

SENATE BILL NO. 278—SENATOR HARRIS

MARCH 16, 2017

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to certain crimes committed against an older person or a vulnerable person. (BDR 15-501)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes.

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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 crimes; creating the Account for Restitution to Certain Older Victims of Crime; revising provisions relating to certain crimes committed against an older person or a vulnerable person; increasing the penalty for certain crimes against an older or vulnerable person; authorizing coroners and their deputies to access criminal history records; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law makes it a crime to abuse, neglect, exploit, isolate or abandon an
2 older person and to commit certain other related crimes, and requires, among other
3 penalties, the convicted person to pay restitution to the victim. (NRS 200.5093,
4 200.50935, 200.5095, 200.5099, 200.50995) **Section 2** of this bill creates the
5 Account for Restitution to Certain Older Victims of Crime in the State General
6 Fund. **Section 16** of this bill makes an appropriation of \$250,000 to the Account.
7 **Section 3** of this bill requires the Court Administrator to make an advance payment
8 equal to one-third of the required restitution or \$2,500, whichever is less, from the
9 Account to an older person who is a victim of abuse, neglect, exploitation,
10 isolation, abandonment or certain other related crimes. **Section 3** also requires the
11 Court Administrator to require the older person to pay the advance payment back
12 into the Account if restitution is paid in full. If any restitution remains unpaid after
13 1 year, **section 3** requires: (1) the Court Administrator to notify the Department of
14 Corrections, if the convicted person is in the custody of the Department, or the
15 Division of Parole and Probation of the Department of Public Safety, as applicable,
16 of the amount of restitution that remains unpaid; (2) the Department or Division, as
17 applicable, to deduct the amount of restitution that remains unpaid from any
18 account or assets maintained by the Department or Division on behalf of the
19 convicted person; (3) that any money collected by the Department or Division from



20 the account or assets of the convicted person be deposited into the Account to cover
21 the amount of the advance payment; and (4) that if any money remains, the Court
22 Administrator pay such remaining money to the older person. **Section 3** further
23 requires a court to order the victim and the convicted person to participate in a
24 program of mediation related to restitution, at no cost to the victim, if sufficient
25 money is not available in the Account to make an advance payment of restitution.
26 Finally, the provisions of **section 3** apply to abuse, neglect, exploitation, isolation
27 or abandonment of an older person and certain other related crimes which are
28 committed by a juvenile or adult.

29 Existing law requires an affidavit and written undertaking to be provided by a
30 person who files a petition for a writ of attachment with a court to enforce a prior
31 monetary judgment. (NRS 4.060, 19.0302, 31.020, 31.030) **Sections 8-10 and 13**
32 of this bill limit the court fees that an older person who is a victim of abuse,
33 neglect, exploitation, isolation, abandonment or certain other related crimes, or the
34 estate of such a person, may be required to pay to file a petition for a writ of
35 attachment for the payment of restitution to an amount not to exceed \$1 and allows
36 such a person to file such a petition without providing the affidavit or written
37 undertaking.

38 **Sections 7 and 12** of this bill require a court, including a juvenile court, to
39 require a convicted person, or a child or the parent or guardian of a child in certain
40 juvenile matters, to provide to the court information relating to the assets of the
41 convicted person or the child or the parent or guardian of the child for the purposes
42 of enforcing the payment of restitution relating to the abuse, neglect, exploitation,
43 isolation, abandonment of an older person or certain other related crimes.

44 Existing law requires a judgment of conviction to include the amount of
45 restitution, if any, ordered by a court to be paid to the victim by a convicted person.
46 (NRS 176.105) Existing law also provides that such a judgment of conviction
47 constitutes a lien upon the property of the convicted person. (NRS 176.275)
48 Additionally, existing law authorizes a juvenile court to enter a civil judgment for
49 any amount of unpaid restitution which was ordered by the court and that a person
50 may bring an independent action to enforce such a civil judgment. (NRS 62B.420)
51 The term "independent action" includes, without limitation, a writ of attachment.
52 (NRS 31.010) **Section 14** of this bill allows an older person who is the victim of
53 abuse, neglect, exploitation, isolation, abandonment or certain other related crimes,
54 or the estate of such a person, to record or docket a judgment of conviction or a
55 civil judgment which orders restitution to be paid to the older person without
56 paying a fee.

57 Existing law prescribes the amount of interest to be paid on an award of money
58 in a civil judgment and, unless otherwise provided by law, such interest accrues at
59 the prime rate fixed by the largest bank in this State plus 2 percent. (NRS 17.130)
60 **Sections 7 and 13** of this bill require that any interest which accrues on unpaid
61 restitution for the abuse, neglect, exploitation, isolation, abandonment of an older
62 person and certain other crimes must be paid into the Account created by **section 2**.

63 Existing law provides immunity from criminal and civil liability to certain
64 persons who participate in reporting or investigating the alleged abuse, neglect,
65 exploitation, isolation or abandonment of an older person or a vulnerable person.
66 (NRS 200.5096) **Section 6** of this bill clarifies that this criminal and civil immunity
67 does not extend to a person who commits, conspires to commit, aids or abets or is
68 an accessory to such crimes.

