

# NATIONAL CRIME VICTIM LAW INSTITUTE

at Lewis & Clark Law School

PROTECTING, ENFORCING, and ADVANCING VICTIMS' RIGHTS

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## NEVADA VICTIMS' RIGHTS LAWS<sup>1</sup>

### Constitution

#### Article I, § 8 – Rights of accused in criminal prosecutions; jeopardy; rights of victims of crime; due process

1. [Pertains to rights of accused].
2. The legislature shall provide by law for the rights of victims of crime, personally or through a representative, to be:
  - (a) Informed, upon written request, of the status or disposition of a criminal proceeding at any stage of the proceeding;
  - (b) Present at all public hearings involving the critical stages of a criminal proceeding; and
  - (c) Heard at all proceedings for the sentencing or release of a convicted person after trial.
3. Except as otherwise provided in subsection 4, no person may maintain an action against the state or any public officer or employee for damages or injunctive, declaratory or other legal or equitable relief on behalf of a victim of a crime as a result of a violation of any statute enacted by the legislature pursuant to subsection 2. No such violation authorizes setting aside a conviction or sentence or continuing or postponing a criminal proceeding.
4. A person may maintain an action to compel a public officer or employee to carry out any duty required by the legislature pursuant to subsection 2.
5. No person shall be deprived of life, liberty, or property, without due process of law.
6. Private property shall not be taken for public use without just compensation having been first made, or secured, except in cases of war, riot, fire, or great public peril, in which case compensation shall be afterward made.

### Statutes

#### Title 14, Criminal Procedure; Chapter 176, Judgment and Execution

#### Sentencing

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<sup>1</sup> Not intended to be exhaustive.

**§ 176.015 – Prompt hearing; court may commit defendant or continue or alter bail before hearing; statement by defendant; presentation of mitigating evidence; rights of victim; notice of hearing.**

1. Sentence must be imposed without unreasonable delay. Pending sentence, the court may commit the defendant or continue or alter the bail.
2. Before imposing sentence, the court shall:
  - (a) Afford counsel an opportunity to speak on behalf of the defendant; and
  - (b) Address the defendant personally and ask him if he wishes to make a statement in his own behalf and to present any information in mitigation of punishment.
3. After hearing any statements presented pursuant to subsection 2 and before imposing sentence, the court shall afford the victim an opportunity to:
  - (a) Appear personally, by counsel or by personal representative; and
  - (b) Reasonably express any views concerning the crime, the person responsible, the impact of the crime on the victim and the need for restitution.
4. The prosecutor shall give reasonable notice of the hearing to impose sentence to:
  - (a) The person against whom the crime was committed;
  - (b) A person who was injured as a direct result of the commission of the crime;
  - (c) The surviving spouse, parents or children of a person who was killed as a direct result of the commission of the crime; and
  - (d) Any other relative or victim who requests in writing to be notified of the hearing.

Any defect in notice or failure of such persons to appear are not grounds for an appeal or the granting of a writ of habeas corpus. All personal information, including, but not limited to, a current or former address, which pertains to a victim or relative and which is received by the prosecutor pursuant to this subsection is confidential.

5. For the purposes of this section:
  - (a) "Relative" of a person includes:
    - (1) A spouse, parent, grandparent or stepparent;
    - (2) A natural born child, stepchild or adopted child;
    - (3) A grandchild, brother, sister, half brother or half sister; or
    - (4) A parent of a spouse.
  - (b) "Victim" includes:
    - (1) A person, including a governmental entity, against whom a crime has been committed;
    - (2) A person who has been injured or killed as a direct result of the commission of a crime; and
    - (3) A relative of a person described in subparagraph (1) or (2).
6. This section does not restrict the authority of the court to consider any reliable and relevant evidence at the time of sentencing.

## **Chapter 176A, Probation and Suspension of Sentence**

### **§ 176A.630 -- Assignment of case; consideration of alleged violation; revocation permitted upon finding violation; alternative actions; restitution for governmental expenses**

If the probationer is arrested, by or without warrant, in another judicial district of this state, the court which granted the probation may assign the case to the district court of that district, with the consent of that court. The court retaining or thus acquiring jurisdiction shall cause the defendant to be brought before it, consider the standards adopted pursuant to NRS 213.10988 and the recommendation, if any, of the chief parole and probation officer. Upon determining that the probationer has violated a condition of his probation, the court shall, if practicable, order the probationer to make restitution for any necessary expenses incurred by a governmental entity in returning him to the court for violation of his probation. The court may:

1. Continue or revoke the probation or suspension of sentence;
2. Order the probationer to a term of residential confinement pursuant to NRS 176A.660;
3. Order the probationer to undergo a program of regimental discipline pursuant to NRS 176A.780;
4. Cause the sentence imposed to be executed; or
5. Modify the original sentence imposed by reducing the term of imprisonment and cause the modified sentence to be executed. The court shall not make the term of imprisonment less than the minimum term of imprisonment prescribed by the applicable penal statute. If the chief parole and probation officer recommends that the sentence of a probationer be modified and the modified sentence be executed, he shall provide notice of the recommendation to any victim of the crime for which the probationer was convicted who has requested in writing to be notified and who has provided his current address to the division. The notice must inform the victim that he has the right to submit documents to the court and to be present and heard at the hearing to determine whether the sentence of a probationer who has violated a condition of his probation should be modified. The court shall not modify the sentence of a probationer and cause the sentence to be executed until it has confirmed that the chief parole and probation officer has complied with the provisions of this subsection. The chief parole and probation officer must not be held responsible when such notification is not received by the victim if the victim has not provided a current address. All personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the division pursuant to this subsection is confidential.