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## Criminal Procedure; aid to victims of crime and solicitation of a minor for an act against nature

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# Criminal Procedure

## Criminal Procedure; aid to victims of crime and solicitation of a minor for an act against nature

NEV. REV. STAT. § 217.— (new); §§ 200.508, 201.195, 217.090, 217.160, 217.210 (amended).

SB 436 (Committee on Judiciary); 1989 STAT. Ch. 659  
(Effective July 1, 1989)

Existing law defines the procedures through which certain<sup>1</sup> victims<sup>2</sup> of crime<sup>3</sup> may receive compensation.<sup>4</sup> Under Chapter 659, a compensation officer<sup>5</sup> may not reveal information obtained in the investigation of a victim's claim for aid unless disclosure is: (1) requested by the applicant or the applicant's attorney; (2) necessary for administration of the victims compensation program; or (3) ordered by a court.<sup>6</sup> Furthermore, Chapter 659 allows a member of the victim's household,<sup>7</sup> traumatized as a result of a crime of murder,<sup>8</sup> to be compensated for psychological counseling.<sup>9</sup>

Chapter 659 also redefines the punishment for those who solicit minors<sup>10</sup> to engage in homosexual acts.<sup>11</sup> Chapter 659 requires persons

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1. See NEV. REV. STAT. §§ 217.180 (1987) (when compensation is appropriate); 217.220 (1987) (when compensation may not be awarded).

2. See *id.* § 217.070 (1987) (definition of victim).

3. See *id.* § 217.035 (1987) (definition of crime).

4. *Id.* §§ 217.005-480 (1987).

5. See *id.* § 217.090 2 (amended by 1989 Nev. Stat. ch. 659, sec. 2, at 1509) (duties of compensation officers). Chapter 659 requires compensation officers to undergo eight hours of instruction in interviewing techniques. 1989 Nev. Stat. ch. 659, sec. 2, at 1509 (amending NEV. REV. STAT. § 217.090).

6. 1989 Nev. Stat. ch. 659, sec. 1, at 1509 (enacting NEV. REV. STAT. § 217.—). All information obtained pursuant to Nevada Revised Statutes section 217.090 or submitted pursuant to section 217.100 is considered confidential. *Id.*

7. Household is defined as an "association of persons who live in the same home or dwelling and who: (a) have significant personal ties to the victim; or (b) are related by blood, adoption or marriage, within the first degree of consanguinity or affinity." *Id.*, sec. 3, at 1510 (amending NEV. REV. STAT. § 217.160).

8. See NEV. REV. STAT. § 200.010 (1987) (definition of murder).

9. 1989 Nev. Stat. ch. 659, sec. 3, at 1510 (amending NEV. REV. STAT. § 217.160).

10. See Nev. Rev. Stat. § 129.010 (definition of age of majority).

11. 1989 Nev. Stat. ch. 659, sec. 6, at 1511 (amending NEV. REV. STAT. § 201.195). The offender is guilty of a gross misdemeanor for the first offense. *Id.* For subsequent offenses,

convicted of soliciting minors to engage in these acts to be certified<sup>12</sup> before being paroled or released on probation.<sup>13</sup>

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the offender is guilty of a felony, punishable by a sentence of one to six years in state prison. *Id.*

12. For the offender to be paroled, a psychiatrist, the Director of the Department of Prisons, and the Administrator of the Mental Hygiene and Mental Retardation Division of the Department of Human Resources must certify that the offender was under observation and that the offender is no longer a threat to the safety or morals of others. *Id.* For the offender to be released on probation, a psychiatrist must certify that the offender is not a threat to the safety or morals of others. *Id.*

13. *Id.*

### **Criminal Procedure; blood alcohol content**

NEV. REV. STAT. §§ 484.\_\_\_\_, 488.\_\_\_\_ (new); §§ 484.013, 484.381, 488.207 (amended).

SB 234 (Committee on Judiciary); 1989 STAT. Ch. 136

Existing law provides that any person who operates a vehicle with a 0.10 percent or more blood alcohol level is presumed to be intoxicated.<sup>1</sup> Chapter 136 provides that a driver's blood alcohol level is determined by the concentration of alcohol in the driver's blood or breath.<sup>2</sup>

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1. NEV. REV. STAT. § 484.381 (1987) (amended by 1989 Nev. Stat. ch. 136, sec. 3, at 291). See *id.* § 484.379 (1987) (definition of driving while intoxicated).

2. 1989 Nev. Stat. ch. 136, sec. 1, at 291 (enacting NEV. REV. STAT. § 484.\_\_\_\_) (the concentration of alcohol in the driver's blood or breath may not equal or exceed 0.10 gram as measured by the weight of alcohol). The level of concentration is measured per 100 milliliters in the driver's blood, or per 210 liters in the driver's breath. *Id.*