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## Criminal Procedure; Victim Compensation-Preliminary Awards

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which the offender was incarcerated.<sup>10</sup> In addition, prior to the enactment of Chapter 190, restitution could be made only for losses incurred as a direct result of the crime.<sup>11</sup> Chapter 190 expands the definition of victim to include persons injured as an *indirect*<sup>12</sup> result of a criminal act,<sup>13</sup> and authorizes recovery for losses incurred as an *indirect* result of the crime.<sup>14</sup>

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10. 1981 Nev. Stat. c. 335, §4(1), at 615 (enacting NEV. REV. STAT. §209.4825(1)).

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

12. *See* State of Nevada v. Smith, 10 Nev. 106, 123 (1875) (discussion of proximate causation).

13. *Compare* NEV. REV. STAT. §209.4825(1) (amended by 1983 Nev. Stat. c. 190, §1(1), at 449) with 1981 Nev. Stat. c. 335, §4(1), at 615 (enacting NEV. REV. STAT. §209.4825(1)).

14. *Compare* NEV. REV. STAT. §209.4839(1) (amended by 1983 Nev. Stat. c. 190, §2(1), at 449), with 1981 Nev. Stat. 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<sup>1</sup> of violent crimes or to their dependents.<sup>2</sup> Under existing law, awards of pecuniary compensation from the state cannot exceed \$5000<sup>3</sup> for (1) medical<sup>4</sup> and funeral<sup>5</sup> expenses, (2) a loss of earnings,<sup>6</sup> (3) pecuniary losses to dependents,<sup>7</sup> or (4) any other loss resulting from the personal injury<sup>8</sup> or death of the victim that the hearing officer<sup>9</sup> determines to be reasonable.<sup>10</sup> Chapter 367 creates an expedited process to grant a preliminary award for specified losses<sup>11</sup> to victims whose monthly income does not exceed \$750.<sup>12</sup>

With the enactment of Chapter 367, a preliminary award can be made for two types of losses.<sup>13</sup> First, compensation of up to \$400 is

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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).

11. 1983 Nev. Stat. c. 367, §1(2), at 888. Any preliminary award must be deducted from any subsequent award. *Id.* c. 367, §1(4), at 888.

12. *Id.* c. 367, §1(1), at 888.

13. *Id.* c. 367, §1(2), at 888.

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.<sup>14</sup> 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.<sup>15</sup>

Furthermore, Chapter 367 provides that upon application by a victim for the preliminary award, the State Board of Examiners<sup>16</sup> will refer the request to a compensation officer.<sup>17</sup> 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.<sup>18</sup> The hearing officer must render a decision within three days after receiving the report of the compensation officer.<sup>19</sup> Finally, Chapter 367 requires a preliminary award if a prima facie case for compensation established by the applicant satisfies the statutory requirements.<sup>20</sup>

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14. *Id.* c. 367, §1(2)(a), at 888.

15. *Id.* c. 367, §1(2)(b), at 888.

16. NEV. REV. STAT. §217.030 (definition of board).

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).

18. 1983 Nev. Stat. c. 367, §1(3), at 888.

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).

20. 1983 Nev. Stat. c. 367, §1(2), at 888.

## **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.<sup>1</sup> Under Chapter 368, victims and witnesses are entitled to police protection,<sup>2</sup> a safe and secure waiting area during the trial,<sup>3</sup> and the right to receive information regarding the release of a defendant.<sup>4</sup> In addition, Chapter 368 expands the existing definition of a victim<sup>5</sup> of a crime<sup>6</sup> to include the

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1. *See* 1983 Nev. Stat. c. 368, §§1-7, at 889.

2. *Id.* c. 368, §3, at 889.

3. *Id.* c. 368, §5, at 890.

4. *Id.* c. 368, §7, at 890.

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.*

6. *Compare* 1983 Nev. Stat. c. 368, §2, at 889 *with* NEV. REV. STAT. §217.070.