
ASSEMBLY BILL NO. 82—ASSEMBLYMAN FRIERSON

PREFILED FEBRUARY 1, 2013

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing evidence in certain court proceedings. (BDR 5-78)

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 evidence; prohibiting a juvenile court from receiving evidence of the previous sexual conduct of a victim of a sexual assault; prohibiting a court from receiving evidence of the previous sexual conduct of a child in proceedings related to the protection of children; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law provides that in a criminal proceeding involving a defendant who
2 is an adult, a defendant accused of sexual assault or attempt or conspiracy to
3 commit such a crime is prohibited from presenting evidence of any previous sexual
4 conduct of the victim to challenge the victim’s credibility as a witness unless the
5 prosecutor has presented evidence or the victim has testified concerning such
6 conduct. (NRS 50.090) **Section 1** of this bill prohibits the introduction of such
7 evidence in a juvenile court proceeding.
8 Existing law also provides that evidence may be presented in certain civil
9 proceedings related to the protection of children. (Chapter 432B of NRS) **Section 2**
10 of this bill similarly prohibits, in any proceeding related to the protection of
11 children, the introduction of evidence of any previous sexual conduct of a child to
12 challenge the child’s credibility as a witness unless the child’s attorney has
13 presented evidence or the child has testified concerning such conduct.



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

1 **Section 1.** NRS 62D.420 is hereby amended to read as
2 follows:

3 62D.420 1. ~~1.1~~ *Except as otherwise provided in subsection*
4 *2, in* each proceeding conducted pursuant to the provisions of this
5 title, the juvenile court may:

6 (a) Receive all competent, material and relevant evidence that
7 may be helpful in determining the issues presented, including, but
8 not limited to, oral and written reports; and

9 (b) Rely on such evidence to the extent of its probative value.

10 2. *In any prosecution for a delinquent act that would*
11 *constitute the offense of sexual assault or attempt or conspiracy to*
12 *commit sexual assault if the delinquent act were committed by an*
13 *adult, the accused may not present evidence of any previous*
14 *sexual conduct of the victim of the delinquent act to challenge the*
15 *victim's credibility as a witness unless the district attorney has*
16 *presented evidence or the victim has testified concerning such*
17 *conduct, or the absence of such conduct, in which case the scope*
18 *of the accused's cross-examination of the victim or rebuttal must*
19 *be limited to the evidence presented by the district attorney or*
20 *victim.*

21 3. The juvenile court shall afford the parties and their attorneys
22 an opportunity to examine and controvert each written report that is
23 received into evidence and to cross-examine each person who made
24 the written report, when reasonably available.

25 ~~1.3~~ 4. In any proceeding involving a child for which the court
26 has access to records relating to the custody of the child or the
27 involvement of the child with an agency which provides child
28 welfare services, the juvenile court may review those records to
29 assist the court in determining the appropriate placement or plan of
30 treatment for the child.

31 ~~1.4~~ 5. Except when a record described in subsection ~~1.3~~ 4
32 would otherwise be admissible as evidence in the proceeding, the
33 juvenile court shall not use a record reviewed pursuant to subsection
34 ~~1.3~~ 4 to prove that the child committed a delinquent act or is in need
35 of supervision or for any purpose other than a purpose set forth in
36 subsection ~~1.3~~ 4. Except as otherwise provided in subsection ~~1.5~~ 6,
37 such records must not be disclosed or otherwise made open to
38 inspection unless the records are admitted as evidence and used to
39 determine the disposition of the case.

40 ~~1.5~~ 6. The juvenile court shall afford the parties and their
41 attorneys an opportunity to examine and address any record
42 reviewed by the juvenile court pursuant to subsection ~~1.3~~.



1 ~~6.1~~ 4.
2 7. As used in this section, “agency which provides child
3 welfare services” has the meaning ascribed to it in NRS 432B.030.
4 **Sec. 2.** Chapter 432B of NRS is hereby amended by adding
5 thereto a new section to read as follows:
6 *In any proceeding held pursuant to this chapter, a party may*
7 *not present evidence of any previous sexual conduct of a child to*
8 *challenge the child’s credibility as a witness unless the attorney*
9 *for the child has presented evidence or the child has testified*
10 *concerning such conduct, or the absence of such conduct, in*
11 *which case the scope of the cross-examination of the child or*
12 *rebuttal must be limited to the evidence presented by the child’s*
13 *attorney or the child.*