69 Existing law makes certain crimes relating to the abuse, neglect, exploitation,
70 isolation or abandonment of an older person or a vulnerable person which causes
71 substantial bodily or mental harm or death a category B felony punishable by
72 imprisonment for a minimum term of not less than 2 years and a maximum term of
73 not more than 6 years. (NRS 200.5099) **Section 7** increases the maximum term of
74 imprisonment for these crimes to 20 years.



75 Existing law authorizes the release of records of criminal history to certain
76 persons and governmental entities. (NRS 179A.100) **Section 15** of this bill adds
77 coroners and their deputies to the list of persons authorized to receive such
78 information.

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

1 **Section 1.** Chapter 200 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 and 3 of this act.

3 **Sec. 2. 1.** *There is hereby created the Account for*
4 *Restitution to Certain Older Victims of Crime in the State General*
5 *Fund. The Account must be administered by the Court*
6 *Administrator.*

7 *2. The money in the Account must only be used to pay*
8 *restitution to an older person who is the victim of a crime set forth*
9 *in NRS 200.5091 to 200.50995, inclusive, and sections 2 and 3 of*
10 *this act.*

11 *3. The interest and income earned on the money in the*
12 *Account, after deducting any applicable charges, must be credited*
13 *to the Account.*

14 *4. Any money remaining in the Account at the end of a fiscal*
15 *year does not revert to the State General Fund, and the balance in*
16 *the Account must be carried forward to the next fiscal year.*

17 *5. As used in this section, "restitution" means the total*
18 *amount of money owed to a victim of a crime to compensate the*
19 *victim for all losses suffered as a result of the crime and any costs*
20 *associated with the collection of that amount of money.*

21 **Sec. 3. 1.** *A court shall notify the Court Administrator if:*

22 *(a) A judgment of conviction for a crime set forth in NRS*
23 *200.5091 to 200.50995, inclusive, and sections 2 and 3 of this act*
24 *includes an order for the payment of restitution to an older*
25 *person; or*

26 *(b) Restitution is ordered by a juvenile court to be paid by a*
27 *child or the parent or guardian of a child pursuant to NRS*
28 *62E.550 to 62E.610, inclusive, relating to the abuse, neglect,*
29 *exploitation, isolation or abandonment of an older person in*
30 *violation of the provisions of NRS 200.5091 to 200.50995,*
31 *inclusive, and sections 2 and 3 of this act.*

32 *2. Upon receipt of a notice pursuant to subsection 1, and if*
33 *sufficient money is available in the Account for Restitution to*
34 *Certain Older Victims of Crime created by section 2 of this act, the*
35 *Court Administrator shall make an advance payment to the older*
36 *person in an amount equal to one-third of the amount of the*
37 *restitution or \$2,500, whichever is less.*



1 3. *An advance payment made by the Court Administrator*
2 *pursuant to subsection 2 must not be construed as reducing the*
3 *amount of restitution required to be paid by the responsible party.*

4 4. *The Court Administrator shall contact each older person*
5 *who receives an advance payment pursuant to subsection 2, not*
6 *later than 1 year after making the advance payment to the older*
7 *person, to determine whether the restitution has been paid in full.*

8 5. *If the Court Administrator is informed by the older person*
9 *that restitution has been paid in full, the Court Administrator must*
10 *require the older person to pay to the Court Administrator*
11 *reimbursement to the Account for the amount of the advance*
12 *payment made pursuant to subsection 2. If restitution has not been*
13 *paid in full, the Court Administrator shall require the older person*
14 *to inform the Court Administrator upon receipt of any payment of*
15 *restitution and if restitution is paid in full.*

16 6. *If the Court Administrator is informed by the older person*
17 *pursuant to subsection 4 that any amount of the restitution*
18 *remains unpaid:*

19 (a) *The Court Administrator must not require the older person*
20 *to reimburse the Account for the amount of the advance payment*
21 *made pursuant to subsection 2;*

22 (b) *The Court Administrator must notify the Department of*
23 *Corrections if the responsible party is in its custody or the Division*
24 *of Parole and Probation of the Department of Public Safety, as*
25 *applicable, of the amount of the restitution which remains unpaid*
26 *and was ordered to be paid to the older person; and*

27 (c) *The Department or Division, as applicable, must deduct the*
28 *amount of the restitution which remains unpaid, or equal*
29 *installments of such amount, from any account or assets*
30 *maintained by the Department or Division, as applicable, of the*
31 *responsible party who was ordered to pay restitution, including,*
32 *without limitation:*

33 (1) *An individual account maintained by the Director of the*
34 *Department in the Prisoners' Personal Property Fund pursuant to*
35 *NRS 209.241.*

36 (2) *Any assets or earnings under the control of the Division*
37 *pursuant to NRS 176A.740.*

38 7. *Any money collected pursuant to subsection 6 must be*
39 *provided to the Court Administrator. The Court Administrator*
40 *shall:*

