

DISCLAIMER

Electronic versions of the exhibits in these minutes may not be complete.

This information is supplied as an informational service only and should not be relied upon as an official record.

Original exhibits are on file at the Legislative Counsel Bureau Research Library in Carson City.

Contact the Library at (775) 684-6827 or library@lcb.state.nv.us.

Nevada Victims' Bill of Rights

The 1983 Nevada Legislature mandated certain rights and guarantees to crime victims and witnesses. Accordingly, Chapter 178 of the Nevada Revised Statutes recognizes the following needs and rights of crime victims.

- You have the right to know the status of the case in which you are involved.
- You have the right to be free from intimidation or dissuasion.
- You have the right to know when your impounded property can be released.
- You have the right to receive a witness fee for lawful obedience to a subpoena.
- You have the right to understand the existing victim compensation laws and receive compensation if applicable.
- You have the right to a secure waiting area, which is not available to the defendant or his/her family, when you are at court.
- You have the right to know when the defendant is released from custody before or during trial (upon written request).
- You have the right to know when the offender is released from prison (upon written request).

Restitution

The court can order restitution against a defendant who is found guilty. Acceptable restitution includes direct costs to pay for medical bills, property damage and un-recovered stolen property.

In order for the court to order the defendant to make restitution, you must provide your prosecutor with copies of your bills and/or estimates for replacement or repair.

If the crime is a gross misdemeanor or felony, you should also provide those documents to the parole and probation officer who is doing the pre-sentence report.

Compensation

The State of Nevada has a program to compensate victims of violent crime. The compensation may be awarded for medical bills, psychological counseling, lost wages, funeral and burial expenses. You cannot be compensated for property loss, legal fees, phone bills, living expenses or pain and suffering. For more information or to receive an application for eligibility please contact:

State of Nevada
Victims of Crime Program
4600 Kietzke Lane, Bldg I-205
Reno, NV 89502
Phone: (775) 688-2900
Fax: (775) 688-2912
<http://www.voc.nv.gov>

For a victim of a sexual offense, there are additional assistance programs. Counties are responsible for payment of sexual offense examinations and medical care for any physical injuries resulting from the offense within 72 hours after the victim arrives for treatment.

Additionally, the county can pay up to \$1,000 for counseling costs. Contact your prosecutor if you have any questions regarding this provision (NRS 449.244; 217.290; 217.480)

Your Right to Be Heard at Sentencing

As described in Article 1, section 8 of the Nevada Constitution, the Legislature is charged with making laws providing that the victim of a crime, personally or through a representative, shall be:

- Informed, upon written request, of the status or disposition of a criminal proceeding at any stage of the proceeding.
- Allowed to be present at all public hearings involving the critical stages of a criminal proceeding. However, if the victim is expected to be called as a witness at the hearing and/or has been subpoenaed, he/she may not be permitted to be present during the testimony of other witnesses.
- Allowed to be heard at all proceedings for the sentencing or release of a convicted person after trial.

(NRS 176.015 (4)) The prosecutor must give reasonable notice of the sentencing hearing to the person against whom the crime was committed; a person who was injured as a direct result of the crime; the surviving spouse, parents or children of a person who was killed as a direct result of the crime; and any other relative or victim who requests in writing to be notified of the hearing.

(NRS 176.015 (3)) Before imposing sentence, the court shall afford the victim an opportunity to appear personally, by counsel or by a personal representative and reasonably express any views concerning the crime, the person responsible, and the impact of the crime on the victim and the need for restitution.

Notification of Offender's Status

NRS 176A.630 provides for a hearing to revoke probation and modify a defendant's sentence, and that the Division of Parole and Probation must notify the victim of the proposed changes and the victim has the right to be heard at the hearing. *The victim must request such notification, in writing to the Department of Parole and Probation.* For more information about victims' rights with an incarcerated offender, or to obtain a notification request, please contact:

Nevada Division of Parole and Probation
Central Administrative Offices
1445 Old Hot Springs Road, 104 West
Carson City, NV 89706
<http://www.dps.nv.gov>

NRS 178.5698 provides that, upon written request of the victim, the prosecutor, sheriff or chief of police shall inform the victim of:

- When the defendant is released from custody at any time before or during trial.
- The amount of bail for release of the defendant.
- The final disposition of the case in which he/she was directly involved.

