

SENATE BILL NO. 20—COMMITTEE ON JUDICIARY

(ON BEHALF OF DEPARTMENT OF CORRECTIONS)

PREFILED NOVEMBER 18, 2020

Referred to Committee on Judiciary

SUMMARY—Revises the applicability of the Sexual Assault Survivors’ Bill of Rights. (BDR 14-328)

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 crimes; providing that the Sexual Assault Survivors’ Bill of Rights does not apply to certain offenders who are victims of sexual assault; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing state law affords survivors of sexual assault certain rights under the  
2 Sexual Assault Survivors’ Bill of Rights. (Chapter 178A of NRS) Existing state law  
3 defines “survivor,” for purposes of the Bill of Rights, as a person who is a victim of  
4 sexual assault or a certain other person, if the victim of sexual assault is  
5 incompetent, deceased or a minor. (NRS 178A.140)

6 The Prison Rape Elimination Act of 2003 is a federal law that provides for the  
7 collection of data, the award of grants and the adoption of certain national  
8 standards. (34 U.S.C. §§ 30301 et seq.) These standards: (1) apply to the sexual  
9 abuse or sexual harassment of inmates, detainees or residents by other inmates,  
10 detainees or residents or by staff members, contractors or volunteers in correctional  
11 facilities; and (2) set forth the duties of the agencies who are responsible for these  
12 facilities with regards to preventing, detecting and responding to such sexual abuse  
13 or sexual harassment. (28 C.F.R. Part 115)

14 This bill provides that the Sexual Assault Survivors’ Bill of Rights does not  
15 apply to offenders who become victims of sexual assault while imprisoned if: (1)  
16 the Prison Rape Elimination Act and any standards adopted pursuant thereto apply  
17 to the circumstances surrounding the victimization of the offender; and (2) the  
18 Department of Corrections or certain other persons, as applicable, comply with the  
19 Act and the standards adopted pursuant thereto. This bill defines “offender” as any  
20 person who is: (1) convicted under the laws of this State; (2) sentenced to a term of  
21 imprisonment in the state prison; and (3) serving his or her term of imprisonment.



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

1     **Section 1.** Chapter 178A of NRS is hereby amended by  
2 adding thereto the provisions set forth as sections 2 and 3 of this act.

3     **Sec. 2. 1.** *This chapter does not apply to an offender who*  
4 *becomes a victim of sexual assault while imprisoned if:*

5       (a) *The Prison Rape Elimination Act of 2003, 34 U.S.C. §§*  
6 *30301 et seq., and all standards adopted pursuant thereto, apply to*  
7 *the circumstances surrounding the victimization of the offender;*  
8 *and*

9       (b) *The Department of Corrections or any other person with*  
10 *direct responsibility for the operation of the place of imprisonment*  
11 *of the offender, as applicable, complies with the Act and the*  
12 *standards adopted pursuant thereto.*

13     2. As used in this section, "offender" means any person who  
14 is:

15       (a) *Convicted of a crime under the laws of this State;*

16       (b) *Sentenced to a term of imprisonment in the state prison;*  
17 *and*

18       (c) *Serving his or her term of imprisonment.*

19     **Sec. 3.** "Victim of sexual assault" has the meaning ascribed  
20 to it in NRS 217.280.

21     **Sec. 4.** NRS 178A.020 is hereby amended to read as follows:

22     178A.020 As used in this chapter, unless the context otherwise  
23 requires, the words and terms defined in NRS 178A.030 to  
24 178A.140, inclusive, *and section 3 of this act* have the meanings  
25 ascribed to them in those sections.

26     **Sec. 5.** NRS 178A.140 is hereby amended to read as follows:

27     178A.140 "Survivor" means a person who is a victim of sexual  
28 assault ~~[, as defined in NRS 217.280]~~ or, if the victim *of sexual*  
29 *assault* is incompetent, deceased or a minor, the parent, guardian,  
30 spouse, legal representative or other person related to the victim *of*  
31 *sexual assault* within the second degree of consanguinity or affinity,  
32 unless such person is the defendant or accused or is convicted of the  
33 sexual assault.

34     **Sec. 6.** This act becomes effective upon passage and approval.