41 (a) *Deduct the amount of the advance payment made pursuant*
42 *to subsection 2 and pay such amount into the Account; and*

43 (b) *Pay any remaining money to the older person.*

44 8. *If sufficient money is not available in the Account to make*
45 *an advance payment of restitution to an older person pursuant to*



1 *this section, the Court Administrator shall notify the court which*
2 *ordered the payment of restitution. After receiving such*
3 *notification, the court shall issue an order requiring the older*
4 *person and the responsible party to participate in a program of*
5 *mediation related to the restitution. The older person must not be*
6 *required to pay any fee related to the program of mediation.*

7 **9. As used in this section:**

8 **(a) "Responsible party" means:**

9 **(1) A person convicted of a crime set forth in NRS 200.5091**
10 **to 200.50995, inclusive, and sections 2 and 3 of this act; or**

11 **(2) A child or the parent or guardian of a child who is**
12 **ordered by the juvenile court to pay restitution pursuant to NRS**
13 **62E.550 to 62E.610, inclusive, relating to the abuse, neglect,**
14 **exploitation, isolation or abandonment of an older person in**
15 **violation of the provisions of NRS 200.5091 to 200.50995,**
16 **inclusive, and sections 2 and 3 of this act.**

17 **(b) "Restitution" has the meaning ascribed to it in section 2 of**
18 **this act.**

19 **Sec. 4.** NRS 200.5092 is hereby amended to read as follows:

20 200.5092 As used in NRS 200.5091 to 200.50995, inclusive,
21 **and sections 2 and 3 of this act**, unless the context otherwise
22 requires:

23 1. "Abandonment" means:

24 (a) Desertion of an older person or a vulnerable person in an
25 unsafe manner by a caretaker or other person with a legal duty of
26 care; or

27 (b) Withdrawal of necessary assistance owed to an older person
28 or a vulnerable person by a caretaker or other person with an
29 obligation to provide services to the older person or vulnerable
30 person.

31 2. "Abuse" means willful:

32 (a) Infliction of pain or injury on an older person or a vulnerable
33 person;

34 (b) Deprivation of food, shelter, clothing or services which are
35 necessary to maintain the physical or mental health of an older
36 person or a vulnerable person;

37 (c) Infliction of psychological or emotional anguish, pain or
38 distress on an older person or a vulnerable person through any act,
39 including, without limitation:

40 (1) Threatening, controlling or socially isolating the older
41 person or vulnerable person;

42 (2) Disregarding the needs of the older person or vulnerable
43 person; or



1 (3) Harming, damaging or destroying any property of the
2 older person or vulnerable person, including, without limitation,
3 pets;

4 (d) Nonconsensual sexual contact with an older person or a
5 vulnerable person, including, without limitation:

6 (1) An act that the older person or vulnerable person is
7 unable to understand or to which the older person or vulnerable
8 person is unable to communicate his or her objection; or

9 (2) Intentional touching, either directly or through the
10 clothing, of the genitalia, anus, groin, breast, inner thigh or buttocks
11 of the older person or vulnerable person; or

12 (e) Permitting any of the acts described in paragraphs (a) to (d),
13 inclusive, to be committed against an older person or a vulnerable
14 person.

15 3. "Exploitation" means any act taken by a person who has the
16 trust and confidence of an older person or a vulnerable person or
17 any use of the power of attorney or guardianship of an older person
18 or a vulnerable person to:

19 (a) Obtain control, through deception, intimidation or undue
20 influence, over the older person's or vulnerable person's money,
21 assets or property with the intention of permanently depriving the
22 older person or vulnerable person of the ownership, use, benefit or
23 possession of his or her money, assets or property; or

24 (b) Convert money, assets or property of the older person or
25 vulnerable person with the intention of permanently depriving the
26 older person or vulnerable person of the ownership, use, benefit or
27 possession of his or her money, assets or property.

28 ➔ As used in this subsection, "undue influence" means the
29 improper use of power or trust in a way that deprives a person of his
30 or her free will and substitutes the objectives of another person. The
31 term does not include the normal influence that one member of a
32 family has over another.

33 4. "Isolation" means preventing an older person or a vulnerable
34 person from having contact with another person by:

35 (a) Intentionally preventing the older person or vulnerable
36 person from receiving visitors, mail or telephone calls, including,
37 without limitation, communicating to a person who comes to visit
38 the older person or vulnerable person or a person who telephones
39 the older person or vulnerable person that the older person or
40 vulnerable person is not present or does not want to meet with or
41 talk to the visitor or caller knowing that the statement is false,
42 contrary to the express wishes of the older person or vulnerable
43 person and intended to prevent the older person or vulnerable person
44 from having contact with the visitor;



1 (b) Physically restraining the older person or vulnerable person
2 to prevent the older person or vulnerable person from meeting with
3 a person who comes to visit the older person or vulnerable person;
4 or

5 (c) Permitting any of the acts described in paragraphs (a) and (b)
6 to be committed against an older person or a vulnerable person.

