

Senate Bill No. 177—Senators Ratti, Cannizzaro, Scheible; Donate, Dondero Loop, Goicoechea, Kieckhefer, Neal, Ohrenschall and SeEVERS Gansert

Joint Sponsors: Assemblymen Benitez-Thompson, Bilbray-Axelrod, González, Hardy, Krasner, Marzola, Orentlicher, Summers-Armstrong, Tolles and Torres

CHAPTER.....

AN ACT relating to crimes; revising provisions governing eligibility for and awarding of grants from the Account for Aid for Victims of Domestic Violence; renaming the Account; increasing the portion of the fee for a marriage license that funds the Account; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law creates the Account for Aid for Victims of Domestic Violence in the State General Fund, which is administered by the Administrator of the Division of Child and Family Services of the Department of Health and Human Services. (NRS 217.440) Under existing law, a nonprofit organization is eligible for a grant from the Account if, among other requirements, the nonprofit organization provides its services exclusively for victims of domestic violence within this State. (NRS 217.420, 217.440) **Section 2** of this bill revises the eligibility for a grant to instead require that the nonprofit organization provide its services: (1) exclusively for victims of domestic or sexual violence if located in a county whose population is 100,000 or more (currently Clark and Washoe Counties); or (2) primarily for victims of domestic or sexual violence in a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties). **Section 2** also excludes nonprofit organizations that provide services exclusively to victims of sexual violence from the eligibility requirement that the nonprofit organization be able to provide: (1) shelter to victims on any day, at any hour; and (2) facilities where food can be stored and prepared.

Existing law governs the allocation of money in the Account for grants for each county. Existing law requires the allocation of 15 percent of all money granted from the Account to organizations in a county whose population is 700,000 or more (currently Clark County) to an organization in the county which has been specifically created to assist victims of sexual assault. (NRS 217.410, 217.450) **Section 4** of this bill requires that 75 percent of the money allocated to each county be allocated for grants for services for victims of domestic violence and 25 percent be allocated for grants for services for victims of sexual violence. **Section 4** also requires the Administrator of the Division to award grants to not more than: (1) one applicant to provide services for victims of domestic violence and one applicant to provide services for victims of sexual violence in counties whose population is less than 100,000; and (2) two applicants to provide services for victims of domestic violence and two applicants to provide services for victims of sexual violence in counties whose population is 100,000 or more. **Section 9** of this bill eliminates the requirement for the allocation of 15 percent of all money granted from the Account to organizations in a county whose population is 700,000 or more to an organization which has been specifically created to assist victims of sexual assault.



Section 3 of this bill renames the Account as the Account for Aid for Victims of Domestic or Sexual Violence to reflect the additional use of money in the Account for services for victims of sexual violence. **Section 1** of this bill revises the definition of the term “victim of sexual assault” to include the term “victim of sexual violence” within the same definition for purposes of providing assistance to such victims. **Section 5** of this bill makes a conforming change for purposes of furnishing certain reports to the Administrator.

Existing law requires a county clerk to collect certain fees when issuing a marriage license. A portion of the fees a county clerk collects when issuing a marriage license is dedicated to the Account for Aid for Victims of Domestic Violence. (NRS 122.060) **Section 6** of this bill increases the portion of the fee for a marriage license that funds the Account from \$25 to \$50.

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

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

Section 1. NRS 217.400 is hereby amended to read as follows:
217.400 As used in NRS 217.400 to 217.475, inclusive, unless the context otherwise requires:

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

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

3. “Domestic violence” means:

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

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

(1) A battery.

(2) An assault.

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

(4) A sexual assault.

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



- (I) Stalking.
- (II) Arson.
- (III) Trespassing.
- (IV) Larceny.
- (V) Destruction of private property.
- (VI) Carrying a concealed weapon without a permit.

(6) False imprisonment.

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

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

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

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

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

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

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

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

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

(e) A violation of NRS 201.320 or 201.395.

