

ASSEMBLY BILL NO. 122—ASSEMBLYWOMAN BENITEZ-THOMPSON

PREFILED FEBRUARY 9, 2017

Referred to Committee on Judiciary

SUMMARY—Revises provisions related to the manner in which the State Board of Examiners awards compensation to certain 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 1.3** of this bill revises
7 the definition of “resident” for the purposes of provisions relating to the
8 compensation of victims of crime to remove the requirement that a person must be
9 a citizen or lawful resident of the United States in order to be a resident.
10 Under existing law, a victim of a crime who is a resident of this State is eligible
11 for compensation in certain circumstances when the crime occurs outside this State,
12 including when it is an act of international terrorism which occurred outside the
13 United States. (18 U.S.C. § 2331; NRS 217.035, 217.070, 217.102) **Sections 1, 1.5**
14 **and 1.7** of this bill authorize compensation to be paid to a victim of a crime
15 committed in this State even if the victim was not a resident of this State.



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

1 **Section 1.** NRS 217.035 is hereby amended to read as follows:
2 217.035 “Crime” means:

3 1. An act or omission committed within this state which, if
4 committed by an adult, is forbidden by law and punishable upon
5 conviction by death, imprisonment, fine or other penal discipline; or

6 2. An act of international terrorism as defined in 18 U.S.C. §
7 2331(1) against a ~~resident~~ **person**.

8 **Sec. 1.3.** NRS 217.065 is hereby amended to read as follows:

9 217.065 “Resident” means a person who ~~is~~

10 ~~—1.— Is a citizen of the United States or who is lawfully entitled to~~
11 ~~reside in the United States; and~~

12 ~~—2.— During~~ , **during** the 6 weeks preceding the date of the
13 crime , was ~~is~~

14 ~~—(a) Domiciled~~ **domiciled** in this state ~~is~~ and

15 ~~(b) Physically~~ **physically** present in this state, except for any
16 temporary absence.

17 **Sec. 1.5.** NRS 217.070 is hereby amended to read as follows:

18 217.070 1. “Victim” means:

19 ~~1-1~~ **(a)** A person who is physically injured or killed as the
20 direct result of a criminal act;

21 ~~1-2~~ **(b)** A minor who was involved in the production of
22 pornography in violation of NRS 200.710, 200.720, 200.725 or
23 200.730;

24 ~~1-3~~ **(c)** A minor who was sexually abused, as “sexual abuse” is
25 defined in NRS 432B.100;

26 ~~1-4~~ **(d)** A person who is physically injured or killed as the
27 direct result of a violation of NRS 484C.110 or any act or neglect of
28 duty punishable pursuant to NRS 484C.430 or 484C.440;

29 ~~1-5~~ **(e)** A pedestrian who is physically injured or killed as the
30 direct result of a driver of a motor vehicle who failed to stop at the
31 scene of a crash involving the driver and the pedestrian in violation
32 of NRS 484E.010;

33 ~~1-6~~ **(f)** An older person who is abused, neglected, exploited,
34 isolated or abandoned in violation of NRS 200.5099 or 200.50995;

35 ~~1-7~~ **(g)** A ~~resident~~ **person** who is physically injured or killed
36 as the direct result of an act of international terrorism as defined in
37 18 U.S.C. § 2331(1); or

38 ~~1-8~~ **(h)** A person who is trafficked in violation of subsection 2
39 of NRS 201.300.

40 ~~1-9~~



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1 2. The term includes ~~the~~ any person who was harmed by ~~any~~
2 ~~of these acts whether the act was committed by an adult or a minor.~~
3 *an act listed in subsection 1, regardless of whether:*

4 *(a) The person is a resident of this State, a citizen of the United*
5 *States or is lawfully entitled to reside in the United States; or*

6 *(b) The act was committed by an adult or a minor.*

7 **Sec. 1.7.** NRS 217.102 is hereby amended to read as follows:

8 217.102 1. A resident who is a victim of a crime that
9 occurred in a state other than the State of Nevada may apply to the
10 Board for compensation if:

11 ~~(a)~~ (a) The state in which the crime occurred does not have a
12 program for compensating victims of crime for their injuries; or

13 ~~(b)~~ (b) The resident is ineligible to receive compensation under
14 the program of the other state.

15 2. *A victim of a crime that occurred in this State who is not a*
16 *resident of this State may apply to the Board for compensation in*
17 *the same manner as a resident of this State.*

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

19 217.220 1. Except as otherwise provided in subsections 2 and
20 3, compensation must not be awarded if the victim:

21 (a) Was injured or killed as a result of the operation of a motor
22 vehicle, boat or airplane unless the vehicle, boat or airplane was
23 used as a weapon in a deliberate attempt to harm the victim or
24 unless the driver of the vehicle injured a pedestrian, violated any of
25 the provisions of NRS 484C.110 or the use of the vehicle was
26 punishable pursuant to NRS 484C.430 or 484C.440;

27 ~~(b) Was not a citizen of the United States or was not lawfully~~
28 ~~entitled to reside in the United States at the time the incident upon~~
29 ~~which the claim is based occurred or the victim is unable to provide~~
30 ~~proof that the victim was a citizen of the United States or was~~
31 ~~lawfully entitled to reside in the United States at that time;~~

32 ~~(c)~~ (c) Was a coconspirator, codefendant, accomplice or adult
33 passenger of the offender whose crime caused the victim's injuries;

34 ~~(d)~~ (d) Was injured or killed while serving a sentence of
35 imprisonment in a prison or jail;

36 ~~(e)~~ (e) Was injured or killed while living in a facility for the
37 commitment or detention of children who are adjudicated delinquent
38 pursuant to title 5 of NRS; or

39 ~~(f)~~ (f) Fails to cooperate with law enforcement agencies. Such
40 cooperation does not require prosecution of the offender.

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



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

5 4. The compensation officer may deny an award if the
6 compensation officer determines that the applicant will not suffer
7 serious financial hardship. In determining whether an applicant will
8 suffer serious financial hardship, the compensation officer shall not
9 consider:

- 10 (a) The value of the victim's dwelling;
11 (b) The value of one motor vehicle owned by the victim; or
12 (c) The savings and investments of the victim up to an amount
13 equal to the victim's annual salary.

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