7 ➤ The term does not include an act intended to protect the property
8 or physical or mental welfare of the older person or vulnerable
9 person or an act performed pursuant to the instructions of a
10 physician of the older person or vulnerable person.

11 5. "Neglect" means the failure of a person or a manager of a
12 facility who has assumed legal responsibility or a contractual
13 obligation for caring for an older person or a vulnerable person or
14 who has voluntarily assumed responsibility for his or her care to
15 provide food, shelter, clothing or services which are necessary to
16 maintain the physical or mental health of the older person or
17 vulnerable person.

18 6. "Older person" means a person who is 60 years of age or
19 older.

20 7. "Protective services" means services the purpose of which is
21 to prevent and remedy the abuse, neglect, exploitation, isolation and
22 abandonment of older persons. The services may include:

23 (a) The investigation, evaluation, counseling, arrangement and
24 referral for other services and assistance; and

25 (b) Services provided to an older person or a vulnerable person
26 who is unable to provide for his or her own needs.

27 8. "Vulnerable person" means a person 18 years of age or older
28 who:

29 (a) Suffers from a condition of physical or mental incapacitation
30 because of a developmental disability, organic brain damage or
31 mental illness; or

32 (b) Has one or more physical or mental limitations that restrict
33 the ability of the person to perform the normal activities of daily
34 living.

35 **Sec. 5.** NRS 200.50925 is hereby amended to read as follows:
36 200.50925 For the purposes of NRS 200.5091 to 200.50995,
37 inclusive, *and sections 2 and 3 of this act*, a person:

38 1. Has "reasonable cause to believe" if, in light of all the
39 surrounding facts and circumstances which are known or which
40 reasonably should be known to the person at the time, a reasonable
41 person would believe, under those facts and circumstances, that an
42 act, transaction, event, situation or condition exists, is occurring or
43 has occurred.

44 2. Acts "as soon as reasonably practicable" if, in light of all the
45 surrounding facts and circumstances which are known or which



1 reasonably should be known to the person at the time, a reasonable
2 person would act within approximately the same period under those
3 facts and circumstances.

4 **Sec. 6.** NRS 200.5096 is hereby amended to read as follows:

5 200.5096 ~~Immunity~~

6 **1. Except as otherwise provided in subsection 2, immunity**
7 from civil or criminal liability extends to every person who,
8 pursuant to NRS 200.5091 to 200.50995, inclusive, **and sections 2**
9 **and 3 of this act,** in good faith:

10 ~~1-1~~ (a) Participates in the making of a report;

11 ~~1-2~~ (b) Causes or conducts an investigation of alleged abuse,
12 neglect, exploitation, isolation or abandonment of an older person or
13 a vulnerable person; or

14 ~~1-3~~ (c) Submits information contained in a report to a licensing
15 board pursuant to subsection 4 of NRS 200.5095.

16 **2. The immunity provided pursuant to subsection 1 does not**
17 **apply to any person who commits, conspires to commit, aids or**
18 **abets or is an accessory to the abuse, neglect, exploitation,**
19 **isolation or abandonment of an older person or a vulnerable**
20 **person pursuant to NRS 200.5091 to 200.50995, inclusive, and**
21 **sections 2 and 3 of this act.**

22 **Sec. 7.** NRS 200.5099 is hereby amended to read as follows:

23 200.5099 1. Except as otherwise provided in subsection 6,
24 any person who abuses an older person or a vulnerable person is
25 guilty:

26 (a) For the first offense, of a gross misdemeanor; or

27 (b) For any subsequent offense or if the person has been
28 previously convicted of violating a law of any other jurisdiction that
29 prohibits the same or similar conduct, of a category B felony and
30 shall be punished by imprisonment in the state prison for a
31 minimum term of not less than 2 years and a maximum term of not
32 more than 6 years, unless a more severe penalty is prescribed by law
33 for the act or omission which brings about the abuse.

34 2. Except as otherwise provided in subsection 7, any person
35 who has assumed responsibility, legally, voluntarily or pursuant to a
36 contract, to care for an older person or a vulnerable person and who:

37 (a) Neglects the older person or vulnerable person, causing the
38 older person or vulnerable person to suffer physical pain or mental
39 suffering;

40 (b) Permits or allows the older person or vulnerable person to
41 suffer unjustifiable physical pain or mental suffering; or

42 (c) Permits or allows the older person or vulnerable person to be
43 placed in a situation where the older person or vulnerable person
44 may suffer physical pain or mental suffering as the result of abuse or
45 neglect,



1 ↳ is guilty of a gross misdemeanor unless a more severe penalty is
2 prescribed by law for the act or omission which brings about the
3 abuse or neglect.

