

Amendment No. 602

Assembly Amendment to Senate Bill No. 203 First Reprint (BDR 2-577)

Proposed by: Assembly Committee on Judiciary

Amends: Summary: No Title: No Preamble: No Joint Sponsorship: Yes 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: 5/15/2021

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



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

MARCH 9, 2021

JOINT SPONSOR: ASSEMBLYWOMAN KRASNER

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to civil actions involving certain sexual offenses. (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; 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. Existing law also provides that a civil action to recover
6 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 sexual exploitation if the sexual abuse or sexual
11 exploitation occurred when the plaintiff was less than 18 years of age; and (2) injuries
12 suffered by a victim 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 sexual exploitation, a person has been convicted of a crime arising out of such
17 sexual abuse or sexual exploitation and the plaintiff commences a civil action against a person
18 other than the person convicted of the crime, then the judgment of conviction of the person
19 convicted of the crime is conclusive evidence in the civil action that the person sexually
20 abused or sexually exploited the plaintiff. **Section 2** also provides that a person is liable to a
21 plaintiff for damages if the person knowingly benefits from a venture that the person knew or
22 should have known has engaged in sexual abuse or sexual exploitation of another person.
23 Finally, **section 2** provides that if a person who is liable to a plaintiff knowingly participated
24 in and gained a benefit from or covered up the sexual abuse or sexual exploitation of the
25 plaintiff, the person is liable for treble damages. The statute of limitations for bringing a civil
26 action pursuant to **section 2** is set forth in **section 1**.

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

29 **Section 4** of this bill provides that the changes in this bill apply retroactively to any act
 30 constituting sexual abuse or sexual exploitation, any act relating to pornography and a minor
 31 and any act described in **section 2** for which a person would be liable even if the statute of
 32 limitations that was in effect at the time of the act has expired, which means that a civil action
 33 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 sexual exploitation of the plaintiff which occurred when the plaintiff was
 5 less than 18 years of age ~~must~~ **may** be commenced ~~within 20 years after the~~
 6 ~~plaintiff:~~

- 7 ~~— (a) Reaches 18 years of age; or~~
- 8 ~~— (b) Discovers or reasonably should have discovered that his or her injury was~~
 9 ~~caused by the sexual abuse;~~
 10 ~~— whichever occurs later.] at any time after the sexual abuse or sexual~~
 11 ~~exploitation occurred. In such an action, if the alleged injury to the plaintiff is~~
 12 ~~the result of a series of two or more acts constituting sexual abuse or sexual~~
 13 ~~exploitation, the plaintiff is not required to identify which specific act in the series~~
 14 ~~of acts caused the alleged injury.~~

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

- 18 ~~— (a) The court enters a verdict in a related criminal case; or~~
- 19 ~~— (b) The] at any time, [after the victim reaches the age of 18 years.]~~
- 20 3. ~~Unless the provisions of subsection 1 apply, an~~ **An** action to recover
 21 damages pursuant to section 2 of this act must be commenced within ~~30] 20~~
 22 ~~years after~~ **the**
 23 ~~— (a) The sexual abuse or exploitation occurred; or~~
 24 ~~— (b) The plaintiff discovers or reasonably should have discovered that his or~~
 25 ~~her injury was caused by sexual abuse or exploitation;~~
 26 ~~— whichever occurs later.] the plaintiff reaches 18 years of age.~~

27 4. As used in this section ~~], “sexual”:~~
 28 (a) “Sexual abuse” has the meaning ascribed to it [abuse or exploitation”
 29 means unwanted sexual contact and includes, without limitation, sexual abuse as
 30 defined] in NRS 432B.100. [and sexual exploitation as defined]

31 (b) “Sexual exploitation” has the meaning ascribed to it in NRS 432B.110.

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

34 1. **If a plaintiff is the victim of sexual abuse or sexual exploitation, a person**
 35 **has been convicted of a crime arising out of such sexual abuse or sexual**
 36 **exploitation of the plaintiff and the plaintiff commences a civil action against a**
 37 **person other than the person convicted of the crime, then the judgment of**
 38 **conviction of the person convicted of the crime is conclusive evidence in the civil**
 39 **action that the person convicted of the crime sexually abused or sexually**
 40 **exploited the plaintiff.**

1 2. A person is liable to a plaintiff for damages if the person knowingly
2 benefits, financially or by receiving anything of intangible value, from participation
3 in a venture which that person knew or should have known has engaged in
4 sexual abuse or sexual exploitation of another person.

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

9 4. For the purposes of this section, a hotel, motel or other establishment
10 with more than ~~200~~ 175 rooms available for sleeping accommodations for the
11 public shall be deemed not to benefit, or to have gained a benefit, from the rental
12 of a room.

13 5. As used in this section:

14 (a) "Convicted" has the meaning ascribed to it in NRS 41B.070.

15 (b) "Cover up" means a concerted effort to hide evidence relating to sexual
16 abuse or sexual exploitation.

17 (c) "~~Sexual abuse or exploitation~~" abuse" has the meaning ascribed to it in
18 NRS ~~41.215~~ 432B.100.

19 (d) "Sexual exploitation" has the meaning ascribed to it in NRS 432B.110.

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

21 217.007 1. A victim may commence any action specified in NRS 11.190 ~~;~~
22 ~~41.215~~ or 207.470 which arises from the commission of a felony, against the
23 person who committed the felony within 5 years after the time the person who
24 committed the felony becomes legally entitled to receive proceeds for any
25 contribution to any material that is based upon or substantially related to the felony
26 which was perpetrated against the victim.

27 2. If the limitation period established in NRS 11.190 ~~;~~ ~~41.215~~ or 207.520
28 has otherwise expired, the liability of the person committing the felony to a victim
29 imposed under this section must be limited to the value of the proceeds received by
30 the person who committed the felony for any contribution to material that is based
31 upon or substantially related to the felony which was perpetrated against the victim.

32 3. For purposes of this section:

33 (a) "Material" means a book, magazine or newspaper article, movie, film,
34 videotape, sound recording, interview or appearance on a television or radio station
35 and live presentations of any kind.

36 (b) "Proceeds" includes money, royalties, real property and any other
37 consideration.

38 (c) "Victim" means any person:

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

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

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

43 **Sec. 4.** 1. The amendatory provisions of this act apply retroactively to any
44 act constituting sexual abuse or sexual exploitation and any act for which a person
45 is liable under NRS 41.1396 or section 2 of this act that occurred before the
46 effective date of this act, regardless of any statute of limitations that was in effect at
47 the time the act constituting sexual abuse or sexual exploitation or act for which a
48 person is liable under NRS 41.1396 or section 2 of this act occurred, including,
49 without limitation, any civil action that would have been barred by the statute of
50 limitations that was in effect before the effective date of this act.

51 2. As used in this section ~~;~~ ~~sexual~~ :

52 (a) "Sexual abuse" ~~for exploitation~~ has the meaning ascribed to it in NRS
53 ~~41.215, as amended by this act.~~ 432B.100.

1
2

(b) "Sexual exploitation" has the meaning ascribed to it in NRS 432B.110.
Sec. 5. This act becomes effective upon passage and approval.