

Amendment No. 500

Assembly Amendment to Senate Bill No. 177	(BDR 16-926)
Proposed by: Assembly Committee on Judiciary	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: Yes Digest: No	

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of S.B. 177 (§ 6).
--

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of **green bold underlining** is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

SES/MLS



Date: 5/5/2021

S.B. No. 177—Revises provisions relating to the Account for Aid for Victims of Domestic Violence. (BDR 16-926)



SENATE BILL NO. 177—SENATORS RATTI, CANNIZZARO, ~~[AND]~~ SCHEIBLE ; DONATE, DONDERO LOOP, GOICOECHEA, KIECKHEFER, NEAL, OHRENSCHALL AND SEEVERS GANSERT

MARCH 8, 2021

JOINT SPONSORS: ASSEMBLYMEN BENITEZ-THOMPSON, BILBRAY-AXELROD, GONZÁLEZ, HARDY, KRASNER, MARZOLA, ORENTLICHER, SUMMERS-ARMSTRONG, TOLLES AND TORRES

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to the Account for Aid for Victims of Domestic Violence. (BDR 16-926)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to crimes; revising provisions governing eligibility for and awarding of grants from the Account for Aid for Victims of Domestic Violence; renaming the Account; increasing the portion of the fee for a marriage license that funds the Account; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law creates the Account for Aid for Victims of Domestic Violence in the State
2 General Fund, which is administered by the Administrator of the Division of Child and
3 Family Services of the Department of Health and Human Services. (NRS 217.440) Under
4 existing law, a nonprofit organization is eligible for a grant from the Account if, among other
5 requirements, the nonprofit organization provides its services exclusively for victims of
6 domestic violence within this State. (NRS 217.420, 217.440) **Section 2** of this bill revises the
7 eligibility for a grant to instead require that the nonprofit organization provide its services: (1)
8 exclusively for victims of domestic or sexual violence if located in a county whose population
9 is 100,000 or more (currently Clark and Washoe Counties); or (2) primarily for victims of
10 domestic or sexual violence in a county whose population is less than 100,000 (currently all
11 counties other than Clark and Washoe Counties). **Section 2** also excludes nonprofit
12 organizations that provide services exclusively to victims of sexual violence from the
13 eligibility requirement that the nonprofit organization be able to provide: (1) shelter to victims
14 on any day, at any hour; and (2) facilities where food can be stored and prepared.

15 Existing law governs the allocation of money in the Account for grants for each county.
16 Existing law requires the allocation of 15 percent of all money granted from the Account to
17 organizations in a county whose population is 700,000 or more (currently Clark County) to an
18 organization in the county which has been specifically created to assist victims of sexual
19 assault. (NRS 217.410, 217.450) **Section 4** of this bill requires that 75 percent of the money
20 allocated to each county be allocated for grants for services for victims of domestic violence

21 and 25 percent be allocated for grants for services for victims of sexual violence. **Section 4**
 22 also requires the Administrator of the Division to award grants to not more than: (1) one
 23 applicant to provide services for victims of domestic violence and one applicant to provide
 24 services for victims of sexual violence in counties whose population is less than 100,000; and
 25 (2) two applicants to provide services for victims of domestic violence and two applicants to
 26 provide services for victims of sexual violence in counties whose population is 100,000 or
 27 more. **Section 9** of this bill eliminates the requirement for the allocation of 15 percent of all
 28 money granted from the Account to organizations in a county whose population is 700,000 or
 29 more to an organization which has been specifically created to assist victims of sexual assault.

30 **Section 3** of this bill renames the Account as the Account for Aid for Victims of
 31 Domestic or Sexual Violence to reflect the additional use of money in the Account for
 32 services for victims of sexual violence. **Section 1** of this bill revises the definition of the term
 33 "victim of sexual assault" to include the term "victim of sexual violence" within the same
 34 definition for purposes of providing assistance to such victims. **Section 5** of this bill makes a
 35 conforming change for purposes of furnishing certain reports to the Administrator.

36 Existing law requires a county clerk to collect certain fees when issuing a marriage
 37 license. A portion of the fees a county clerk collects when issuing a marriage license is
 38 dedicated to the Account for Aid for Victims of Domestic Violence. (NRS 122.060) **Section 6**
 39 of this bill increases the portion of the fee for a marriage license that funds the Account from
 40 \$25 to \$50.