8. "Victim of sexual assault" ~~means~~ and "*victim of sexual violence*" *mean* a person who has been sexually assaulted as defined in NRS 200.366 or a person upon whom a sexual assault has been attempted.

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

Sec. 2. NRS 217.420 is hereby amended to read as follows:

217.420 To be eligible for a grant from the Account for Aid for Victims of Domestic *or Sexual* Violence, an applicant must:

1. Be a nonprofit corporation, incorporated or qualified in this state.

2. Be governed by a board of trustees which reflects the racial, ethnic, economic and social composition of the county to be served



and includes at least one trustee who has been a victim of domestic *or sexual* violence.

3. Receive at least 15 percent of its money from sources other than the Federal Government, the State, any local government or other public body or their instrumentalities. Any goods or services which are contributed to the organization may be assigned their reasonable monetary value for the purpose of complying with the requirement of this subsection.

4. Provide its services ~~exclusively~~ :

(a) *Exclusively* for victims of domestic *or sexual* violence and only within this state ~~if~~ *if located in a county whose population is 100,000 or more; or*

(b) *Primarily for victims of domestic or sexual violence and only within this state if located in a county whose population is less than 100,000.*

5. Require its employees and volunteer assistants to maintain the confidentiality of any information which would identify persons receiving the services.

6. Provide its services without any discrimination on the basis of race, religion, color, age, sex, sexual orientation, gender identity or expression, marital status, national origin or ancestry.

7. Be able to provide:

(a) Except in counties whose population is less than 100,000 ~~if~~ *or if the organization provides services exclusively to victims of sexual violence*, shelter to victims on any day, at any hour.

(b) A telephone service capable of receiving emergency calls on any day, at any hour.

(c) Except in counties whose population is less than 100,000 ~~if~~ *or if the organization provides services exclusively to victims of sexual violence*, facilities where food can be stored and prepared.

(d) Counseling, or make referrals for counseling, for victims ~~or spouses~~, *partners* of victims and ~~their children~~, *family members*.

(e) Assistance to victims in obtaining legal, medical, psychological or vocational help.

(f) Education and training , *including prevention programs*, for members of the community on matters which relate to domestic *and sexual* violence.

Sec. 3. NRS 217.440 is hereby amended to read as follows:

217.440 1. An Account for Aid for Victims of Domestic *or Sexual* Violence is hereby created in the State General Fund. The Account must be administered by the Administrator of the Division.

2. Any nonprofit organization in the State which is able to meet the requirements specified in subsection 7 of NRS 217.420 may



apply for a grant from the Account for Aid for Victims of Domestic *or Sexual* Violence.

3. An application for a grant must be received by the Division before April 1 preceding the fiscal year for which the grant is sought.

Sec. 4. NRS 217.450 is hereby amended to read as follows:

217.450 1. The Commission on Behavioral Health shall advise the Administrator of the Division concerning the award of grants from the Account for Aid for Victims of Domestic *or Sexual* Violence.

2. The Administrator of the Division shall give priority to those applications for grants from the Account for Aid for Victims of Domestic *or Sexual* Violence submitted by organizations which offer the broadest range of services for the least cost within one or more counties. The Administrator shall not approve the use of money from a grant to acquire any buildings.

3. *The Administrator of the Division shall award grants to not more than:*

(a) One applicant to provide services for victims of domestic violence and one applicant to provide services for victims of sexual violence in counties whose population is less than 100,000; and

(b) Two applicants to provide services for victims of domestic violence and two applicants to provide services for victims of sexual violence in counties whose population is 100,000 or more.

4. The Administrator of the Division has the final authority to approve or deny an application for a grant. The Administrator shall notify each applicant in writing of the action taken on its application within 45 days after the deadline for filing the application.

