

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; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law: (1) requires a county in whose jurisdiction a sexual assault is
2 committed to pay for the costs of a forensic medical examination of the victim; and
3 (2) provides that such costs must not be charged directly to the victim. (NRS
4 217.300) **Section 1** of this bill similarly: (1) requires a county in whose jurisdiction
5 a domestic violence battery by strangulation was committed to pay for the costs of
6 a strangulation forensic medical examination of the victim; and (2) provides that
7 such costs must not be charged directly to the victim.

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

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



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
2 thereto a new section to read as follows:

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

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

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

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

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

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

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

22 6. *As used in this section:*

23 (a) *“Domestic violence battery by strangulation” means a*
24 *battery which constitutes domestic violence pursuant to NRS*
25 *33.018 that is committed by strangulation as described in*
26 *NRS 200.481.*

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

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

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

34 217.400 As used in NRS 217.400 to 217.475, inclusive, *and*
35 *section 1 of this act*, unless the context otherwise requires:

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

40 2. “Division” means the Division of Child and Family Services
41 of the Department of Health and Human Services.

42 3. “Domestic violence” means:



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

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

9 (1) A battery.

10 (2) An assault.

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

14 (4) A sexual assault.

15 (5) A knowing, purposeful or reckless course of conduct
16 intended to harass the other. Such conduct may include, without
17 limitation:

18 (I) Stalking.

19 (II) Arson.

20 (III) Trespassing.

21 (IV) Larceny.

22 (V) Destruction of private property.

23 (VI) Carrying a concealed weapon without a permit.

24 (6) False imprisonment.

25 (7) Unlawful entry of the other's residence, or forcible entry
26 against the other's will if there is a reasonably foreseeable risk of
27 harm to the other from the entry.

28 4. "Family or household member" means a spouse, a former
29 spouse, a parent or other adult person who is related by blood or
30 marriage or is or was actually residing with the person committing
31 the act of domestic violence.

32 5. "Participant" means an adult, child or incapacitated person
33 for whom a fictitious address has been issued pursuant to NRS
34 217.462 to 217.471, inclusive.

35 6. "Victim of domestic violence" includes the dependent
36 children of the victim.

37 7. "Victim of human trafficking" means a person who is a
38 victim of:

39 (a) Involuntary servitude as set forth in NRS 200.463 or
40 200.464.

41 (b) A violation of any provision of NRS 200.465.

42 (c) Trafficking in persons in violation of any provision of NRS
43 200.467 or 200.468.

44 (d) Sex trafficking in violation of any provision of
45 NRS 201.300.



1 (e) A violation of NRS 201.320 or 201.395.

2 8. "Victim of sexual assault" and "victim of sexual violence"
3 mean a person who has been sexually assaulted as defined in NRS
4 200.366 or a person upon whom a sexual assault has been
5 attempted.

6 9. "Victim of stalking" means a person who is a victim of the
7 crime of stalking or aggravated stalking as set forth in NRS 200.575.

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

