

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.

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

14 Existing law provides that a criminal conviction of a defendant for the injury
15 alleged in a civil action is conclusive evidence of all facts necessary to impose civil
16 liability on the defendant. (NRS 41.133) **Section 2** of this bill provides that if a
17 plaintiff is the victim of sexual abuse or exploitation, a person has been convicted
18 of a crime arising out of such sexual abuse or exploitation and the plaintiff
19 commences a civil action against a person other than the person convicted of the
20 crime, then the judgment of conviction of the person convicted of the crime is
21 conclusive evidence in the civil action that the person sexually abused or exploited
22 the plaintiff. **Section 2** also provides that a person is liable to a plaintiff for
23 damages if the person: (1) employed, supervised or had responsibility for the



24 person convicted of the crime; (2) owned or controlled the property upon which the
25 sexual abuse or exploitation occurred; (3) knew or should have known of the sexual
26 abuse or exploitation by the person convicted of the crime; and (4) allowed the
27 sexual abuse or exploitation to occur. Finally, **section 2** provides that if a person
28 who is liable to a plaintiff gained a benefit from or covered up the sexual abuse or
29 exploitation of the plaintiff, the person is liable for treble damages.

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

32 **Section 4** of this bill provides that the changes in this bill apply retroactively to
33 any act constituting sexual abuse or exploitation or any act relating to pornography
34 and a minor for which a person would be liable even if the statute of limitations that
35 was in effect at the time of the act has expired, which means that a civil action that
36 would otherwise be time-barred by the former statute of limitations is revived by
37 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~~
3 ~~NRS 217.007, an~~ **An** action to recover damages for an injury to a
4 person arising from the sexual abuse *or exploitation* of the plaintiff
5 which occurred when the plaintiff was less than 18 years of age
6 ~~must~~ **may** be commenced ~~within 20 years after the plaintiff:~~
7 ~~— (a) Reaches 18 years of age; or~~
8 ~~— (b) Discovers or reasonably should have discovered that his or~~
9 ~~her injury was caused by the sexual abuse,~~
10 ~~whichever occurs later.]~~ *at any time after the sexual abuse or*
11 *exploitation occurred. In such an action, if the alleged injury to*
12 *the plaintiff is the result of a series of two or more acts*
13 *constituting sexual abuse or exploitation, the plaintiff is not*
14 *required to identify which specific act in the series of acts caused*
15 *the alleged injury.*

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

- 19 ~~— (a) The court enters a verdict in a related criminal case; or~~
20 ~~— (b) The]~~ *at any time after the* victim reaches the age of 18 years.

21 3. As used in this section, “sexual ~~abuse~~ ~~has the meaning~~
22 ~~ascribed to it]~~ *abuse or exploitation” means unwanted sexual*
23 *contact and includes, without limitation, sexual abuse as defined*
24 *in NRS 432B.100 [] and sexual exploitation as defined in NRS*
25 *432B.110. As used in this subsection, “sexual contact” means the*
26 *intentional touching, either directly or through the clothing, of the*
27 *genitalia, anus, groin, breast, inner thigh or buttocks of another*
28 *person or intentionally causing another person to touch, either*
29 *directly or through the clothing, the genitalia, anus, groin, breast,*



1 *inner thigh or buttocks of any person, with an intent to abuse,*
2 *humiliate or degrade any person or to arouse or gratify the sexual*
3 *desire of any person.*

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

6 *1. If a plaintiff is the victim of sexual abuse or exploitation, a*
7 *person has been convicted of a crime arising out of such sexual*
8 *abuse or exploitation of the plaintiff and the plaintiff commences*
9 *a civil action against a person other than the person convicted of*
10 *the crime, then the judgment of conviction of the person convicted*
11 *of the crime is conclusive evidence in the civil action that the*
12 *person convicted of the crime sexually abused or exploited the*
13 *plaintiff.*

14 *2. A person is liable to a plaintiff for damages if the person:*

15 *(a) Employed, supervised or had responsibility for the person*
16 *convicted of the crime;*

17 *(b) Owned or controlled the property upon which the sexual*
18 *abuse or exploitation occurred;*

19 *(c) Knew or should have known of the sexual abuse or*
20 *exploitation by the person convicted of the crime; and*

21 *(d) Allowed the sexual abuse or exploitation to occur.*

22 *3. A person who is liable to a plaintiff under subsection 2 and*
23 *who gained a benefit from or covered up the sexual abuse or*
24 *exploitation of the plaintiff is liable to the plaintiff for treble*
25 *damages.*

26 *4. As used in this section:*

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

29 *(b) "Cover up" means a concerted effort to hide evidence*
30 *relating to sexual abuse or exploitation.*

31 *(c) "Sexual abuse or exploitation" has the meaning ascribed to*
32 *it in NRS 11.215.*

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

34 217.007 1. A victim may commence any action specified in
35 NRS 11.190 ~~[, 11.215]~~ or 207.470 which arises from the
36 commission of a felony, against the person who committed the
37 felony within 5 years after the time the person who committed
38 the felony becomes legally entitled to receive proceeds for any
39 contribution to any material that is based upon or substantially
40 related to the felony which was perpetrated against the victim.

41 2. If the limitation period established in NRS 11.190 ~~[, 11.215]~~
42 or 207.520 has otherwise expired, the liability of the person
43 committing the felony to a victim imposed under this section must
44 be limited to the value of the proceeds received by the person who
45 committed the felony for any contribution to material that is based



1 upon or substantially related to the felony which was perpetrated
2 against the victim.

3 3. For purposes of this section:

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

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

9 (c) "Victim" means any person:

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

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

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

15 **Sec. 4.** 1. The amendatory provisions of this act apply
16 retroactively to any act constituting sexual abuse or exploitation and
17 any act for which a person is liable under NRS 41.1396 that
18 occurred before the effective date of this act, regardless of any
19 statute of limitations that was in effect at the time the act
20 constituting sexual abuse or exploitation or act for which a person is
21 liable under NRS 41.1396 occurred, including, without limitation,
22 any civil action that would have been barred by the statute of
23 limitations that was in effect before the effective date of this act.

24 2. As used in this section, "sexual abuse or exploitation" has
25 the meaning ascribed to it in NRS 11.215, as amended by this act.

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

