

ASSEMBLY BILL NO. 257—ASSEMBLYWOMAN
SUMMERS-ARMSTRONG

MARCH 7, 2023

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to forensic medical examinations of certain victims of certain crimes. (BDR 16-839)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

CONTAINS UNFUNDED MANDATE (§ 1)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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

AN ACT relating to forensic medical examinations; requiring the county in whose jurisdiction a domestic violence battery by strangulation is committed to pay the costs of a strangulation forensic medical examination of the victim; authorizing a county to be reimbursed for such costs; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law: (1) requires a county in whose jurisdiction a sexual assault is committed to pay for the costs of a forensic medical examination of the victim; and (2) provides that such costs must not be charged directly to the victim. (NRS 217.300) **Section 1** of this bill similarly: (1) requires a county in whose jurisdiction a domestic violence battery by strangulation was committed to pay for the costs of a strangulation forensic medical examination of the victim; and (2) provides that such costs must not be charged directly to the victim.

Existing law authorizes a compensation officer of the Department of Administration to order the payment of compensation from the Fund for the Compensation of Victims of Crime to or for the benefit of victims of certain crimes or to certain other specified persons. (NRS 217.033, 217.160, 217.260) **Section 2** of this bill additionally authorizes a compensation officer to order the payment of compensation to a county for the reimbursement of costs associated with conducting a strangulation forensic medical examination of a victim of domestic violence battery by strangulation that are paid by the county pursuant to **section 1**.

Section 3 of this bill makes a conforming change to indicate the proper placement of **section 1** in the Nevada Revised Statutes.



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

1 **Section 1.** Chapter 217 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 1. *The county in whose jurisdiction a domestic violence*
4 *battery by strangulation is committed shall pay any costs incurred*
5 *by a hospital for a strangulation forensic medical examination of*
6 *the victim.*

7 2. *Any costs incurred pursuant to subsection 1:*

8 (a) *Must not be charged directly to the victim.*

9 (b) *Must be charged to the county in whose jurisdiction the*
10 *offense was committed.*

11 3. *The filing of a report with the appropriate law enforcement*
12 *agency must not be a prerequisite to qualify for a strangulation*
13 *forensic medical examination pursuant to this section.*

14 4. *As used in this section:*

15 (a) *“Domestic violence battery by strangulation” means a*
16 *battery which constitutes domestic violence pursuant to NRS*
17 *33.018 that is committed by strangulation as described in*
18 *NRS 200.481.*

19 (b) *“Strangulation forensic medical examination” means an*
20 *examination conducted by a health care provider to obtain*
21 *evidence from a victim of a domestic violence battery by*
22 *strangulation.*

23 **Sec. 2.** NRS 217.160 is hereby amended to read as follows:

24 217.160 1. The compensation officer may order the payment
25 of compensation:

26 (a) To or for the benefit of the victim.

27 (b) If the victim has suffered personal injury, to any person
28 responsible for the maintenance of the victim who has suffered
29 pecuniary loss or incurred expenses as a result of the injury.

30 (c) If the victim dies, to or for the benefit of any one or more of
31 the dependents of the victim.

32 (d) To a minor who is a member of the household or immediate
33 family of a victim of a battery which constitutes domestic violence
34 pursuant to NRS 33.018 who needs an assessment, a psychological
35 evaluation or psychological counseling for emotional trauma
36 suffered by the minor as a result of the battery.

37 (e) To a member of the victim’s household or immediate family
38 for psychological counseling for emotional trauma suffered by the
39 member as a result of the crime of murder as defined in
40 NRS 200.010.

41 (f) To a county in whose jurisdiction a sexual assault was
42 committed for the reimbursement of costs associated with a forensic



1 medical examination of a victim of sexual assault that are paid by
2 the county pursuant to NRS 217.300. A county may be reimbursed
3 pursuant to this paragraph in an amount equal to the cost of 10
4 forensic medical examinations or \$10,000, whichever is less, each
5 fiscal year.

6 *(g) To a county in whose jurisdiction a domestic violence*
7 *battery by strangulation was committed for the reimbursement of*
8 *costs associated with conducting a strangulation forensic medical*
9 *examination of a victim of domestic violence battery by*
10 *strangulation that are paid by the county pursuant to section 1 of*
11 *this act.*

12 2. As used in this section:

13 (a) "Battery" has the meaning ascribed to it in paragraph (a) of
14 subsection 1 of NRS 200.481.

15 (b) *"Domestic violence battery by strangulation" has the*
16 *meaning ascribed to it in section 1 of this act.*

17 (c) "Forensic medical examination" has the meaning ascribed to
18 it in NRS 217.300.

19 ~~[(e)]~~ (d) "Household" means an association of persons who live
20 in the same home or dwelling and who:

21 (1) Have significant personal ties to the victim; or

22 (2) Are related by blood, adoption or marriage, within the
23 first degree of consanguinity or affinity.

24 ~~[(d)]~~ (e) "Immediate family" means persons who are related by
25 blood, adoption or marriage, within the first degree of consanguinity
26 or affinity.

27 ~~[(e)]~~ (f) *"Strangulation forensic medical examination" has the*
28 *meaning ascribed to it in section 1 of this act.*

29 (g) "Victim of sexual assault" has the meaning ascribed to it in
30 NRS 217.280.

31 **Sec. 3.** NRS 217.400 is hereby amended to read as follows:

32 217.400 As used in NRS 217.400 to 217.475, inclusive, *and*
33 *section 1 of this act*, unless the context otherwise requires:

34 1. "Dating relationship" means frequent, intimate associations
35 primarily characterized by the expectation of affectional or sexual
36 involvement. The term does not include a casual relationship or an
37 ordinary association between persons in a business or social context.

38 2. "Division" means the Division of Child and Family Services
39 of the Department of Health and Human Services.

40 3. "Domestic violence" means:

41 (a) The attempt to cause or the causing of bodily injury to a
42 family or household member or the placing of the member in fear of
43 imminent physical harm by threat of force.

44 (b) Any of the following acts committed by a person against a
45 family or household member, a person with whom he or she had or



1 is having a dating relationship or with whom he or she has a child in
2 common, or upon his or her minor child or a minor child of that
3 person:

4 (1) A battery.

5 (2) An assault.

6 (3) Compelling the other by force or threat of force to
7 perform an act from which he or she has the right to refrain or to
8 refrain from an act which he or she has the right to perform.

9 (4) A sexual assault.

10 (5) A knowing, purposeful or reckless course of conduct
11 intended to harass the other. Such conduct may include, without
12 limitation:

13 (I) Stalking.

14 (II) Arson.

15 (III) Trespassing.

16 (IV) Larceny.

17 (V) Destruction of private property.

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

19 (6) False imprisonment.

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

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

27 5. "Participant" means an adult, child or incapacitated person
28 for whom a fictitious address has been issued pursuant to NRS
29 217.462 to 217.471, inclusive.

30 6. "Victim of domestic violence" includes the dependent
31 children of the victim.

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

34 (a) Involuntary servitude as set forth in NRS 200.463 or
35 200.464.

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

37 (c) Trafficking in persons in violation of any provision of NRS
38 200.467 or 200.468.

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

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

42 8. "Victim of sexual assault" and "victim of sexual violence"
43 mean a person who has been sexually assaulted as defined in NRS
44 200.366 or a person upon whom a sexual assault has been
45 attempted.



1 9. “Victim of stalking” means a person who is a victim of the
2 crime of stalking or aggravated stalking as set forth in NRS 200.575.
3 **Sec. 4.** The provisions of NRS 354.599 do not apply to any
4 additional expenses of a local government that are related to the
5 provisions of this act.

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