
Assembly Committee on Judiciary

This measure may be considered for action during today's work session.

April 11, 2013

ASSEMBLY BILL 307

Revises provisions governing victims of crime. (BDR 16-743)

Sponsored by: Assembly Members Horne, Sprinkle, Healey, Pierce, and
Senator Segerblom, et al.

Date Heard: April 10, 2013

Fiscal Impact: Effect on Local Government: May Have Fiscal Impact
Effect on the State: Yes.

Assembly Bill 307 relates to assistance for victims of sexual assault. Among other provisions, the bill:

- Makes various changes to the existing program that provides assistance to victims of violent crimes and their defendants, in which eligible persons may apply to the Board of Examiners for compensation;
- Requires a board of county commissioners to provide by ordinance for the counseling of victims of sexual assault and members of a victim's immediate family;
- Requires a county to pay any costs incurred by a hospital or health care provider for a forensic medical examination of a victim, and provides that filing a police report is not a prerequisite to qualifying for a forensic medical examination;
- Creates an exception to the requirement that the filing of a police report is a prerequisite to qualifying for treatment at county expense for physical injuries or emotional trauma, if the victim has submitted to a forensic medical examination; and
- Limits the county's costs for such treatment to \$1,000 per person.

Amendments: On April 10, 2013, Deputy Attorney General Heather Proctor submitted an amendment (copy attached), which was approved by the sponsor.

AB307 – Proposed Amendment

Remove Sections 1-8, and 11-13.

Section 9 will become the new Section 1. Section 1 would read as follows:

Section 1. NRS 217.300 is hereby amended to read as follows:

217.300 **1.** The county in whose jurisdiction a sexual assault is committed shall

[pay]:

(a) Pay any costs incurred for medical care for any physical injuries resulting from the **sexual** assault which is provided to the victim not later than 72 hours after the victim first arrives for treatment.

(b) Pay any costs incurred by a hospital for the forensic medical examination of the victim.

2. Any costs incurred pursuant to subsection 1:

(a) Must not be charged in any way to the victim of sexual assault.

(b) Must be charged to the county in whose jurisdiction the offense was committed.

3. The filing of a report with the appropriate law enforcement agency must not be a prerequisite to qualify for a forensic medical examination pursuant to this section.

4. The costs associated with a forensic medical examination must not be included in the costs for medical treatment pursuant to NRS 217.310.

5. As used in this section, “forensic medical examination” means an examination by a health care provider to obtain evidence from a victim of sexual assault.

Purpose of amendment: The amendment incorporates sections of the repealed NRS 449.244 into Chapter 217, and further brings the state statutes into compliance with the Violence Against Women Act.

Section 10 will become the new Section 2. Section 2 would read as follows:

Sec. 2. NRS 217.310 is hereby amended to read as follows:

217.310 1. If any victim of sexual assault requires medical treatment for physical injuries as a result of the sexual assault, in addition to any initial emergency medical care provided, or if any victim or spouse of such a victim suffers emotional trauma as a result of the sexual assault, the victim or spouse may, upon submitting an affidavit as required by subsection 2, apply to the board of county commissioners in the county where the sexual assault occurred for treatment at county expense.

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

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

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

4. The *victim must file [filing-of]* a report with the appropriate law enforcement agency, *or submit to a forensic medical examination pursuant to NRS 200.300, as [is]* a prerequisite *for the victim or any other person referenced in Sections 1, 2 or 3 above* to qualify for treatment under the provisions of this section.

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

Purpose of amendment: The amendment incorporates sections of the repealed NRS 449.244 into Chapter 217, and reflects the changes raised in Section 1.

Section 14 will become the new Section 3. There would be no changes to this section. Section 3 would therefore read:

Sec. 3. NRS 449.244 is hereby repealed.

TEXT OF REPEALED SECTION

449.244 Certain costs for examination or treatment of victims of sexual offenses to be charged to county.

1. Any costs incurred by a hospital for:
 - (a) The examination of the victim of a sexual offense, when the examination is performed for the purposes of gathering evidence for possible prosecution of the person who committed the offense; or
 - (b) Initial emergency medical care for the victim,
~ must not be charged directly to the victim. The costs must be charged to the county in whose jurisdiction the offense was committed.
2. Whenever costs are incurred by a hospital for treatment which has been approved by the board of county commissioners pursuant to NRS 217.310 for the victim of a sexual assault and any other person eligible for treatment, the costs of the treatment, not to exceed \$1,000, must be charged to the county which authorized the treatment. Any remainder must be handled the same as other hospital costs.

Submitted by:

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