency, forensic laboratory or other*



1 *relevant entity to comply with the timing requirements of the*  
2 *Sexual Assault Survivors' Bill of Rights.*

3 2. *Failure by a medical provider, law enforcement agency,*  
4 *forensic laboratory or other relevant entity to comply with the*  
5 *requirements of the Sexual Assault Survivors' Bill of Rights does*  
6 *not constitute grounds for challenging the validity of a match or*  
7 *any information in the State DNA Database during any criminal*  
8 *or civil proceeding, and any evidence of such a match or any*  
9 *information in the State DNA Database must not be excluded by a*  
10 *court on such grounds.*

11 **Sec. 26.** *Forensic evidence from a sexual assault may not be*  
12 *used:*

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

14 (a) *Misdemeanor; or*

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

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

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

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

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

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

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

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

34 (b) *Means of contacting, by telephone or Internet, nearby*  
35 *sexual assault victims' advocates and centers for support for*  
36 *victims of sexual assault;*

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

39 (d) *Instructions for requesting the results of the genetic*  
40 *marker analysis of the sexual assault forensic evidence kit of the*  
41 *survivor;*

42 (e) *Information concerning state and federal funds for*  
43 *compensation for medical and other costs associated with the*  
44 *sexual assault; and*





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

3 **Sec. 28. 1.** *Except as otherwise provided in this subsection,*  
4 *a law enforcement agency shall, upon written request by the*  
5 *survivor, furnish within 1 month, free, complete and unaltered*  
6 *copies of all reports of the law enforcement agency concerning the*  
7 *sexual assault, regardless of whether the report has been closed by*  
8 *the law enforcement agency. A law enforcement agency may, as*  
9 *appropriate, redact personal identifying information from any*  
10 *reports provided pursuant to this subsection. As used in this*  
11 *section, "personal identifying information" has the meaning*  
12 *ascribed to it in NRS 205.4617.*

13 **2.** *A prosecutor shall, upon written request of a survivor,*  
14 *provide certain information to the survivor pursuant to*  
15 *NRS 200.3784.*

16 **3.** *Each forensic laboratory shall submit the report*  
17 *concerning the status of sexual assault forensic evidence kits*  
18 *annually pursuant to NRS 200.3786.*

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

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

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

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

27 *(d) To be heard through a victim impact statement at any*  
28 *proceeding involving any plea, sentencing, postconviction decision*  
29 *or any other proceeding where the rights of the survivor are at*  
30 *issue.*

31 **2.** *A survivor must not be required to submit to an*  
32 *examination by polygraph as a prerequisite to filing an accusatory*  
33 *pleading or participating in any part of the criminal justice system.*

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

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

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

40 **Sec. 30.** (Deleted by amendment.)

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

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



1       2. *The Advisory Committee consists of:*

2       (a) *The Attorney General;*

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

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

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

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

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

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

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

16       (4) *One member who is a representative of a forensic*  
17 *laboratory;*

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

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

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

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

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

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

41       5. *Each appointed member serves a term of 2 years. Members*  
42 *may be reappointed for additional terms of 2 years in the same*  
43 *manner as the original appointments. Any vacancy occurring in*  
44 *the membership of the Advisory Committee must be filled in the*



1 same manner as the original appointment not later than 30 days  
2 after the vacancy occurs.

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

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

9 8. A majority of the members of the Advisory Committee  
10 constitutes a quorum for the transaction of business, and a  
11 majority of those members present at any meeting is sufficient for  
12 any official action taken by the Advisory Committee.

13 9. While engaged in the business of the Advisory Committee,  
14 to the extent of legislative appropriation, each member of the  
15 Advisory Committee is entitled to receive the per diem allowance  
16 and travel expenses provided for state officers and employees  
17 generally.

18 10. The Attorney General shall provide the staff necessary to  
19 carry out the duties of the Advisory Committee.

20 **Sec. 33. 1.** The Advisory Committee shall study practices  
21 that are nationally recognized and make recommendations  
22 regarding:

23 (a) Whether a need exists for additional sexual assault victims'  
24 advocates for survivors and, if such a need exists, the Advisory  
25 Committee shall, in conjunction with centers of support for victims  
26 of sexual assault, organizations for advocates of survivors and  
27 other relevant programs or organizations, create a plan for how  
28 the State can provide additional sexual assault victims' advocates  
29 to meet such a need, and determine the cost of such a plan.