4 3. Except as otherwise provided in subsection 4, any person
5 who exploits an older person or a vulnerable person shall be
6 punished, if the value of any money, assets and property obtained or
7 used:

8 (a) Is less than \$650, for a gross misdemeanor by imprisonment
9 in the county jail for not more than 364 days, or by a fine of not
10 more than \$2,000, or by both fine and imprisonment;

11 (b) Is at least \$650, but less than \$5,000, for a category B felony
12 by imprisonment in the state prison for a minimum term of not less
13 than 2 years and a maximum term of not more than 10 years, or by a
14 fine of not more than \$10,000, or by both fine and imprisonment; or

15 (c) Is \$5,000 or more, for a category B felony by imprisonment
16 in the state prison for a minimum term of not less than 2 years and a
17 maximum term of not more than 20 years, or by a fine of not more
18 than \$25,000, or by both fine and imprisonment,

19 ↳ unless a more severe penalty is prescribed by law for the act
20 which brought about the exploitation. The monetary value of all of
21 the money, assets and property of the older person or vulnerable
22 person which have been obtained or used, or both, may be combined
23 for the purpose of imposing punishment for an offense charged
24 pursuant to this subsection.

25 4. If a person exploits an older person or a vulnerable person
26 and the monetary value of any money, assets and property obtained
27 cannot be determined, the person shall be punished for a gross
28 misdemeanor by imprisonment in the county jail for not more than
29 364 days, or by a fine of not more than \$2,000, or by both fine and
30 imprisonment.

31 5. Any person who isolates or abandons an older person or a
32 vulnerable person is guilty:

33 (a) For the first offense, of a gross misdemeanor; or

34 (b) For any subsequent offense, of a category B felony and shall
35 be punished by imprisonment in the state prison for a minimum
36 term of not less than 2 years and a maximum term of not more than
37 10 years, and may be further punished by a fine of not more than
38 \$5,000.

39 6. A person who violates any provision of subsection 1, if
40 substantial bodily or mental harm or death results to the older person
41 or vulnerable person, is guilty of a category B felony and shall be
42 punished by imprisonment in the state prison for a minimum term of
43 not less than 2 years and a maximum term of not more than 20
44 years, unless a more severe penalty is prescribed by law for the act
45 or omission which brings about the abuse.



1 7. A person who violates any provision of subsection 2, if
2 substantial bodily or mental harm or death results to the older person
3 or vulnerable person, shall be punished for a category B felony by
4 imprisonment in the state prison for a minimum term of not less
5 than 2 years and a maximum term of not more than ~~16~~ 20 years,
6 unless a more severe penalty is prescribed by law for the act or
7 omission which brings about the abuse or neglect.

8 8. In addition to any other penalty imposed against a person for
9 a violation of any provision of NRS 200.5091 to 200.50995,
10 inclusive, *and sections 2 and 3 of this act*, the court shall order the
11 person to pay restitution.

12 9. *Upon conviction for the abuse, neglect, exploitation,*
13 *isolation or abandonment of an older person pursuant to NRS*
14 *200.5091 to 200.50995, inclusive, and sections 2 and 3 of this act,*
15 *the court shall require the convicted person to provide information*
16 *to the court relating to his or her assets for the purposes of*
17 *enforcing the payment of restitution.*

18 10. *Interest must be paid on any amount of restitution that is*
19 *ordered to be paid to an older person in a judgment of conviction*
20 *pursuant to subsection 8, in the same amount as the rate of*
21 *interest applied to other judgments pursuant to subsection 2 of*
22 *NRS 17.130. Such interest must be paid into the Account for*
23 *Restitution to Certain Older Victims of Crime created by section 2*
24 *of this act.*

25 11. *If an older person dies before the required restitution is*
26 *paid by the convicted person, such restitution must be paid to the*
27 *estate of the older person.*

28 12. As used in this section:

29 (a) "Allow" means to take no action to prevent or stop the abuse
30 or neglect of an older person or a vulnerable person if the person
31 knows or has reason to know that the older person or vulnerable
32 person is being abused or neglected.

33 (b) "Permit" means permission that a reasonable person would
34 not grant and which amounts to a neglect of responsibility attending
35 the care and custody of an older person or a vulnerable person.

36 (c) "Substantial mental harm" means an injury to the intellectual
37 or psychological capacity or the emotional condition of an older
38 person or a vulnerable person as evidenced by an observable and
39 substantial impairment of the ability of the older person or
40 vulnerable person to function within his or her normal range of
41 performance or behavior.

42 **Sec. 8.** Chapter 31 of NRS is hereby amended by adding
43 thereto a new section to read as follows:

44 1. *An older person who is the victim of a crime set forth in*
45 *NRS 200.5091 to 200.50995, inclusive, and sections 2 and 3 of this*



1 *act, or the estate of such a person, may petition a court of*
2 *competent jurisdiction for a writ of attachment against the*
3 *property of a responsible party to secure the amount of restitution*
4 *ordered to be paid by a judgment of conviction or by a civil*
5 *judgment entered pursuant to subsection 1 of NRS 62B.420,*
6 *without providing the affidavit or written undertaking otherwise*
7 *required pursuant to NRS 31.020 and 31.030, respectively.*

8 2. *The clerk of the court shall:*

9 (a) *Reduce the total fee required for the filing of a petition for*
10 *a writ of attachment pursuant to subsection 1 and the issuance of*
11 *such a writ in an amount not to exceed \$1; and*

