

Amendment No. 355

Senate Amendment to Senate Bill No. 203	(BDR 2-577)
Proposed by: Senate Committee on Judiciary	
Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

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.

DAN/BAW



Date: 4/18/2021

S.B. No. 203—Revises provisions relating to civil actions involving certain sexual offenses against minors. (BDR 2-577)



SENATE BILL NO. 203—SENATORS DONDERO LOOP; CANNIZZARO, DONATE, D. HARRIS, NEAL, OHRENSCHALL, RATTI, SCHEIBLE AND SPEARMAN

MARCH 9, 2021

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to civil actions involving certain sexual offenses, ~~against minors.~~ (BDR 2-577)

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 civil actions; revising provisions relating to civil actions involving certain sexual offenses ~~; against minors.~~ and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law provides that a civil action to recover damages for sexual abuse that
2 occurred when the plaintiff was less than 18 years of age must be commenced within 20 years
3 after either of the following occurs, whichever is later: (1) the plaintiff reaches 18 years of
4 age; or (2) the plaintiff discovers or reasonably should have discovered that his or her injury
5 was caused by the sexual abuse. (NRS 11.215) Existing law also provides that a civil action to
6 recover damages for injuries suffered by a victim of pornography involving minors must be
7 commenced within 20 years after either of the following occurs, whichever is later: (1) the
8 court enters a verdict in a related criminal case; or (2) the victim reaches the age of 18 years.
9 (NRS 11.215) **Section 1** of this bill eliminates the statute of limitations for a civil action to
10 recover damages for: (1) sexual abuse or exploitation if the sexual abuse or exploitation
11 occurred when the plaintiff was less than 18 years of age; and (2) injuries suffered by a victim
12 of pornography involving minors.

13 Existing law provides that a criminal conviction of a defendant for the injury alleged in a
14 civil action is conclusive evidence of all facts necessary to impose civil liability on the
15 defendant. (NRS 41.133) **Section 2** of this bill provides that if a plaintiff is the victim of
16 sexual abuse or exploitation, a person has been convicted of a crime arising out of such sexual
17 abuse or exploitation and the plaintiff commences a civil action against a person other than the
18 person convicted of the crime, then the judgment of conviction of the person convicted of the
19 crime is conclusive evidence in the civil action that the person sexually abused or exploited
20 the plaintiff. **Section 2** also provides that a person is liable to a plaintiff for damages if the
21 person ~~[(1) employed, supervised or had responsibility for the person convicted of the crime;~~
22 ~~(2) owned or controlled the property upon which the sexual abuse or exploitation occurred;~~ (3)
23 ~~knew or should have known of the sexual abuse or exploitation by the person convicted of the~~
24 ~~crime; and (4) allowed the sexual abuse or exploitation to occur.] **knowingly benefits from a**~~
25 ~~venture that the person knew or should have known has engaged in sexual abuse or~~
26 ~~exploitation of another person.~~ Finally, **section 2** provides that if a person who is liable to a
27 plaintiff **knowingly participated in and** gained a benefit from or covered up the sexual abuse
28 or exploitation of the plaintiff, the person is liable for treble damages. **The statute of**
29 **limitations for bringing a civil action pursuant to section 2 is set forth in section 1.**

30 **Section 3** of this bill makes conforming changes by removing references to the statutes of
31 limitations that were eliminated by this bill.

32 **Section 4** of this bill provides that the changes in this bill apply retroactively to any act
33 constituting sexual abuse or exploitation, ~~for~~ any act relating to pornography and a minor
34 and any act described in section 2 for which a person would be liable even if the statute of
35 limitations that was in effect at the time of the act has expired, which means that a civil action
36 that would otherwise be time-barred by the former statute of limitations is revived by this bill.

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

1 **Section 1.** NRS 11.215 is hereby amended to read as follows:

2 11.215 1. ~~Except as otherwise provided in subsection 2 and NRS 217.007,~~
3 ~~an~~ **An** action to recover damages for an injury to a person arising from the sexual
4 abuse **or exploitation** of the plaintiff which occurred when the plaintiff was less
5 than 18 years of age ~~must~~ **may** be commenced ~~within 20 years after the plaintiff:~~

6 ~~— (a) Reaches 18 years of age; or~~

7 ~~— (b) Discovers or reasonably should have discovered that his or her injury was~~
8 ~~caused by the sexual abuse;~~

9 ~~↪ whichever occurs later.] at any time after the sexual abuse or exploitation~~
10 ~~occurred. In such an action, if the alleged injury to the plaintiff is the result of a~~
11 ~~series of two or more acts constituting sexual abuse or exploitation, the plaintiff~~
12 ~~is not required to identify which specific act in the series of acts caused the~~
13 ~~alleged injury.~~

14 2. An action to recover damages pursuant to NRS 41.1396 ~~must~~ **may** be
15 commenced ~~within 20 years after the occurrence of the following, whichever is~~
16 ~~later:~~

17 ~~— (a) The court enters a verdict in a related criminal case; or~~

18 ~~— (b) The] at any time after the~~ victim reaches the age of 18 years.