30 (b) Whether the need exists to expand the right of a survivor to  
31 a sexual assault victims' advocate beyond the forensic medical  
32 examination and with a law enforcement official interview, and if  
33 such a need exists, the Advisory Committee shall:

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

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

36 (c) Whether a need exists to provide ongoing evaluation of the  
37 implementation of the rights of survivors pursuant to the Sexual  
38 Assault Survivors' Bill of Rights and, if such a need exists, the  
39 Advisory Committee shall:

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

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

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



1 (a) Data regarding reporting of sexual assaults, arrests  
2 relating to sexual assaults, rates of prosecutions relating to sexual  
3 assaults, access to victims' services for survivors and any other  
4 relevant data necessary relating to sexual assaults for the  
5 deliberations and recommendations of the Advisory Committee  
6 and, if such data does not exist, the Advisory Committee shall  
7 encourage the creation and maintenance of such data; and

8 (b) Feedback from stakeholders, practitioners and leadership  
9 of state and local law enforcement agencies, victims' services,  
10 practitioners of forensic science and health care communities to  
11 inform the development of best practices for the future, or clinical  
12 guidelines regarding the care and treatment of survivors.

13 3. In undertaking the duties prescribed by subsection 1, the  
14 Advisory Committee may retain independent experts. Such experts  
15 may:

16 (a) Request files and records from any law enforcement  
17 official. The information obtained from such a request must be  
18 kept strictly confidential and reported only as aggregated or  
19 anonymized data.

20 (b) Conduct confidential interviews with law enforcement  
21 officials, medical providers, sexual assault victims' advocates and  
22 other such persons with direct knowledge of the response process  
23 for sexual assaults.

24 (c) Provide recommendations to the Advisory Committee.

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

27 (a) Prepare a report that includes the results of the  
28 assessments, developments and recommendations pursuant to this  
29 section.

30 (b) Submit the report prepared to paragraph (a) to the Director  
31 of the Legislative Counsel Bureau for submission to the  
32 Legislative Commission.

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

37 2. Any money received pursuant to this section must be  
38 deposited in the Special Account for the Support of the Advisory  
39 Committee, which is hereby created in the State General Fund.  
40 Interest and income earned on money in the Account must be  
41 credited to the Account. Money in the Account may only be used  
42 for the support of the Advisory Committee and its activities  
43 pursuant to sections 31 to 34, inclusive, of this act.



1       **Sec. 35.** NRS 200.3784 is hereby amended to read as follows:  
2       200.3784 1. ~~¶The~~ *Upon written request of the alleged*  
3 *victim, the* prosecuting attorney in any trial brought against a person  
4 on a charge of sexual assault shall *timely* inform the alleged victim  
5 of ~~¶the~~ :

- 6       (a) *Any pretrial disposition of the case;*
- 7       (b) *The final disposition of the case ¶; and*
- 8       (c) *Information from the record of registration pursuant to*  
9 *NRS 179D.151 regarding the defendant, if applicable.*

10       2. If the defendant is found guilty and the court issues an order  
11 or provides a condition of the sentence restricting the ability of the  
12 defendant to have contact with the victim or witnesses, the clerk of  
13 the court shall:

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

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

18       200.3786 1. *Within 72 hours after conducting a forensic*  
19 *medical examination, a medical provider shall notify the law*  
20 *enforcement agency having jurisdiction over the alleged sexual*  
21 *assault of the victim and the law enforcement agency shall take*  
22 *possession of the sexual assault forensic evidence kit.*

23       2. *If a law enforcement agency determines it does not have*  
24 *jurisdiction over an alleged sexual assault, the law enforcement*  
25 *agency shall notify the law enforcement agency having proper*  
26 *jurisdiction of such an assault within 5 days after taking*  
27 *possession of the sexual assault forensic evidence kit. After*  
28 *receiving such notice, the law enforcement agency with proper*  
29 *jurisdiction shall take possession of the sexual assault forensic*  
30 *evidence kit.*

31       3. Except as otherwise provided in this subsection, a law  
32 enforcement agency shall, not later than 30 days after receiving  
33 *notice pursuant to subsection 1 or 2 of* a sexual assault forensic  
34 evidence kit, submit the sexual assault forensic evidence kit to the  
35 applicable forensic laboratory responsible for conducting a genetic  
36 marker analysis. The provisions of this subsection do not apply to  
37 any noninvestigatory sexual assault forensic evidence kit associated  
38 with a victim who has chosen to remain anonymous.

39       ~~¶2.~~ 4. *A law enforcement agency shall, not later than 5 days*  
40 *after receiving notice of a sexual assault forensic evidence kit,*  
41 *assign a criminal complaint number to the evidence.*

42       5. *Any law enforcement agency that submits a sexual assault*  
43 *forensic evidence kit to a forensic laboratory shall, immediately*  
44 *following such a submission, notify the victim of the information*  
45 *contained in subsections 1, 2 and 3.*



1       **6.** A forensic laboratory shall, not later than 120 days after  
2 receiving a sexual assault forensic evidence kit from a law  
3 enforcement agency, test the sexual assault forensic evidence kit ~~[ ]~~,  
4 *unless the victim requests, in writing, to defer the genetic marker*  
5 *analysis of the sexual assault forensic evidence kit pursuant to*  
6 *section 22 of this act.*

7       **7.** Upon completion of a genetic marker analysis, the forensic  
8 laboratory shall include ~~[the]~~ *an eligible* DNA profile obtained from  
9 the genetic marker analysis in the State DNA Database and CODIS.

