Criminal Procedure; Victim Compensation-Preliminary Awards

University of the Pacific, McGeorge School of Law

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Criminal Procedure

which the offender was incarcerated. In addition, prior to the enactment of Chapter 190, restitution could be made only for losses incurred as a direct result of the crime. Chapter 190 expands the definition of victim to include persons injured as an indirect result of a criminal act, and authorizes recovery for losses incurred as an indirect result of the crime.

11. Id. c. 335, §10(1), at 616 (enacting NEV. REV. STAT. §209.4839(1)).

Criminal Procedure; victim compensation—preliminary awards

NEV. REV. STAT. §217.— (new); §217.020 (amended).

SB 369 (Robinson); 1983 STAT. Ch 367

The express policy of the state of Nevada is to provide aid to victims of violent crimes or to their dependents. Under existing law, awards of pecuniary compensation from the state cannot exceed $5000 for (1) medical and funeral expenses, (2) a loss of earnings, (3) pecuniary losses to dependents, or (4) any other loss resulting from the personal injury or death of the victim that the hearing officer determines to be reasonable.

Chapter 367 creates an expedited process to grant a preliminary award for specified losses to victims whose monthly income does not exceed $750.

With the enactment of Chapter 367, a preliminary award can be made for two types of losses. First, compensation of up to $400 is

1. NEV. REV. STAT. §217.070 (definition of victim).
2. Id. §217.010, 217.040 (definition of dependent); see also id. §§209.4821-4843 (program of restitution by offenders).
3. Id. §217.200(3).
4. Id. §217.200(1)(a).
5. Id. §217.200(1)(d).
6. Id. §217.200(1)(b).
7. Id. §217.200(1)(c).
8. Id. §217.050 (definition of personal injury).
9. Id. §217.045 (definition of hearing officer).
10. Id. §217.200(1)(e).
12. Id. c. 367, §1(1), at 888.
13. Id. c. 367, §1(2), at 888.
Criminal Procedure

allowed to replace money lost as a direct result of the crime if the money is necessary to pay the victim's expenses for the following thirty days.\textsuperscript{14} Second, an award up to $1000 may be granted to repair or replace lost or damaged property essential to the physical or psychological health of the victim.\textsuperscript{15}

Furthermore, Chapter 367 provides that upon application by a victim for the preliminary award, the State Board of Examiners\textsuperscript{16} will refer the request to a compensation officer.\textsuperscript{17} The compensation officer must investigate the claim and, within five days, either grant the award or submit a report to the hearing officer recommending a denial of the application.\textsuperscript{18} The hearing officer must render a decision within three days after receiving the report of the compensation officer.\textsuperscript{19} Finally, Chapter 367 requires a preliminary award if a prima facie case for compensation established by the applicant satisfies the statutory requirements.\textsuperscript{20}

\textsuperscript{14} Id. c. 367, §1(2)(a), at 888.
\textsuperscript{15} Id. c. 367, §1(2)(b), at 888.
\textsuperscript{16} NEV. REV. STAT. §217.030 (definition of board).
\textsuperscript{17} 1983 Nev. Stat. c. 367, §1(3), at 888 (the board must refer the application to the compensation officer within two days after receipt); see NEV. REV. STAT. §217.090 (duties of a compensation officer).
\textsuperscript{19} Id. No provision is made in this Chapter for the waiver of the time restrictions. Compare 1983 Nev. Stat. c. 367, §1, at 888 with 1981 Nev. Stat. c. 691, §1.4, at 1666 (enacting NEV. REV. STAT. §217.115).

Criminal Procedure; assistance to victims and witnesses

NEV. REV. STAT. §169. — (new).
SB 145 (Wagner); 1983 STAT. Ch 368

Chapter 368 provides protection for victims and witnesses who cooperate with the prosecuting attorney in a criminal case.\textsuperscript{1} Under Chapter 368, victims and witnesses are entitled to police protection,\textsuperscript{2} a safe and secure waiting area during the trial,\textsuperscript{3} and the right to receive information regarding the release of a defendant.\textsuperscript{4} In addition, Chapter 368 expands the existing definition of a victim\textsuperscript{5} of a crime\textsuperscript{6} to include the

\textsuperscript{1} See 1983 Nev. Stat. c. 368, §§1-7, at 889.
\textsuperscript{2} Id. c. 368, §3, at 889.
\textsuperscript{3} Id. c. 368, §5, at 890.
\textsuperscript{4} Id. c. 368, §7, at 890.
\textsuperscript{5} NEV. REV. STAT. §217.070. A victim is a person who is physically injured or killed as a direct result of a criminal act. Id.

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