12 (b) *Add any costs relating to the service of a writ of attachment*
13 *issued pursuant to this section to the amount of restitution ordered*
14 *to be paid by the responsible party.*

15 3. *As used in this section, "responsible party" means:*

16 (a) *A person convicted of a crime set forth in NRS 200.5091 to*
17 *200.50995, inclusive, and sections 2 and 3 of this act; or*

18 (b) *A child or the parent or guardian of a child who is ordered*
19 *by the juvenile court to pay restitution pursuant to NRS 62E.550 to*
20 *62E.610, inclusive, relating to the abuse, neglect, exploitation,*
21 *isolation or abandonment of an older person in violation of the*
22 *provisions of NRS 200.5091 to 200.50995, inclusive, and sections*
23 *2 and 3 of this act.*

24 **Sec. 9.** NRS 31.020 is hereby amended to read as follows:

25 31.020 1. ~~1A11~~ *Except as otherwise provided in section 8 of*
26 *this act, all* applications to the court for an order directing the clerk
27 to issue a writ of attachment without notice to the defendant shall be
28 accompanied by the affidavit of the plaintiff or any other person
29 having personal knowledge of the facts constituting one or more of
30 the grounds for attachment, which affidavit or affidavits shall:

31 (a) Set forth clearly the nature of the plaintiff's claim for relief
32 and that the same is valid.

33 (b) Set forth the amount which the affiant believes the plaintiff
34 is entitled to recover from the defendant, and if there is more than
35 one plaintiff or more than one defendant, the amount the affiant
36 believes each plaintiff is entitled to recover or the amount that the
37 plaintiff is entitled to recover from each defendant.

38 (c) Describe in reasonable and clear detail all the facts which
39 show the existence of any one of the grounds for an attachment
40 without notice to the defendant.

41 (d) Describe in reasonable detail the money or property sought
42 to be attached and the location thereof if known.

43 (e) If the property sought to be attached is other than money, set
44 forth to the best knowledge and information of the affiant, the value
45 of such property less any prior liens or encumbrances.



1 (f) Name all third persons upon whom a writ of garnishment in
2 aid of the writ of attachment will be served.

3 (g) In an action upon a foreign judgment attach a copy of the
4 judgment to the affidavit for attachment as an exhibit.

5 (h) State whether, to the best information and belief of the
6 affiant, the money or property sought to be attached is exempt from
7 execution.

8 2. ~~[(A)]~~ *Except as otherwise provided in section 8 of this act,*
9 *all* applications to the court for an order directing the clerk to issue a
10 writ of attachment with notice to the defendant shall be
11 accompanied by an affidavit setting forth the item required by
12 subsection 1, except that such affidavit may show the existence of
13 any one of the grounds for attachment with notice.

14 **Sec. 10.** NRS 31.030 is hereby amended to read as follows:

15 31.030 1. ~~[(The)]~~ *Except as otherwise provided in section 8 of*
16 *this act, the* court, in its order for attachment, shall require a written
17 undertaking on the part of the plaintiff payable in lawful money of
18 the United States in a sum not less than the amount claimed by the
19 plaintiff or the value of the property to be attached, whichever is
20 less, with two or more sureties to the effect that if the plaintiff
21 dismiss such action or if the defendant recover judgment the
22 plaintiff will pay in lawful money of the United States all costs that
23 may be awarded to the defendant, and all damages which the
24 defendant may sustain by reason of the attachment including
25 attorney's fees, not exceeding the sum specified in the undertaking.
26 Each of the sureties shall annex to the undertaking an affidavit that
27 the surety is a resident and householder or freeholder within the
28 State, and worth double the sum specified in the undertaking over
29 and above all the surety's debts and liabilities, exclusive of property
30 exempt from execution. In the case of an attachment issued with
31 notice to the defendant, or in any case upon showing by the
32 defendant after notice to the plaintiff, the court may require an
33 additional bond. No bond may be required of the State or of an
34 officer or agency thereof.

35 2. Before issuing the writ of attachment the clerk shall require
36 the filing by the plaintiff of the written undertaking required by the
37 court pursuant to subsection 1.

38 3. At any time after the issuing of the attachment, but not later
39 than 5 days after actual notice of the levy thereof, the defendant may
40 except to the sufficiency of the sureties. If the defendant fails to do
41 so, the defendant is deemed to have waived all objections to them.
42 When excepted to, the plaintiff's sureties, within 5 days from
43 service of written notice of exception, upon notice to the defendant
44 of not less than 2 nor more than 5 days, must justify before the
45 judge, justice, or clerk of the court in which the action is pending;



1 and upon failure to justify, or if others in their place fail to justify, at
2 the time and place appointed, the writ of attachment must be
3 vacated.

4 **Sec. 11.** Chapter 62B of NRS is hereby amended by adding
5 thereto the provisions set forth as sections 12 and 13 of this act.