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

1 **Section 1.** NRS 217.400 is hereby amended to read as follows:
 2 217.400 As used in NRS 217.400 to 217.475, inclusive, unless the context
 3 otherwise requires:
 4 1. "Dating relationship" means frequent, intimate associations primarily
 5 characterized by the expectation of affectional or sexual involvement. The term
 6 does not include a casual relationship or an ordinary association between persons in
 7 a business or social context.
 8 2. "Division" means the Division of Child and Family Services of the
 9 Department of Health and Human Services.
 10 3. "Domestic violence" means:
 11 (a) The attempt to cause or the causing of bodily injury to a family or
 12 household member or the placing of the member in fear of imminent physical harm
 13 by threat of force.
 14 (b) Any of the following acts committed by a person against a family or
 15 household member, a person with whom he or she had or is having a dating
 16 relationship or with whom he or she has a child in common, or upon his or her
 17 minor child or a minor child of that person:
 18 (1) A battery.
 19 (2) An assault.
 20 (3) Compelling the other by force or threat of force to perform an act from
 21 which he or she has the right to refrain or to refrain from an act which he or she has
 22 the right to perform.
 23 (4) A sexual assault.
 24 (5) A knowing, purposeful or reckless course of conduct intended to harass
 25 the other. Such conduct may include, without limitation:
 26 (I) Stalking.
 27 (II) Arson.
 28 (III) Trespassing.
 29 (IV) Larceny.

1 (V) Destruction of private property.

2 (VI) Carrying a concealed weapon without a permit.

3 (6) False imprisonment.

4 (7) Unlawful entry of the other's residence, or forcible entry against the
5 other's will if there is a reasonably foreseeable risk of harm to the other from the
6 entry.

7 4. "Family or household member" means a spouse, a former spouse, a parent
8 or other adult person who is related by blood or marriage or is or was actually
9 residing with the person committing the act of domestic violence.

10 5. "Participant" means an adult, child or incapacitated person for whom a
11 fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive.

12 6. "Victim of domestic violence" includes the dependent children of the
13 victim.

14 7. "Victim of human trafficking" means a person who is a victim of:

15 (a) Involuntary servitude as set forth in NRS 200.463 or 200.464.

16 (b) A violation of any provision of NRS 200.465.

17 (c) Trafficking in persons in violation of any provision of NRS 200.467 or
18 200.468.

19 (d) Sex trafficking in violation of any provision of NRS 201.300.

20 (e) A violation of NRS 201.320 or 201.395.

21 8. "Victim of sexual assault" ~~means~~ and "victim of sexual violence" mean
22 a person who has been sexually assaulted as defined in NRS 200.366 or a person
23 upon whom a sexual assault has been attempted.

24 9. "Victim of stalking" means a person who is a victim of the crime of
25 stalking or aggravated stalking as set forth in NRS 200.575.

26 **Sec. 2.** NRS 217.420 is hereby amended to read as follows:

27 217.420 To be eligible for a grant from the Account for Aid for Victims of
28 Domestic *or Sexual* Violence, an applicant must:

29 1. Be a nonprofit corporation, incorporated or qualified in this state.

30 2. Be governed by a board of trustees which reflects the racial, ethnic,
31 economic and social composition of the county to be served and includes at least
32 one trustee who has been a victim of domestic *or sexual* violence.

33 3. Receive at least 15 percent of its money from sources other than the
34 Federal Government, the State, any local government or other public body or their
35 instrumentalities. Any goods or services which are contributed to the organization
36 may be assigned their reasonable monetary value for the purpose of complying with
37 the requirement of this subsection.

38 4. Provide its services ~~exclusively~~:

39 (a) *Exclusively* for victims of domestic *or sexual* violence and only within this
40 state ~~if~~ *located in a county whose population is 100,000 or more; or*

41 (b) *Primarily for victims of domestic or sexual violence and only within this*
42 *state if located in a county whose population is less than 100,000.*

43 5. Require its employees and volunteer assistants to maintain the
44 confidentiality of any information which would identify persons receiving the
45 services.

46 6. Provide its services without any discrimination on the basis of race,
47 religion, color, age, sex, sexual orientation, gender identity or expression, marital
48 status, national origin or ancestry.

49 7. Be able to provide:

50 (a) Except in counties whose population is less than 100,000 ~~if~~ *or if the*
51 *organization provides services exclusively to victims of sexual violence*, shelter to
52 victims on any day, at any hour.

