

ASSEMBLY BILL NO. 336—ASSEMBLYMEN MANENDO, McCLAIN, KOIVISTO, PARKS, McCLEARY, ANDERSON, ANDONOV, ARBERRY, ATKINSON, CARPENTER, CHOWNING, CHRISTENSEN, CLABORN, COLLINS, CONKLIN, GIBBONS, GIUNCHIGLIANI, GOICOECHEA, GOLDWATER, GRADY, HARDY, HORNE, KNECHT, LESLIE, MORTENSON, OCEGUERA, OHRENSCHALL, PERKINS, PIERCE, SHERER, WEBER AND WILLIAMS

MARCH 14, 2003

Referred to Committee on Judiciary

SUMMARY—Revises provisions regarding notification of certain victims of crime if defendant is released before or during trial. (BDR 14-1186)

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 criminal procedure; revising the provisions regarding notification of victims of a crime if the defendant is released before or during a trial; providing that a victim can request information concerning the release of the defendant by telephone in certain circumstances; and providing other matters properly relating thereto.

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

1 **Section 1.** NRS 178.5698 is hereby amended to read as
2 follows:

3 178.5698 1. The prosecuting attorney, sheriff or chief of
4 police shall, upon the ~~written~~ request of a victim or witness,
5 inform him:

6 (a) When the defendant is released from custody at any time
7 before or during the trial ~~is~~, *including, without limitation, when*



* A B 3 3 6 R 1 *

1 *the defendant is released pending trial or subject to electronic*
2 *supervision;*
3 (b) If the defendant is so released, the amount of bail required, if
4 any; and
5 (c) Of the final disposition of the criminal case in which he was
6 directly involved.
7 2. *A request for information pursuant to subsection 1 must be*
8 *made:*
9 (a) *In writing; or*
10 (b) *By telephone through an automated or computerized*
11 *system of notification, if such a system is available.*
12 3. If an offender is convicted of a sexual offense or an offense
13 involving the use or threatened use of force or violence against the
14 victim, the court shall provide:
15 (a) To each witness, documentation that includes:
16 (1) A form advising the witness of the right to be notified
17 pursuant to subsection ~~4;~~ 5;
18 (2) The form that the witness must use to request notification
19 ~~in writing;~~ and
20 (3) The form or procedure that the witness must use to
21 provide a change of address after a request for notification has been
22 submitted.
23 (b) To each person listed in subsection ~~3;~~ 4, documentation
24 that includes:
25 (1) A form advising the person of the right to be notified
26 pursuant to subsection ~~4-or~~ 5 *or 6* and NRS 176.015, 176A.630,
27 209.392, 209.3925, 209.521, 213.010, 213.040, 213.095 and
28 213.130;
29 (2) The forms that the person must use to request
30 notification; and
31 (3) The forms or procedures that the person must use to
32 provide a change of address after a request for notification has been
33 submitted.
34 ~~3;~~ 4. The following persons are entitled to receive
35 documentation pursuant to paragraph (b) of subsection ~~2;~~ 3:
36 (a) A person against whom the offense is committed.
37 (b) A person who is injured as a direct result of the commission
38 of the offense.
39 (c) If a person listed in paragraph (a) or (b) is under the age of
40 18 years, each parent or guardian who is not the offender.
41 (d) Each surviving spouse, parent and child of a person who is
42 killed as a direct result of the commission of the offense.
43 (e) A relative of a person listed in paragraphs (a) to (d),
44 inclusive, if the relative requests in writing to be provided with the
45 documentation.



1 ~~[4-]~~ 5. Except as otherwise provided in subsection ~~[5-]~~ 6, if the
2 offense was a felony and the offender is imprisoned, the warden of
3 the prison shall, if the victim or witness so requests in writing and
4 provides his current address, notify him at that address when the
5 offender is released from the prison.

6 ~~[5-]~~ 6. If the offender was convicted of a violation of
7 subsection 3 of NRS 200.366 or a violation of subsection 1,
8 paragraph (a) of subsection 2 or subparagraph (2) of paragraph (b)
9 of subsection 2 of NRS 200.508, the warden of the prison shall
10 notify:

11 (a) The immediate family of the victim if the immediate family
12 provides their current address;

13 (b) Any member of the victim's family related within the third
14 degree of consanguinity, if the member of the victim's family so
15 requests in writing and provides his current address; and

16 (c) The victim, if he will be 18 years of age or older at the time
17 of the release and has provided his current address,
18 before the offender is released from prison.

19 ~~[6-]~~ 7. The warden must not be held responsible for any injury
20 proximately caused by his failure to give any notice required
21 pursuant to this section if no address was provided to him or if the
22 address provided is inaccurate or not current.

23 ~~[7-]~~ 8. As used in this section:

24 (a) "Immediate family" means any adult relative of the victim
25 living in the victim's household.

26 (b) "Sexual offense" means:

27 (1) Sexual assault pursuant to NRS 200.366;

28 (2) Statutory sexual seduction pursuant to NRS 200.368;

29 (3) Battery with intent to commit sexual assault pursuant to
30 NRS 200.400;

31 (4) An offense involving pornography and a minor pursuant
32 to NRS 200.710 to 200.730, inclusive;

33 (5) Incest pursuant to NRS 201.180;

34 (6) Solicitation of a minor to engage in acts constituting the
35 infamous crime against nature pursuant to NRS 201.195;

36 (7) Open or gross lewdness pursuant to NRS 201.210;

37 (8) Indecent or obscene exposure pursuant to NRS 201.220;

38 (9) Lewdness with a child pursuant to NRS 201.230;

39 (10) Sexual penetration of a dead human body pursuant to
40 NRS 201.450;

41 (11) Luring a child using a computer, system or network
42 pursuant to NRS 201.560, if punished as a felony;

43 (12) Annoyance or molestation of a minor pursuant to
44 NRS 207.260;



- 1 (13) An offense that, pursuant to a specific statute, is
2 determined to be sexually motivated; or
3 (14) An attempt to commit an offense listed in this
4 paragraph.
5 **Sec. 2.** This act becomes effective on July 1, 2003.

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