

ASSEMBLY BILL NO. 122—ASSEMBLYWOMAN BENITEZ-THOMPSON

PREFILED FEBRUARY 9, 2017

Referred to Committee on Judiciary

SUMMARY—Revises provisions related to the State Board of Examiners awarding compensation to victims of crime. (BDR 16-305)

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 victims of crime; removing the prohibition on awarding compensation to certain victims of crime who do not meet certain citizenship or residency requirements; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law authorizes the State Board of Examiners to award compensation to  
2 certain victims of crime. (NRS 217.160, 217.180) Existing law prohibits  
3 compensation from being awarded to a victim who was not a citizen or lawful  
4 resident of the United States at the time of the crime or who is unable to provide  
5 proof of such citizenship or lawful residency. (NRS 217.220)  
6 **Section 2** of this bill removes that prohibition. **Section 1** of this bill revises the  
7 definition of “resident” for the purposes of provisions relating to the compensation  
8 of victims of crime to remove the requirement that a person must be a citizen or  
9 lawful resident of the United States in order to be a resident.

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

1 **Section 1.** NRS 217.065 is hereby amended to read as follows:  
2 217.065 “Resident” means a person who ~~†~~  
3 ~~1. Is a citizen of the United States or who is lawfully entitled to~~  
4 ~~reside in the United States; and~~  
5 ~~2. During†, during~~ the 6 weeks preceding the date of the crime  
6 , was ~~†~~  
7 ~~(a) Domiciled† domiciled~~ in this state ~~†~~ and



1 ~~[(b) Physically]~~ *physically* present in this state, except for any  
2 temporary absence.

3 **Sec. 2.** NRS 217.220 is hereby amended to read as follows:

4 217.220 1. Except as otherwise provided in subsections 2 and  
5 3, compensation must not be awarded if the victim:

6 (a) Was injured or killed as a result of the operation of a motor  
7 vehicle, boat or airplane unless the vehicle, boat or airplane was  
8 used as a weapon in a deliberate attempt to harm the victim or  
9 unless the driver of the vehicle injured a pedestrian, violated any of  
10 the provisions of NRS 484C.110 or the use of the vehicle was  
11 punishable pursuant to NRS 484C.430 or 484C.440;

12 ~~[(b) Was not a citizen of the United States or was not lawfully  
13 entitled to reside in the United States at the time the incident upon  
14 which the claim is based occurred or the victim is unable to provide  
15 proof that the victim was a citizen of the United States or was  
16 lawfully entitled to reside in the United States at that time;~~

17 ~~—(e)~~ Was a conspirator, codefendant, accomplice or adult  
18 passenger of the offender whose crime caused the victim's injuries;

19 ~~[(d)]~~ (c) Was injured or killed while serving a sentence of  
20 imprisonment in a prison or jail;

21 ~~[(e)]~~ (d) Was injured or killed while living in a facility for the  
22 commitment or detention of children who are adjudicated delinquent  
23 pursuant to title 5 of NRS; or

24 ~~[(f)]~~ (e) Fails to cooperate with law enforcement agencies. Such  
25 cooperation does not require prosecution of the offender.

26 2. Paragraph (a) of subsection 1 does not apply to a minor who  
27 was physically injured or killed while being a passenger in the  
28 vehicle of an offender who violated NRS 484C.110 or is punishable  
29 pursuant to NRS 484C.430 or 484C.440.

30 3. A victim who is a relative of the offender or who, at the time  
31 of the personal injury or death of the victim, was living with the  
32 offender in a continuing relationship may be awarded compensation  
33 if the offender would not profit by the compensation of the victim.

34 4. The compensation officer may deny an award if the  
35 compensation officer determines that the applicant will not suffer  
36 serious financial hardship. In determining whether an applicant will  
37 suffer serious financial hardship, the compensation officer shall not  
38 consider:

39 (a) The value of the victim's dwelling;

40 (b) The value of one motor vehicle owned by the victim; or

41 (c) The savings and investments of the victim up to an amount  
42 equal to the victim's annual salary.

43 **Sec. 3.** This act becomes effective on July 1, 2017.