1 (b) A telephone service capable of receiving emergency calls on any day, at
2 any hour.

3 (c) Except in counties whose population is less than 100,000 ~~[]~~ *or if the*
4 *organization provides services exclusively to victims of sexual violence*, facilities
5 where food can be stored and prepared.

6 (d) Counseling, or make referrals for counseling, for victims ~~[for spouses]~~ ,
7 *partners* of victims and ~~[their children]~~ *family members*.

8 (e) Assistance to victims in obtaining legal, medical, psychological or
9 vocational help.

10 (f) Education and training , *including prevention programs*, for members of
11 the community on matters which relate to domestic *and sexual* violence.

12 **Sec. 3.** NRS 217.440 is hereby amended to read as follows:

13 217.440 1. An Account for Aid for Victims of Domestic *or Sexual*
14 *Violence* is hereby created in the State General Fund. The Account must be
15 administered by the Administrator of the Division.

16 2. Any nonprofit organization in the State which is able to meet the
17 requirements specified in subsection 7 of NRS 217.420 may apply for a grant from
18 the Account for Aid for Victims of Domestic *or Sexual* Violence.

19 3. An application for a grant must be received by the Division before April 1
20 preceding the fiscal year for which the grant is sought.

21 **Sec. 4.** NRS 217.450 is hereby amended to read as follows:

22 217.450 1. The Commission on Behavioral Health shall advise the
23 Administrator of the Division concerning the award of grants from the Account for
24 Aid for Victims of Domestic *or Sexual* Violence.

25 2. The Administrator of the Division shall give priority to those applications
26 for grants from the Account for Aid for Victims of Domestic *or Sexual* Violence
27 submitted by organizations which offer the broadest range of services for the least
28 cost within one or more counties. The Administrator shall not approve the use of
29 money from a grant to acquire any buildings.

30 3. *The Administrator of the Division shall award grants to not more than:*

31 (a) *One applicant to provide services for victims of domestic violence and one*
32 *applicant to provide services for victims of sexual violence in counties whose*
33 *population is less than 100,000; and*

34 (b) *Two applicants to provide services for victims of domestic violence and*
35 *two applicants to provide services for victims of sexual violence in counties whose*
36 *population is 100,000 or more.*

37 4. The Administrator of the Division has the final authority to approve or
38 deny an application for a grant. The Administrator shall notify each applicant in
39 writing of the action taken on its application within 45 days after the deadline for
40 filing the application.

41 ~~[4.]~~ 5. In determining the amount of money to be allocated for grants, the
42 Administrator of the Division shall use the following formula:

43 (a) A basic allocation of \$7,000 must be made for each county whose
44 population is less than 100,000. For counties whose population is 100,000 or more,
45 the basic allocation is \$35,000. These allocations must be increased or decreased
46 for each fiscal year ending after June 30, 1990, by the same percentage that the
47 amount deposited in the account during the preceding fiscal year, pursuant to NRS
48 122.060, is greater or less than the sum of \$791,000.

49 (b) Any additional revenue available in the Account must be allocated to
50 grants, on a per capita basis, for all counties whose population is 20,000 or more.

51 (c) *Seventy-five percent of the revenue allocated to each county must be*
52 *allocated for grants for services for victims of domestic violence and 25 percent*
53 *must be allocated for grants for services for victims of sexual violence.*

1 (d) Money remaining in the Account after disbursement of grants does not
2 revert and may be awarded in a subsequent year.

3 **Sec. 5.** NRS 217.460 is hereby amended to read as follows:

4 217.460 Each organization which has received a grant for assistance to
5 victims of domestic *or sexual* violence shall furnish quarterly and annual financial
6 reports to the Administrator of the Division in a manner which the Administrator
7 may prescribe.

8 **Sec. 6.** NRS 122.060 is hereby amended to read as follows:

9 122.060 1. The county clerk is entitled to receive as his or her fee for
10 issuing a marriage license the sum of \$21.

11 2. The county clerk shall also at the time of issuing the marriage license:

12 (a) Collect the sum of \$10 and:

13 (1) If the board of county commissioners has adopted an ordinance
14 pursuant to NRS 246.100, deposit the sum into the county general fund pursuant to
15 NRS 246.180 for filing the originally signed certificate of marriage described in
16 NRS 122.120.

