1-1-1987

Crimes; victim compensation fund

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Recommended Citation

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NEV. REV. STAT. § 484.___ (new); §§ 217.070, 217.220, 217.260, 482.180 (amended).
AB 162 (Schofield); 1987 STAT. Ch 814

Existing law creates a fund for the compensation of victims of crime.[1] Money[2] deposited in the fund is derived from a forfeiture of assets due to a violation of a specified crime[3] and must be used to compensate the victim for counseling and medical treatment.[4]

Chapter 814 establishes a separate account from which victims of driving while intoxicated offenses[5] are to be recompensed.[6] Specifically, Chapter 814 provides that a person convicted of driving while intoxicated must pay a thirty-five dollar civil penalty.[7] This amount must be credited to the fund for compensation of victims of crime and used only for compensation of those victims physically injured or killed as the direct result of driving while intoxicated .[8] Chapter 814 prohibits compensation if the victim was injured or killed as a result of operating a motor vehicle, boat, or airplane while intoxicated, or where the victim was a co-conspirator,co-defendant, accomplice, or adult passenger of the offender whose crime caused the victim's injuries.[9] Moreover, while existing law allows a victim who is a relative of and living with the offender at the time of the injury

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1. NEV. REV. STAT. § 217.260 1 (amended by 1987 Nev. Stat. ch. 814, sec. 3, at ___). *See generally* 1983 PAC. L.J. REV. NEV. LEGIS. 37, 38.
2. *Id.* § 217.260 3 (amended by 1987 Nev. Stat. ch. 814, sec. 3, at ___) (including the interest and income earned on that money).
3. Specified crimes include sexual assault, using a minor in producing pornography, promotion of sexual performance of a minor, possession of visual presentation depicting sexual conduct of a minor, or lewdness with a child under 14 years. NEV. REV. STAT. § 217.260 2.
4. *Id.* § 217.260 2 (amended by 1987 Nev. Stat. ch. 814, sec. 2, at ___).
5. *Id.* §§ 484.379 (driving while intoxicated); 484.3795 (driving while intoxicated and death or substantial bodily harm results).
6. 1987 Nev. Stat. ch. 814, sec. 3, at ___ (enacting NEV. REV. STAT. § 484.___).
7. *Id.* sec. 5, at ___ (enacting NEV. REV. STAT. § 484.___) (the department shall not issue any license to drive a motor vehicle to a person convicted of driving while intoxicated until the civil penalty is paid).
8. *Id.* sec. 3, at ___ (enacting NEV. REV. STAT. § 484.___) (including interest and income earned). *Id.* sec. 5, at ___ (enacting Nev. REV. STAT. § 484.___). *But see* NEV. REV. STAT. § 217.220 3 (amended by 1987 Nev. Rev. Stat. ch. 814, sec. 2, at ___) (does not apply to a minor who was physically injured or killed while a passenger in the vehicle of an offender who was driving while intoxicated).
9. NEV. REV. STAT. § 217.220 1 (amended by 1987 Nev. Rev. Stat. ch. 814, sec. 2, at ___) (if the offender would not profit by compensation of the victim and the victim cooperates with law enforcement agencies).

to be awarded compensation, Chapter 814 denies such an award when the offender was driving while intoxicated.[10]

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10.   *Id.* § 217.220 4 (amended by 1987 Nev. Stat. ch. 814, sec. 2, at ___) (existing law allows the victim to recover only if the offender would not profit).