10       ~~[3.— Each forensic laboratory that receives a sexual assault~~  
11 ~~forensic evidence kit from a law enforcement agency shall, on or~~  
12 ~~before January 31 of each year, submit a report to the Director of the~~  
13 ~~Legislative Counsel Bureau for transmittal to the Legislature, if the~~  
14 ~~Legislature is in session, or to the Legislative Commission, if the~~  
15 ~~Legislature is not in session. If the Legislature is in session, the~~  
16 ~~Director shall ensure that each member of the Assembly and Senate~~  
17 ~~Standing Committees on Judiciary receives a copy of the report. The~~  
18 ~~report must contain:~~

19       ~~— (a) With regard to any sexual assault forensic evidence kit~~  
20 ~~received by the forensic laboratory before January 1, 2015:~~

21       ~~— (1) The total number of such sexual assault forensic evidence~~  
22 ~~kits tested during the immediately preceding calendar year; and~~

23       ~~— (2) The total number of such sexual assault forensic evidence~~  
24 ~~kits that have not been tested.~~

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

27       ~~— (1) The total number of such sexual assault forensic evidence~~  
28 ~~kits tested during the immediately preceding calendar year and, for~~  
29 ~~each such sexual assault forensic evidence kit, the date on which:~~

30       ~~— (I) The forensic evidence was obtained from a forensic~~  
31 ~~medical examination;~~

32       ~~— (II) The sexual assault forensic evidence kit was~~  
33 ~~submitted to the forensic laboratory; and~~

34       ~~— (III) The DNA profile obtained from the genetic marker~~  
35 ~~analysis was included in the State DNA Database and CODIS.~~

36       ~~— (2) The total number of such sexual assault forensic evidence~~  
37 ~~kits that have not been tested and, for each such sexual assault~~  
38 ~~forensic evidence kit, the date on which:~~

39       ~~— (I) The forensic evidence was obtained from a forensic~~  
40 ~~medical examination; and~~

41       ~~— (II) The sexual assault forensic evidence kit was~~  
42 ~~submitted to the forensic laboratory.~~

43       ~~4.]~~ **8.** As used in this section:

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



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

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

4 200.3788 1. A statewide program to track sexual assault  
5 forensic evidence kits must be established in this State. The  
6 Attorney General shall, pursuant to the recommendation of the  
7 Sexual Assault Kit Working Group, designate a department or  
8 division of the Executive Department of State Government to  
9 establish the program. The designated department or division may  
10 contract with any appropriate public or private agency, organization  
11 or institution to carry out the provisions of this section.

12 2. The program to track sexual assault forensic evidence kits  
13 must:

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

18 (b) Allow providers of health care who perform forensic medical  
19 examinations, law enforcement agencies, prosecutors, forensic  
20 laboratories and any other entities having sexual assault forensic  
21 evidence kits in their custody to track the status and location of  
22 sexual assault forensic evidence kits.

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

27 3. The department or division designated pursuant to  
28 subsection 1 shall, on or before January 1 and July 1 of each year,  
29 submit to the Governor and the Director of the Legislative Counsel  
30 Bureau for transmittal to the Subcommittee to Review DNA of the  
31 Advisory Commission on the Administration of Justice and post on  
32 the Internet website maintained by the department or division a  
33 report concerning the statewide program to track sexual assault  
34 forensic evidence kits. The report must include:

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

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

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

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



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

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

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

12 4. Each law enforcement agency, prosecutor, forensic  
13 laboratory and provider of health care who performs forensic  
14 medical examinations in this State shall participate in the statewide  
15 program to track sexual assault forensic evidence kits for the  
16 purpose of tracking the status of any sexual assault forensic  
17 evidence kits in the custody of the agency, prosecutor, laboratory or  
18 provider, or a third party under contract with such agency,  
19 prosecutor, laboratory or provider.

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

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

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

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

34 Sec. 28. 1. Except as otherwise provided in this  
35 subsection, a law enforcement agency shall, upon written  
36 request by the survivor, furnish within 1 month, free,  
37 complete and unaltered copies of all reports of the law  
38 enforcement agency concerning the sexual assault, regardless  
39 of whether the report has been closed by the law enforcement  
40 agency. A law enforcement agency may, as appropriate,  
41 redact personal identifying information from any reports  
42 provided pursuant to this subsection. As used in this section,  
43 "personal identifying information" has the meaning ascribed  
44 to it in NRS 205.4617.