17 (2) If the board of county commissioners has not adopted an ordinance
18 pursuant to NRS 246.100, pay it over to the county recorder as his or her fee for
19 recording the originally signed certificate of marriage described in NRS 122.120.

20 (b) Collect the additional fee described in subsection 2 of NRS 246.180, if the
21 board of county commissioners has adopted an ordinance authorizing the collection
22 of such fee, and deposit the fee pursuant to NRS 246.190.

23 (c) Collect the additional fee imposed pursuant to NRS 246.075, if the board of
24 county commissioners has adopted an ordinance imposing the fee.

25 3. The county clerk shall also at the time of issuing the marriage license
26 collect the additional sum of \$4 for the State of Nevada. The fees collected for the
27 State must be paid over to the county treasurer by the county clerk on or before the
28 fifth day of each month for the preceding calendar month, and must be placed to the
29 credit of the State General Fund. The county treasurer shall remit quarterly all such
30 fees deposited by the county clerk to the State Controller for credit to the State
31 General Fund.

32 4. The county clerk shall also at the time of issuing the marriage license
33 collect the additional sum of ~~[\$25]~~ \$50 for the Account for Aid for Victims of
34 Domestic *or Sexual* Violence in the State General Fund. The fees collected for this
35 purpose must be paid over to the county treasurer by the county clerk on or before
36 the fifth day of each month for the preceding calendar month, and must be placed to
37 the credit of that Account. The county treasurer shall, on or before the 15th day of
38 each month, remit those fees deposited by the county clerk to the State Controller
39 for credit to that Account.

40 5. Any fee charged and collected pursuant to this section is separate and
41 distinct from any administrative fee charged and collected by a county clerk's
42 office, including, without limitation, a fee for certifying a copy of a marriage
43 license.

44 **Sec. 7.** 1. Any administrative regulations adopted by an officer or an
45 agency whose name has been changed or whose responsibilities have been
46 transferred pursuant to the provisions of this act to another officer or agency remain
47 in force until amended by the officer or agency to which the responsibility for the
48 adoption of the regulations has been transferred.

49 2. Any contracts or other agreements entered into by an officer or agency
50 whose name has been changed or whose responsibilities have been transferred
51 pursuant to the provisions of this act to another officer or agency are binding upon
52 the officer or agency to which the responsibility for the administration of the
53 provisions of the contract or other agreement has been transferred. Such contracts

1 and other agreements may be enforced by the officer or agency to which the
2 responsibility for the enforcement of the provisions of the contract or other
3 agreement has been transferred.

4 3. Any action taken by an officer or agency whose name has been changed or
5 whose responsibilities have been transferred pursuant to the provisions of this act to
6 another officer or agency remains in effect as if taken by the officer or agency to
7 which the responsibility for the enforcement of such actions has been transferred.

8 **Sec. 8.** The Legislative Counsel shall:

9 1. In preparing the reprint and supplements to the Nevada Revised Statutes,
10 appropriately change any references to an officer, agency or other entity whose
11 name is changed or whose responsibilities are transferred pursuant to the provisions
12 of this act to refer to the appropriate officer, agency or other entity.

13 2. In preparing supplements to the Nevada Administrative Code,
14 appropriately change any references to an officer, agency or other entity whose
15 name is changed or whose responsibilities are transferred pursuant to the provisions
16 of this act to refer to the appropriate officer, agency or other entity.

17 **Sec. 9.** NRS 217.410 is hereby repealed.

18 **Sec. 10.** This act becomes effective on July 1, 2021.

TEXT OF REPEALED SECTION

217.410 Allocation of money to organizations specifically created to assist victims of sexual assault. In a county whose population is 700,000 or more, the Administrator of the Division shall allocate 15 percent of all money granted to organizations in the county from the Account for Aid for Victims of Domestic Violence to an organization in the county which has been specifically created to assist victims of sexual assault. The Administrator of the Division has the final authority in determining whether an organization may receive money pursuant to this section. Any organization which receives money pursuant to this section shall furnish reports to the Administrator of the Division as required by NRS 217.460. To be eligible for this money, the organization must receive at least 15 percent of its money from sources other than the Federal Government, the State, any local government or other public body or their instrumentalities. Any goods or services which are contributed to the organization may be assigned their reasonable monetary value for the purpose of complying with this requirement.