

Amendment No. 962

Senate Amendment to Assembly Bill No. 257 First Reprint	(BDR 16-839)
Proposed by: Senate Committee on Finance	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will: (1) MAINTAIN the unfunded mandate not requested by the affected local government to A.B. 257 R1 (§ 1). (2) ADD an appropriation where one does not currently exist in A.B. 257 R1.

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.

KMD/KRO



Date: 6/4/2023

A.B. No. 257—Revises provisions relating to forensic medical examinations of certain victims of certain crimes. (BDR 16-839)



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 ~~omitted 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, to the extent that money is available from legislative appropriation; making an appropriation; 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.

Section 1 additionally provides that a county which pays such costs may receive reimbursement from the State, to the extent that money is available for that purpose from legislative appropriation.

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

Section 3.5 of this bill makes an appropriation to the Division of Child and Family Services of the Department of Health and Human Services for the purpose of reimbursing counties for costs incurred by the counties in complying with the requirements prescribed by section 1.

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 thereto a new
2 section to read as follows:

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

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

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

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

10 3. *A county which pays costs related to a strangulation forensic medical*
11 *examination pursuant to subsection 1 may, to the extent that money is available*
12 *for that purpose from legislative appropriation, receive reimbursement from the*
13 *State.*

14 4. *The filing of a report with the appropriate law enforcement agency must*
15 *not be a prerequisite to qualify for a strangulation forensic medical examination*
16 *pursuant to this section.*

17 5. *Nothing in this section shall be construed to prohibit the use of evidence*
18 *obtained from a strangulation forensic medical examination during the*
19 *investigation or prosecution of a person for domestic violence battery by*
20 *strangulation.*

21 6. *As used in this section:*

22 (a) *“Domestic violence battery by strangulation” means a battery which*
23 *constitutes domestic violence pursuant to NRS 33.018 that is committed by*
24 *strangulation as described in NRS 200.481.*

25 (b) *“Strangulation forensic medical examination” means an examination*
26 *conducted by a health care provider for the purpose of assessing the health care*
27 *needs of a victim of a domestic violence battery by strangulation and coordinating*
28 *the treatment of any injuries of the victim.*

29 **Sec. 2.** (Deleted by amendment.)

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

31 217.400 As used in NRS 217.400 to 217.475, inclusive, *and section 1 of this*
32 *act*, unless the context otherwise requires:

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

37 2. “Division” means the Division of Child and Family Services of the
38 Department of Health and Human Services.

39 3. “Domestic violence” means:

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

43 (b) Any of the following acts committed by a person against a family or
44 household member, a person with whom he or she had or is having a dating
45 relationship or with whom he or she has a child in common, or upon his or her
46 minor child or a minor child of that person:

47 (1) A battery.

48 (2) An assault.

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

4 (4) A sexual assault.
5 (5) A knowing, purposeful or reckless course of conduct intended to harass
6 the other. Such conduct may include, without limitation:

- 7 (I) Stalking.
- 8 (II) Arson.
- 9 (III) Trespassing.
- 10 (IV) Larceny.
- 11 (V) Destruction of private property.
- 12 (VI) Carrying a concealed weapon without a permit.
- 13 (6) False imprisonment.
- 14 (7) Unlawful entry of the other’s residence, or forcible entry against the
15 other’s will if there is a reasonably foreseeable risk of harm to the other from the
16 entry.

17 4. “Family or household member” means a spouse, a former spouse, a parent
18 or other adult person who is related by blood or marriage or is or was actually
19 residing with the person committing the act of domestic violence.

20 5. “Participant” means an adult, child or incapacitated person for whom a
21 fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive.

22 6. “Victim of domestic violence” includes the dependent children of the
23 victim.

- 24 7. “Victim of human trafficking” means a person who is a victim of:
25 (a) Involuntary servitude as set forth in NRS 200.463 or 200.464.
26 (b) A violation of any provision of NRS 200.465.
27 (c) Trafficking in persons in violation of any provision of NRS 200.467 or
28 200.468.

- (d) Sex trafficking in violation of any provision of NRS 201.300.
- (e) A violation of NRS 201.320 or 201.395.

31 8. “Victim of sexual assault” and “victim of sexual violence” mean a person
32 who has been sexually assaulted as defined in NRS 200.366 or a person upon
33 whom a sexual assault has been attempted.

34 9. “Victim of stalking” means a person who is a victim of the crime of
35 stalking or aggravated stalking as set forth in NRS 200.575.

36 **Sec. 3.5. 1. There is hereby appropriated from the State General Fund**
37 **to the Division of Child and Family Services of the Department of Health and**
38 **Human Services for the purpose of reimbursing counties for costs incurred by**
39 **the counties in complying with the requirements prescribed by section 1 of this**
40 **act the following sums:**

41	<u>For the Fiscal Year 2023-2024</u>	<u>\$1,080,000</u>
42	<u>For the Fiscal Year 2024-2025</u>	<u>\$1,080,000</u>

43 **2. Any balance of the sums appropriated by subsection 1 remaining at**
44 **the end of the respective fiscal years must not be committed for expenditure**
45 **after June 30 of the respective fiscal years by the entity to which the**
46 **appropriation is made or any entity to which money from the appropriation is**
47 **granted or otherwise transferred in any manner, and any portion of the**
48 **appropriated money remaining must not be spent for any purpose after**
49 **September 20, 2024, and September 19, 2025, respectively, by either the entity**
50 **to which the money was appropriated or the entity to which the money was**
51 **subsequently granted or transferred, and must be reverted to the State**
52 **General Fund on or before September 20, 2024, and September 19, 2025,**
53 **respectively.**

1 **Sec. 4.** The provisions of NRS 354.599 do not apply to any additional
2 expenses of a local government that are related to the provisions of this act.

3 **Sec. 5. 1. This section becomes effective upon passage and approval.**

4 **2. Section 3.5 of this act becomes effective on July 1, 2023.**

5 **3. Sections 1, 2, 3 and 4 of this act become effective on October 1, 2023.**