NRS 178.5698 also provides that, if the defendant has been convicted of a sexual offense or a crime of threatened or actual use of violence against the victim, the court shall provide to each victim or witness certain forms and documentation outlining rights (contact your prosecutor for

specifics regarding this section). If you have questions regarding the status of prosecution, please contact:

Washoe County District Attorney's Office
Victim Witness Assistance Center (VWAC)
Mills B. Lane Justice Center
1 South Sierra Street
Reno, NV
(775) 328-3210

NRS 62D.440 provides in a case where the defendant is a juvenile, that the prosecutor if so requested, must disclose to the victim or a parent or guardian of a victim, the disposition (sentence) of the case.

NRS 209.392 (2) and 209.521 provides that, *upon written request of the victim*, the Department of Corrections shall notify the victim if the defendant becomes eligible for residential confinement, or if the defendant is released from custody or escapes.

Does a victim need to send letter to all 4 boards for notification or just one?

Nevada Department of Corrections
Victim Services Unit
P.O. Box 7011
Carson City, NV 89702
Phone: (775) 887-3393
Toll Free (888) 333-6076
Fax: (775) 887-3253
tdory@doc.nv.gov

You can log on to the Department of Corrections and access the applicable applications for notification at: www.doc.nv.gov

NRS 213.010, 213.040, 213.095 provide that, *upon written request of the victim*, the State Board of Pardons Commissioners must notify a victim when a prisoner has applied for clemency, allows the victim to submit written statements or to be heard, and notify the victim of the disposition of the hearing.

Nevada Board of Pardons Commissioners
1677 Old Hot Springs Road, Suite A
Carson City, Nevada 89711

NRS 213.130 provides that, upon written request of a victim, the State Board of Parole Commissioners must notify a victim that a prisoner is being considered for parole, and the victim must be notified of the date of the hearing and given the opportunity to testify and submit documents. Additionally, the State Board of Parole Commissioners must notify the victim of its decision on whether to grant parole.

Nevada Board of Parole Commissioners
1677 Old Hot Springs Road, Suite A
Carson City, Nevada 89711
<http://www.parole.nv.gov>

Protection from Intimidation and Harassment

NRS 200.591 provides that a court may issue a temporary or extended order for protection to a person who reasonably believes that the crime of stalking, aggravated stalking or harassment is being committed.

To obtain a Temporary Protection Order in Reno contact the TPO Office at:

Washoe County Courthouse (Mills Lane Justice Center)
One South Sierra Street
Room 308, Third Floor
Reno, NV 89501
(775) 328-3468

NRS 178.5696 provides that during a criminal case, the court must provide a secure waiting area for victims and witnesses.

OTHER RIGHTS

NRS 178.5696 provides that a court or law enforcement agency which has custody of stolen or other personal property belonging to a victim or witness shall, upon written request, make available a list of the property being held in custody unless disclosure or identity of the evidence would seriously hamper the investigation. Additionally, the property must be returned when it is no longer needed for evidence.

IMPORTANT NOTE: As a victim, you are entitled to certain notification if you have requested, in writing, to be notified. As part of that written request, you must provide an address where you can be contacted. If you move, you must provide notification of the new address. Your address must be kept confidential by the agency that receives your written request. If the offender is incarcerated in a prison in the state of Nevada, it is strongly recommended that you register with the above listed programs.

Information for the document was compiled from information provided by: Nevada Advisory Council for Prosecuting Attorneys, the Nevada District Attorney's Association, Washoe County District Attorney's Office and the Carson City District Attorney's Office.