

(Reprinted with amendments adopted on May 18, 2021)

SECOND REPRINT

S.B. 203

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.

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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; 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. Existing law
6 also provides that a civil action to recover damages for injuries suffered by a victim
7 of pornography involving minors must be commenced within 20 years after either
8 of the following occurs, whichever is later: (1) the court enters a verdict in a related
9 criminal case; or (2) the victim reaches the age of 18 years. (NRS 11.215) **Section 1**
10 of this bill eliminates the statute of limitations for a civil action to recover damages
11 for: (1) sexual abuse or sexual exploitation if the sexual abuse or sexual
12 exploitation occurred when the plaintiff was less than 18 years of age; and (2)
13 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 sexual exploitation, a person has been
18 convicted of a crime arising out of such sexual abuse or sexual exploitation and the
19 plaintiff commences a civil action against a person other than the person convicted
20 of the crime, then the judgment of conviction of the person convicted of the crime



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21 is conclusive evidence in the civil action that the person sexually abused or sexually
22 exploited the plaintiff. **Section 2** also provides that a person is liable to a plaintiff
23 for damages if the person knowingly benefits from a venture that the person knew
24 or should have known has engaged in sexual abuse or sexual exploitation of another
25 person. Finally, **section 2** provides that if a person who is liable to a plaintiff
26 knowingly participated in and gained a benefit from or covered up the sexual abuse
27 or sexual exploitation of the plaintiff, the person is liable for treble damages. The
28 statute of limitations for bringing a civil action pursuant to **section 2** is set forth in
29 **section 1**.

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 sexual exploitation, any act relating to
34 pornography and a minor and any act described in **section 2** for which a person
35 would be liable even if the statute of limitations that was in effect at the time of the
36 act has expired, which means that a civil action that would otherwise be time-
37 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~~
3 ~~NRS 217.007, an}~~ *An* action to recover damages for an injury to a
4 person arising from the sexual abuse *or sexual exploitation* of the
5 plaintiff which occurred when the plaintiff was less than 18 years of
6 age ~~{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 *sexual exploitation occurred. In such an action, if the alleged*
12 *injury to the plaintiff is the result of a series of two or more acts*
13 *constituting sexual abuse or sexual 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 victim reaches the age of 18 years.}~~ *at any time.*

21 3. *An action to recover damages pursuant to section 2 of this*
22 *act must be commenced within 20 years after the plaintiff reaches*
23 *18 years of age.*

24 4. As used in this section ~~{~~ *“sexual”* ~~}~~ :

25 (a) *“Sexual* abuse” has the meaning ascribed to it in
26 NRS 432B.100.



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

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

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

13 *2. A person is liable to a plaintiff for damages if the person*
14 *knowingly benefits, financially or by receiving anything of*
15 *tangible value, from participation in a venture which that person*
16 *knew or should have known has engaged in sexual abuse or*
17 *sexual exploitation of another person.*

18 *3. A person who is liable to a plaintiff under subsection 2 and*
19 *who knowingly participated in and gained a benefit from or*
20 *covered up the sexual abuse or sexual exploitation of the plaintiff*
21 *is liable to the plaintiff for treble damages.*

22 *4. For the purposes of this section, a hotel, motel or other*
23 *establishment with more than 175 rooms available for sleeping*
24 *accommodations for the public shall be deemed not to benefit, or*
25 *to have gained a benefit, from the rental of a room.*

26 *5. 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 sexual exploitation.*

31 *(c) “Sexual abuse” has the meaning ascribed to it in*
32 *NRS 432B.100.*

33 *(d) “Sexual exploitation” has the meaning ascribed to it in*
34 *NRS 432B.110.*

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

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

43 2. If the limitation period established in NRS 11.190 ~~[, 11.215]~~
44 or 207.520 has otherwise expired, the liability of the person
45 committing the felony to a victim imposed under this section must



1 be limited to the value of the proceeds received by the person who
2 committed the felony for any contribution to material that is based
3 upon or substantially related to the felony which was perpetrated
4 against the victim.

5 3. For purposes of this section:

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

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

11 (c) "Victim" means any person:

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

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

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

17 **Sec. 4.** 1. The amendatory provisions of this act apply
18 retroactively to any act constituting sexual abuse or sexual
19 exploitation and any act for which a person is liable under NRS
20 41.1396 or section 2 of this act that occurred before the effective
21 date of this act, regardless of any statute of limitations that was in
22 effect at the time the act constituting sexual abuse or sexual
23 exploitation or act for which a person is liable under NRS 41.1396
24 or section 2 of this act occurred, including, without limitation, any
25 civil action that would have been barred by the statute of limitations
26 that was in effect before the effective date of this act.

27 2. As used in this section:

28 (a) "Sexual abuse" has the meaning ascribed to it in
29 NRS 432B.100.

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

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

