

ASSEMBLY BILL NO. 48—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED NOVEMBER 16, 2022

Referred to Committee on Judiciary

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

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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

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

Legislative Counsel’s Digest:

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

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

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

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



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

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

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

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

4 *1. Ethics;*

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

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

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

11 *5. Trauma-informed care; and*

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

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

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

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

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

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

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

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

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

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



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

- 3 (a) A person who is present to further the interest of the victim;
- 4 (b) A person reasonably necessary for the transmission of the
5 communication; or
- 6 (c) A person who is participating in the advice, counseling or
7 assistance of the victim, including, without limitation, a member of
8 the victim's family.

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

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

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