19 3. Unless the provisions of subsection 1 apply, an action to recover damages
20 pursuant to section 2 of this act must be commenced within 30 years after:

21 (a) The sexual abuse or exploitation occurred; or

22 (b) The plaintiff discovers or reasonably should have discovered that his or
23 her injury was caused by sexual abuse or exploitation,

24 ↪ whichever occurs later.

25 4. As used in this section, “sexual ~~abuse~~ **has the meaning ascribed to it]**
26 **abuse or exploitation**” means **unwanted sexual contact and includes, without**
27 **limitation, sexual abuse as defined** in NRS 432B.100 ~~and~~ **sexual exploitation**
28 **as defined in NRS 432B.110.** ~~As used in this subsection, “sexual contact” means~~
29 ~~the intentional touching, either directly or through the clothing, of the genitalia,~~
30 ~~anus, groin, breast, inner thigh or buttocks of another person or intentionally~~
31 ~~causing another person to touch, either directly or through the clothing, the~~
32 ~~genitalia, anus, groin, breast, inner thigh or buttocks of any person, with an~~
33 ~~intent to abuse, humiliate or degrade any person or to arouse or gratify the~~
34 ~~sexual desire of any person.]~~

35 **Sec. 2.** Chapter 41 of NRS is hereby amended by adding thereto a new
36 section to read as follows:

37 1. **If a plaintiff is the victim of sexual abuse or exploitation, a person has**
38 **been convicted of a crime arising out of such sexual abuse or exploitation of the**
39 **plaintiff and the plaintiff commences a civil action against a person other than**
40 **the person convicted of the crime, then the judgment of conviction of the person**

1 convicted of the crime is conclusive evidence in the civil action that the person
2 convicted of the crime sexually abused or exploited the plaintiff.

3 2. A person is liable to a plaintiff for damages if the person ~~is~~

4 ~~(a) Employed, supervised or had responsibility for the person convicted of~~
5 ~~the crime;~~

6 ~~(b) Owned or controlled the property upon which the sexual abuse or~~
7 ~~exploitation occurred;~~

8 ~~(c) Knew or should have known of the sexual abuse or exploitation by the~~
9 ~~person convicted of the crime; and~~

10 ~~(d) Allowed the sexual abuse or exploitation to occur.]~~ knowingly benefits,
11 financially or by receiving anything of value, from participation in a venture
12 which that person knew or should have known has engaged in sexual abuse or
13 exploitation of another person.

14 3. A person who is liable to a plaintiff under subsection 2 and who
15 knowingly participated in and gained a benefit from or covered up the sexual
16 abuse or exploitation of the plaintiff is liable to the plaintiff for treble damages.

17 4. For the purposes of this section, a hotel, motel or other establishment
18 with more than 200 rooms available for sleeping accommodations for the public
19 shall be deemed not to benefit, or to have gained a benefit, from the rental of a
20 room.

21 5. As used in this section:

22 (a) “Convicted” has the meaning ascribed to it in NRS 41B.070.

23 (b) “Cover up” means a concerted effort to hide evidence relating to sexual
24 abuse or exploitation.

25 (c) “Sexual abuse or exploitation” has the meaning ascribed to it in NRS
26 11.215.

27 **Sec. 3.** NRS 217.007 is hereby amended to read as follows:

28 217.007 1. A victim may commence any action specified in NRS 11.190 ~~+~~
29 ~~11.215~~ or 207.470 which arises from the commission of a felony, against the
30 person who committed the felony within 5 years after the time the person who
31 committed the felony becomes legally entitled to receive proceeds for any
32 contribution to any material that is based upon or substantially related to the felony
33 which was perpetrated against the victim.

34 2. If the limitation period established in NRS 11.190 ~~+~~ ~~11.215~~ or 207.520
35 has otherwise expired, the liability of the person committing the felony to a victim
36 imposed under this section must be limited to the value of the proceeds received by
37 the person who committed the felony for any contribution to material that is based
38 upon or substantially related to the felony which was perpetrated against the victim.

39 3. For purposes of this section:

40 (a) “Material” means a book, magazine or newspaper article, movie, film,
41 videotape, sound recording, interview or appearance on a television or radio station
42 and live presentations of any kind.

43 (b) “Proceeds” includes money, royalties, real property and any other
44 consideration.

45 (c) “Victim” means any person:

46 (1) Against whom a crime has been committed;

47 (2) Who has been injured or killed as a direct result of the commission of a
48 crime; or

49 (3) Who is the surviving spouse, a parent or a child of such a person.

50 **Sec. 4.** 1. The amendatory provisions of this act apply retroactively to any
51 act constituting sexual abuse or exploitation and any act for which a person is liable
52 under NRS 41.1396 or section 2 of this act that occurred before the effective date
53 of this act, regardless of any statute of limitations that was in effect at the time the

1 act constituting sexual abuse or exploitation or act for which a person is liable
2 under NRS 41.1396 or section 2 of this act occurred, including, without limitation,
3 any civil action that would have been barred by the statute of limitations that was in
4 effect before the effective date of this act.

5 2. As used in this section, “sexual abuse or exploitation” has the meaning
6 ascribed to it in NRS 11.215, as amended by this act.

7 **Sec. 5.** This act becomes effective upon passage and approval.