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Criminal Procedure; Assistance to Victims and Witnesses

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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.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.¹⁵

Furthermore, Chapter 367 provides that upon application by a victim for the preliminary award, the State Board of Examiners¹⁶ will refer the request to a compensation officer.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.¹⁸ The hearing officer must render a decision within three days after receiving the report of the compensation officer.¹⁹ Finally, Chapter 367 requires a preliminary award if a prima facie case for compensation established by the applicant satisfies the statutory requirements.²⁰

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.¹ Under Chapter 368, victims and witnesses are entitled to police protection,² a safe and secure waiting area during the trial,³ and the right to receive information regarding the release of a defendant.⁴ In addition, Chapter 368 expands the existing definition of a victim⁵ of a crime⁶ to include the

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.

relatives⁷ of (1) persons against whom a crime has been committed⁸ and (2) persons who have been injured or killed as a direct result of the commission of a crime.⁹

Under Chapter 368, a cooperating victim or witness who reasonably apprehends threats of harm or suffers actual harm by cooperating may request¹⁰ protection from the sheriff of the county or the chief of police.¹¹ Upon receiving this request, the sheriff or police chief must (1) investigate the circumstances,¹² (2) take adequate measures to protect the victim or witness,¹³ and (3) inform the victim or witness of the level of protection being provided.¹⁴

In addition, Chapter 368 provides that the prosecuting attorney, sheriff, or chief of police must intercede on behalf of the victim or witness when the victim or witness encounters difficulty in (1) assisting in an investigation, or (2) cooperating with a prosecuting attorney because of harassment, intimidation, or unfair treatment by an employer.¹⁵ The victim or witness must also be assisted in minimizing the loss of pay or other benefits.¹⁶

Moreover, if a court proceeding involving the victim or witness will not proceed as scheduled, Chapter 368 requires the prosecuting attorney to make a reasonable effort to notify the victim or witness,¹⁷ or provide a system of notification that allows the victim or witness to receive the information by telephone.¹⁸ Where the victim or witness has requested notification and supplied a current address, the prosecuting attorney must ensure that a written notice explaining the delay is mailed to the specified address.¹⁹ If timely written notice is not possible, however, the prosecuting attorney must make a reasonable effort to notify the victim or witness by some other means.²⁰

Chapter 368 also requires the court in a criminal case to provide a

7. NEV. REV. STAT. §217.060 (relative includes spouse, parent, grandparent, stepparent, natural born child, stepchild, adopted child, grandchild, brother, sister, half-brother, half-sister, and a parent of a spouse).

8. 1983 Nev. Stat. c. 368, §2(1), at 889.

9. *Id.* c. 368, §2(2), at 889.

10. *Id.* c. 368, §3, at 889 (the request must be written).

11. *Id.*

12. *Id.*

13. *Id.*

14. *Id.*

15. *Id.* c. 368, §4(1), at 889 (the request for assistance must be in writing).

16. *Id.*

17. *Id.* c. 368, §4(2)(a), at 889.

18. *Id.* c. 368, §4(2)(b), at 890.

19. *Id.* c. 368, §4(2), at 890.

20. *Id.* c. 368, §4(2)(b), at 890. The prosecuting attorney must also inform each witness of the fee the witness is entitled to, and the procedure to follow in obtaining that fee. *Id.* c. 368, §6, at 890.

secure waiting area for cooperating victims and witnesses.²¹ This area must not be used by the defendant, the defendant's family and friends, or members of the jury.²² In addition, if the court has custody of any stolen or other personal property²³ belonging to the victim or witness, the court must (1) make available a list describing the property, unless disclosure would seriously impede the investigation of the crime,²⁴ or (2) return the property expeditiously when it is no longer needed as evidence.²⁵

Finally, under Chapter 368, the prosecuting attorney, sheriff, or chief of police must inform the victim or witness²⁶ of (1) the defendant's release from custody prior to trial,²⁷ (2) the amount of bail required for the defendant's release,²⁸ and (3) the final disposition of the criminal case directly involving the victim or witness.²⁹ Furthermore, if the defendant was convicted of a felony and was subsequently imprisoned, the warden must, if requested,³⁰ notify the victim or witness when the defendant is released from prison.³¹

21. See *id.* c. 368, §5(1), at 890.

22. *Id.*

23. NEV. REV. STAT. §169.145. Personal property includes money, goods, chattels, choses in action, and evidences of debt. *Id.*

24. 1983 Nev. Stat. c. 368, §5(2)(a), at 890. The victim or witness must make a written request for this list. *Id.*

25. *Id.* c. 368, §5(2)(b), at 890.

26. *Id.* c. 368, §7(1), at 890. The victim or witness must request this information in writing. *Id.*

27. *Id.* c. 368, §7(1)(a), at 890.

28. *Id.* c. 368, §7(1)(b), at 890.

29. *Id.* c. 368, §7(1)(c), at 890.

30. *Id.* c. 368, §7(2), at 890. Chapter 368, however, relieves the warden from providing this information if a written request with a current address is not received from the victim or witness. *Id.*

31. *Id.*

Criminal Procedure; attendants for prosecuting witnesses

NEV. REV. STAT. §178.— (new); §171.204 (amended).
SB 386 (Foley); 1983 STAT. Ch 369

Chapter 369 enacts provisions that affect the rights of prosecuting witnesses.¹ These provisions provide that in a case involving the violation of a specified sex crime,² a prosecuting witness may designate an attendant to be present at the preliminary hearing and trial when the

1. See 1983 Nev. Stat. c. 369, §1, at 891.

2. *Id.* c. 369, §1(1), at 891. These specified crimes include sexual assault, statutory sexual seduction, incest, lewdness, and indecent exposure. *Id.*