6 **Sec. 12.** *If a child or the parent or guardian of a child is*
7 *ordered by the juvenile court to pay restitution pursuant to NRS*
8 *62E.550 to 62E.610, inclusive, relating to the abuse, neglect,*
9 *exploitation, isolation or abandonment of an older person in*
10 *violation of the provisions of NRS 200.5091 to 200.50995,*
11 *inclusive, and sections 2 and 3 of this act, the juvenile court must*
12 *require the child or the parent or guardian of the child to provide*
13 *information to the court relating to the assets of the child or the*
14 *parent or guardian of the child for the purposes of enforcing the*
15 *payment of restitution.*

16 **Sec. 13.** 1. *If a child or the parent or guardian of a child is*
17 *ordered by the juvenile court to pay restitution pursuant to NRS*
18 *62E.550 to 62E.610, inclusive, relating to the abuse, neglect,*
19 *exploitation, isolation or abandonment of an older person in*
20 *violation of the provisions of NRS 200.5091 to 200.50995,*
21 *inclusive, and sections 2 and 3 of this act, and a civil judgment is*
22 *entered pursuant to subsection 1 of NRS 62B.420, the older*
23 *person, or the estate of the older person, may petition a court of*
24 *competent jurisdiction for a writ of attachment against the*
25 *property of the child or the parent or guardian of the child, as*
26 *applicable, in the manner set forth in section 8 of this act.*

27 2. *Interest must be paid on a civil judgment issued pursuant*
28 *to subsection 1 of NRS 62B.420 for restitution as described in*
29 *subsection 1 in the same amount as the rate of interest applied to*
30 *other judgments pursuant to subsection 2 of NRS 17.130. Such*
31 *interest must be paid into the Account for Restitution to Certain*
32 *Older Victims of Crime created by section 2 of this act.*

33 **Sec. 14.** NRS 176.275 is hereby amended to read as follows:
34 176.275 1. A judgment which imposes a fine or
35 administrative assessment or requires a defendant to pay restitution
36 or repay the expenses of a defense constitutes a lien in like manner
37 as a judgment for money rendered in a civil action.

38 2. A judgment which requires a defendant to pay restitution:

39 (a) May be recorded, docketed and enforced as any other
40 judgment for money rendered in a civil action.

41 (b) Does not expire until the judgment is satisfied.

42 3. An independent action to enforce a judgment which requires
43 a defendant to pay restitution may be commenced at any time.

44 4. *Notwithstanding any other provision of law, an older*
45 *person who is the victim of a crime set forth in NRS 200.5091*



1 *to 200.50995, inclusive, and sections 2 and 3 of this act, or the*
2 *estate of such a person, must not be required to pay a fee to record*
3 *or docket a judgment of conviction or a civil judgment which*
4 *orders a responsible party to pay restitution to the older person.*

5 5. As used in this section, "responsible party" means:

6 (a) A person convicted of a crime set forth in NRS 200.5091 to
7 200.50995, inclusive, and sections 2 and 3 of this act; or

8 (b) A child or the parent or guardian of a child who is ordered
9 by the juvenile court to pay restitution pursuant to NRS 62E.550 to
10 62E.610, inclusive, relating to the abuse, neglect, exploitation,
11 isolation or abandonment of an older person in violation of the
12 provisions of NRS 200.5091 to 200.50995, inclusive, and sections
13 2 and 3 of this act.

14 **Sec. 15.** NRS 179A.100 is hereby amended to read as follows:

15 179A.100 1. The following records of criminal history may
16 be disseminated by an agency of criminal justice without any
17 restriction pursuant to this chapter:

18 (a) Any which reflect records of conviction only; and

19 (b) Any which pertain to an incident for which a person is
20 currently within the system of criminal justice, including parole or
21 probation.

22 2. Without any restriction pursuant to this chapter, a record of
23 criminal history or the absence of such a record may be:

24 (a) Disclosed among agencies which maintain a system for the
25 mutual exchange of criminal records.

26 (b) Furnished by one agency to another to administer the system
27 of criminal justice, including the furnishing of information by a
28 police department to a district attorney.

29 (c) Reported to the Central Repository.

30 3. An agency of criminal justice shall disseminate to a
31 prospective employer, upon request, records of criminal history
32 concerning a prospective employee or volunteer which are the result
33 of a name-based inquiry and which:

34 (a) Reflect convictions only; or

35 (b) Pertain to an incident for which the prospective employee or
36 volunteer is currently within the system of criminal justice,
37 including parole or probation.

38 4. In addition to any other information to which an employer is
39 entitled or authorized to receive from a name-based inquiry, the
40 Central Repository shall disseminate to a prospective or current
41 employer, or a person or entity designated to receive the information
42 on behalf of such an employer, the information contained in a record
43 of registration concerning an employee, prospective employee,
44 volunteer or prospective volunteer who is a sex offender or an
45 offender convicted of a crime against a child, regardless of whether



1 the employee, prospective employee, volunteer or prospective
2 volunteer gives written consent to the release of that information.
3 The Central Repository shall disseminate such information in a
4 manner that does not reveal the name of an individual victim of an
5 offense or the information described in subsection 7 of NRS
6 179B.250. A request for information pursuant to this subsection
7 must conform to the requirements of the Central Repository and
8 must include:

9 (a) The name and address of the employer, and the name and
10 signature of the person or entity requesting the information on
11 behalf of the employer;

12 (b) The name and address of the employer's facility in which the
13 employee, prospective employee, volunteer or prospective volunteer
14 is employed or volunteers or is seeking to become employed or
15 volunteer; and

16 (c) The name and other identifying information of the employee,
17 prospective employee, volunteer or prospective volunteer.