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

4           3. Each forensic laboratory shall submit the report  
5 concerning the status of sexual assault forensic evidence kits  
6 annually pursuant to NRS 200.3786.

7           ***4. The State shall establish a statewide program to***  
8 ***track sexual assault forensic evidence kits pursuant to***  
9 ***NRS 200.3788.***

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

12           Sec. 33. 1. The Advisory Committee shall study  
13 practices that are nationally recognized and make  
14 recommendations regarding:

15           (a) Whether a need exists for additional sexual assault  
16 victims' advocates for survivors and, if such a need exists, the  
17 Advisory Committee shall, in conjunction with centers of  
18 support for victims of sexual assault, organizations for  
19 advocates of survivors and other relevant programs or  
20 organizations, create a plan for how the State can provide  
21 additional sexual assault victims' advocates to meet such a  
22 need, and determine the cost of such a plan.

23           (b) Whether the need exists to expand the right of a  
24 survivor to a sexual assault victims' advocate beyond the  
25 forensic medical examination and with a law enforcement  
26 official interview, and if such a need exists, the Advisory  
27 Committee shall:

- 28                   (1) Identify the scope and nature of the need; and  
29                   (2) Make recommendations on how to best fill such a  
30 need.

31           (c) Whether a need exists to provide ongoing evaluation  
32 of the implementation of the rights of survivors pursuant to  
33 the Sexual Assault Survivors' Bill of Rights and, if such a  
34 need exists, the Advisory Committee shall:

- 35                   (1) Identify the scope and nature of the need; and  
36                   (2) Make recommendations on how to best fill such a  
37 need, legislatively or otherwise.

38           ***(d) The effectiveness of the statewide program to track***  
39 ***sexual assault forensic evidence kits pursuant to***  
40 ***NRS 200.3788.***

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

43           (a) Data regarding reporting of sexual assaults, arrests  
44 relating to sexual assaults, rates of prosecutions relating to  
45 sexual assaults, access to victims' services for survivors and



any other relevant data necessary relating to sexual assaults for the deliberations and recommendations of the Advisory Committee and, if such data does not exist, the Advisory Committee shall encourage the creation and maintenance of such data; and

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

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

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

(b) Conduct confidential interviews with law enforcement officials, medical providers, sexual assault victims' advocates and other such persons with direct knowledge of the response process for sexual assaults.

(c) Provide recommendations to the Advisory Committee.

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

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

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

**Sec. 40.** There is hereby appropriated from the State General Fund to the Office of the Attorney General the sum of \$250,000 for the purposes of implementing the Sexual Assault Survivors' Bill of Rights pursuant to sections 2 to 29, inclusive, of this act and creating the Advisory Committee on Rights of Survivors of Sexual Assault pursuant to sections 31 to 34, inclusive, of this act.

**Sec. 40.5.** 1. There is hereby appropriated from the State General Fund to the Office of the Attorney General for the purpose of awarding grants of money to organizations that will use the grants to recruit and train persons to serve as sexual assault victims' advocates the following sums:

For the Fiscal Year 2019-2020 ..... \$750,000  
For the Fiscal Year 2020-2021 ..... \$750,000



1 2. The Office of the Attorney General may not use more than  
2 10 percent of the money appropriated by subsection 1 to administer  
3 the grant program established by this section.

4 **Sec. 41.** Any remaining balance of the appropriation made by  
5 section 40 of this act must not be committed for expenditure after  
6 June 30, 2021, by the entity to which the appropriation is made or  
7 any entity to which money from the appropriation is granted or  
8 otherwise transferred in any manner, and any portion of the  
9 appropriated money remaining must not be spent for any purpose  
10 after September 17, 2021, by either the entity to which the money  
11 was appropriated or the entity to which the money was subsequently  
12 granted or transferred, and must be reverted to the State General  
13 Fund on or before September 17, 2021.

14 **Sec. 41.5.** Any balance of the sums appropriated by section  
15 40.5 of this act remaining at the end of the respective fiscal years  
16 must not be committed for expenditure after June 30 of the  
17 respective fiscal years by the entity to which the appropriations are  
18 made or any entity to which money from the appropriations is  
19 granted or otherwise transferred in any manner, and any portion of  
20 the appropriated money remaining must not be spent for any  
21 purpose after September 18, 2020, and September 17, 2021,  
22 respectively, by either the entity to which the money was  
23 appropriated or the entity to which the money was subsequently  
24 granted or transferred, and must be reverted to the State General  
25 Fund on or before September 18, 2020, and September 17, 2021,  
26 respectively.

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

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

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

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

36 (b) On January 1, 2020, for all other purposes.

37 3. Sections 37, 38 and 39 of this act become effective on  
38 January 1, 2021.



