

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 11-78)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

~

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

AN ACT relating to evidence; prohibiting a court from receiving evidence of the previous sexual conduct of a child in proceedings related to the protection of children; prohibiting a court from receiving evidence of the previous sexual conduct of a child in proceedings related to the termination of parental rights; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law provides that evidence may be presented in certain civil  
2 proceedings related to the protection of children. (Chapter 432B of NRS) **Section 2**  
3 of this bill prohibits, in any proceeding related to the protection of children, the  
4 introduction of evidence of any previous sexual conduct of a child to challenge the  
5 child’s credibility as a witness unless the child’s attorney has presented evidence or  
6 the child has testified concerning such conduct. **Section 1.5** of this bill similarly  
7 prohibits the introduction of such evidence in proceedings regarding the  
8 termination of parental rights.

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

1 **Section 1.** (Deleted by amendment.)  
2 **Sec. 1.5.** Chapter 128 of NRS is hereby amended by adding  
3 thereto a new section to read as follows:  
4 *In any proceeding held pursuant to this chapter involving a*  
5 *child who has been the subject of a proceeding pursuant to*  
6 *chapter 432B of NRS, a party may not present evidence of any*



1 *previous sexual conduct of a child to challenge the child's*  
2 *credibility as a witness unless the attorney for the child has first*  
3 *presented evidence or the child has testified concerning such*  
4 *conduct, or the absence of such conduct, on direct examination by*  
5 *the district attorney or the attorney for the child, in which case the*  
6 *scope of the cross-examination of the child or rebuttal must be*  
7 *limited to the evidence presented by the child's attorney or the*  
8 *child.*

9 **Sec. 2.** Chapter 432B of NRS is hereby amended by adding  
10 thereto a new section to read as follows:

11 *In any proceeding held pursuant to this chapter, a party may*  
12 *not present evidence of any previous sexual conduct of a child to*  
13 *challenge the child's credibility as a witness unless the attorney*  
14 *for the child has first presented evidence or the child has testified*  
15 *concerning such conduct, or the absence of such conduct, on*  
16 *direct examination by the district attorney or the attorney for the*  
17 *child, in which case the scope of the cross-examination*  
18 *of the child or rebuttal must be limited to the evidence presented*  
19 *by the child's attorney or the child.*