18 5. In addition to any other information to which an employer is
19 entitled or authorized to receive, the Central Repository shall
20 disseminate to a prospective or current employer, or a person or
21 entity designated to receive the information on behalf of such an
22 employer, the information described in subsection 4 of NRS
23 179A.190 concerning an employee, prospective employee, volunteer
24 or prospective volunteer who gives written consent to the release of
25 that information if the employer submits a request in the manner set
26 forth in NRS 179A.200 for obtaining a notice of information. The
27 Central Repository shall search for and disseminate such
28 information in the manner set forth in NRS 179A.210 for the
29 dissemination of a notice of information.

30 6. Except as otherwise provided in subsection 5, the provisions
31 of NRS 179A.180 to 179A.240, inclusive, do not apply to an
32 employer who requests information and to whom such information
33 is disseminated pursuant to subsections 4 and 5.

34 7. Records of criminal history must be disseminated by an
35 agency of criminal justice, upon request, to the following persons or
36 governmental entities:

37 (a) The person who is the subject of the record of criminal
38 history for the purposes of NRS 179A.150.

39 (b) The person who is the subject of the record of criminal
40 history when the subject is a party in a judicial, administrative,
41 licensing, disciplinary or other proceeding to which the information
42 is relevant.

43 (c) The Nevada Gaming Control Board.

44 (d) The State Board of Nursing.



- 1 (e) The Private Investigator's Licensing Board to investigate an
2 applicant for a license.
- 3 (f) A public administrator to carry out the duties as prescribed in
4 chapter 253 of NRS.
- 5 (g) A public guardian to investigate a ward or proposed ward or
6 persons who may have knowledge of assets belonging to a ward or
7 proposed ward.
- 8 (h) Any agency of criminal justice of the United States or of
9 another state or the District of Columbia.
- 10 (i) Any public utility subject to the jurisdiction of the Public
11 Utilities Commission of Nevada when the information is necessary
12 to conduct a security investigation of an employee or prospective
13 employee or to protect the public health, safety or welfare.
- 14 (j) Persons and agencies authorized by statute, ordinance,
15 executive order, court rule, court decision or court order as
16 construed by appropriate state or local officers or agencies.
- 17 (k) Any person or governmental entity which has entered into a
18 contract to provide services to an agency of criminal justice relating
19 to the administration of criminal justice, if authorized by the
20 contract, and if the contract also specifies that the information will
21 be used only for stated purposes and that it will be otherwise
22 confidential in accordance with state and federal law and regulation.
- 23 (l) Any reporter for the electronic or printed media in a
24 professional capacity for communication to the public.
- 25 (m) Prospective employers if the person who is the subject of
26 the information has given written consent to the release of that
27 information by the agency which maintains it.
- 28 (n) For the express purpose of research, evaluative or statistical
29 programs pursuant to an agreement with an agency of criminal
30 justice.
- 31 (o) An agency which provides child welfare services, as defined
32 in NRS 432B.030.
- 33 (p) The Division of Welfare and Supportive Services of the
34 Department of Health and Human Services or its designated
35 representative, as needed to ensure the safety of investigators and
36 caseworkers.
- 37 (q) The Aging and Disability Services Division of the
38 Department of Health and Human Services or its designated
39 representative, as needed to ensure the safety of investigators and
40 caseworkers.
- 41 (r) An agency of this or any other state or the Federal
42 Government that is conducting activities pursuant to Part D of
43 Subchapter IV of Chapter 7 of Title 42 of the Social Security Act,
44 42 U.S.C. §§ 651 et seq.



- 1 (s) The State Disaster Identification Team of the Division of
- 2 Emergency Management of the Department.
- 3 (t) The Commissioner of Insurance.
- 4 (u) The Board of Medical Examiners.
- 5 (v) The State Board of Osteopathic Medicine.
- 6 (w) The Board of Massage Therapists and its Executive
- 7 Director.
- 8 (x) The Board of Examiners for Social Workers.
- 9 (y) A multidisciplinary team to review the death of the victim of
- 10 a crime that constitutes domestic violence organized or sponsored
- 11 by the Attorney General pursuant to NRS 228.495.
- 12 *(z) A coroner or his or her deputy.*
- 13 8. Agencies of criminal justice in this State which receive
- 14 information from sources outside this State concerning transactions
- 15 involving criminal justice which occur outside Nevada shall treat the
- 16 information as confidentially as is required by the provisions of this
- 17 chapter.
- 18 **Sec. 16.** There is hereby appropriated from the State General
- 19 Fund to the Account for Restitution to Certain Older Victims of
- 20 Crime created by section 2 of this act the sum of \$250,000.