~~[4.]~~ 5. In determining the amount of money to be allocated for grants, the Administrator of the Division shall use the following formula:

(a) A basic allocation of \$7,000 must be made for each county whose population is less than 100,000. For counties whose population is 100,000 or more, the basic allocation is \$35,000. These allocations must be increased or decreased for each fiscal year ending after June 30, 1990, by the same percentage that the amount deposited in the account during the preceding fiscal year, pursuant to NRS 122.060, is greater or less than the sum of \$791,000.

(b) Any additional revenue available in the Account must be allocated to grants, on a per capita basis, for all counties whose population is 20,000 or more.



(c) *Seventy-five percent of the revenue allocated to each county must be allocated for grants for services for victims of domestic violence and 25 percent must be allocated for grants for services for victims of sexual violence.*

(d) Money remaining in the Account after disbursement of grants does not revert and may be awarded in a subsequent year.

Sec. 5. NRS 217.460 is hereby amended to read as follows:

217.460 Each organization which has received a grant for assistance to victims of domestic *or sexual* violence shall furnish quarterly and annual financial reports to the Administrator of the Division in a manner which the Administrator may prescribe.

Sec. 6. NRS 122.060 is hereby amended to read as follows:

122.060 1. The county clerk is entitled to receive as his or her fee for issuing a marriage license the sum of \$21.

2. The county clerk shall also at the time of issuing the marriage license:

(a) Collect the sum of \$10 and:

(1) If the board of county commissioners has adopted an ordinance pursuant to NRS 246.100, deposit the sum into the county general fund pursuant to NRS 246.180 for filing the originally signed certificate of marriage described in NRS 122.120.

(2) If the board of county commissioners has not adopted an ordinance pursuant to NRS 246.100, pay it over to the county recorder as his or her fee for recording the originally signed certificate of marriage described in NRS 122.120.

(b) Collect the additional fee described in subsection 2 of NRS 246.180, if the board of county commissioners has adopted an ordinance authorizing the collection of such fee, and deposit the fee pursuant to NRS 246.190.

(c) Collect the additional fee imposed pursuant to NRS 246.075, if the board of county commissioners has adopted an ordinance imposing the fee.

3. The county clerk shall also at the time of issuing the marriage license collect the additional sum of \$4 for the State of Nevada. The fees collected for the State must be paid over to the county treasurer by the county clerk on or before the fifth day of each month for the preceding calendar month, and must be placed to the credit of the State General Fund. The county treasurer shall remit quarterly all such fees deposited by the county clerk to the State Controller for credit to the State General Fund.

4. The county clerk shall also at the time of issuing the marriage license collect the additional sum of ~~[\$25]~~ *\$50* for the Account for Aid for Victims of Domestic *or Sexual* Violence in



the State General Fund. The fees collected for this purpose must be paid over to the county treasurer by the county clerk on or before the fifth day of each month for the preceding calendar month, and must be placed to the credit of that Account. The county treasurer shall, on or before the 15th day of each month, remit those fees deposited by the county clerk to the State Controller for credit to that Account.

5. Any fee charged and collected pursuant to this section is separate and distinct from any administrative fee charged and collected by a county clerk's office, including, without limitation, a fee for certifying a copy of a marriage license.

Sec. 7. 1. Any administrative regulations adopted by an officer or an agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remain in force until amended by the officer or agency to which the responsibility for the adoption of the regulations has been transferred.

2. Any contracts or other agreements entered into by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency are binding upon the officer or agency to which the responsibility for the administration of the provisions of the contract or other agreement has been transferred. Such contracts and other agreements may be enforced by the officer or agency to which the responsibility for the enforcement of the provisions of the contract or other agreement has been transferred.

3. Any action taken by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remains in effect as if taken by the officer or agency to which the responsibility for the enforcement of such actions has been transferred.

Sec. 8. The Legislative Counsel shall:

1. In preparing the reprint and supplements to the Nevada Revised Statutes, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

2. In preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Sec. 9. NRS 217.410 is hereby repealed.



Sec. 10. This act becomes effective on July 1, 2021.

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