
SENATE BILL NO. 223—SENATOR TITUS

MARCH 3, 2003

Referred to Committee on Judiciary

SUMMARY—Abolishes confessional exemption for clergy from requirement to report and testify regarding known or suspected child abuse. (BDR 38-712)

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 the protection of children; abolishing the confessional exemption for clergy from the requirement to report known or suspected abuse or neglect of a child; providing a related exception to the testimonial evidentiary privilege of clergy; 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 432B.220 is hereby amended to read as
2 follows:
3 432B.220 1. Any person who is described in subsection 3
4 and who, in his professional or occupational capacity, knows or has
5 reasonable cause to believe that a child has been abused or neglected
6 shall:
7 (a) Except as otherwise provided in subsection 2, report the
8 abuse or neglect of the child to an agency which provides child
9 welfare services or to a law enforcement agency; and
10 (b) Make such a report as soon as reasonably practicable but not
11 later than 24 hours after the person knows or has reasonable cause to
12 believe that the child has been abused or neglected.
13 2. If a person who is required to make a report pursuant to
14 subsection 1 knows or has reasonable cause to believe that the abuse
15 or neglect of the child involves an act or omission of:



1 (a) A person directly responsible or serving as a volunteer for or
2 an employee of a public or private home, institution or facility
3 where the child is receiving child care outside of his home for a
4 portion of the day, the person shall make the report to a law
5 enforcement agency.

6 (b) An agency which provides child welfare services or a law
7 enforcement agency, the person shall make the report to an agency
8 other than the one alleged to have committed the act or omission,
9 and the investigation of the abuse or neglect of the child must be
10 made by an agency other than the one alleged to have committed the
11 act or omission.

12 3. A report must be made pursuant to subsection 1 by the
13 following persons:

14 (a) A physician, dentist, dental hygienist, chiropractor,
15 optometrist, podiatric physician, medical examiner, resident, intern,
16 professional or practical nurse, physician assistant, psychiatrist,
17 psychologist, marriage and family therapist, alcohol or drug abuse
18 counselor, advanced emergency medical technician or other person
19 providing medical services licensed or certified in this state;

20 (b) Any personnel of a hospital or similar institution engaged in
21 the admission, examination, care or treatment of persons or an
22 administrator, manager or other person in charge of a hospital or
23 similar institution upon notification of suspected abuse or neglect of
24 a child by a member of the staff of the hospital;

25 (c) A coroner;

26 (d) A clergyman, practitioner of Christian Science or religious
27 healer ; ~~[- unless he has acquired the knowledge of the abuse or~~
28 ~~neglect from the offender during a confession;]~~

29 (e) A social worker and an administrator, teacher, librarian or
30 counselor of a school;

31 (f) Any person who maintains or is employed by a facility or
32 establishment that provides care for children, children's camp or
33 other public or private facility, institution or agency furnishing care
34 to a child;

35 (g) Any person licensed to conduct a foster home;

36 (h) Any officer or employee of a law enforcement agency or an
37 adult or juvenile probation officer;

38 (i) An attorney, unless he has acquired the knowledge of the
39 abuse or neglect from a client who is or may be accused of the abuse
40 or neglect;

41 (j) Any person who maintains, is employed by or serves as a
42 volunteer for an agency or service which advises persons regarding
43 abuse or neglect of a child and refers them to persons and agencies
44 where their requests and needs can be met; and



1 (k) Any person who is employed by or serves as a volunteer for
2 an approved youth shelter. As used in this paragraph, "approved
3 youth shelter" has the meaning ascribed to it in NRS 244.422.

4 4. A report may be made by any other person.

5 5. If a person who is required to make a report pursuant to
6 subsection 1 knows or has reasonable cause to believe that a child
7 has died as a result of abuse or neglect, the person shall, as soon as
8 reasonably practicable, report this belief to the appropriate medical
9 examiner or coroner, who shall investigate the report and submit to
10 an agency which provides child welfare services his written
11 findings. The written findings must include, if obtainable, the
12 information required pursuant to the provisions of subsection 2 of
13 NRS 432B.230.

14 **Sec. 2.** NRS 49.255 is hereby amended to read as follows:

15 49.255 ~~[A]~~

16 *1. Except as otherwise provided in subsection 2, a* clergyman
17 *or priest shall not, without the consent of the person making the*
18 *confession, be examined as a witness as to any confession made to*
19 *him in his professional character.*

20 *2. A clergyman or priest may be examined as a witness as to*
21 *any information related to a report required to be made by the*
22 *clergyman or priest pursuant to NRS 432B.220.*

23 **Sec. 3.** The amendatory provisions of this act do not apply to
24 confessions made to a clergyman or priest before October 1, 2003.

