



Select Victims' Rights – Nevada

This resource is intended to provide a base of knowledge regarding the crime victims' rights in Nevada, and promising practices in ensuring compliance with and enforcement of those rights. To keep this *Guide* as user-friendly as possible in light of the breadth, complexity and evolving nature of law, the *Guide* does not include all laws. The *Guide* is intended for informational purposes only. It does not constitute legal advice, nor does it substitute for legal advice. For more in-depth information about the laws governing privacy, confidentiality and privilege in Nevada see the companion resource: *Law Enforcement-Based Victim Services in Nevada: Privacy, Privilege and Confidentiality*.


The following icons are used throughout this resource to highlight key moments for the user.





= Promising Practices: As used in this *Guide*, things identified as “promising practices” are procedures, methods or techniques, grounded in victim-centered and trauma informed research and experience, which afford victims meaningful rights in the justice system.







= Take Note: As used in this *Guide*, the “take note” indicator provides context for the law cited or discussed. For example, if a law has a particularly narrow application or does not explicitly prohibit an action the “take note” indicator is used to highlight or provide clarity around the law.



SELECT DEFINITIONS	Nevada Statutes
<p>Victim of A Crime; Victim.</p> <p>2. ‘Victim of a crime’ or ‘victim’ includes a relative of a person:</p> <p>(a) Against whom a crime has been committed; or</p> <p>(b) Who has been injured or killed as a direct result of the commission of a crime.</p> <p> This definition explicitly applies to Nevada Statutes, sections 178.569 to 178.5698, unless the context otherwise requires.</p>	<p>Nev. Rev. Stat. Ann. § 178.569(2)(a)-(b).</p>



<p>Victim.</p> <p>(d) ‘Victim’ includes:</p> <p>(1) A person, including a governmental entity, against whom a crime has been committed;</p> <p>(2) A person who has been injured or killed as a direct result of the commission of a crime; and</p> <p>(3) A relative of a person described in subparagraph (1) or (2).</p> <p> This definition explicitly applies to Nevada Statutes, section § 176.015.</p>	<p>Nev. Rev. Stat. Ann. § 176.015(5)(d)(1)-(3).</p>
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<p>SELECT CRIME VICTIMS' RIGHTS</p>	<p>Nevada Constitutional Provisions and Statutes</p>
<p>Confidentiality of Personal Information.</p> <p>All personal information, including, but not limited to, a current or former address, which pertains to a victim, relative, witness or other person and which is received pursuant to the provisions of NRS 178.569 to 178.5698, inclusive, is confidential.</p> <p> To ensure compliance with this law, a promising practice is to have policies and procedures in place to ensure victims’ personal information is redacted and not disclosed to the public.</p>	<p>Nev. Rev. Stat. Ann. § 178.5691.</p>
<p>Due Process.</p> <p>No person shall be deprived of life, liberty[] or property, without due process of law.</p>	<p>Nev. Const. art. I, § 8(2).</p>

<p>Law Enforcement to Investigate Threats of Harm, Implement Safety Measures and Inform Victims of Implemented Protections.</p> <p>If a victim of a crime or a witness is cooperating with the prosecuting attorney in a criminal case and reasonably apprehends that he or she may suffer threats of harm or harm arising out of that cooperation, the sheriff of the county or the chief of police of the city shall, upon the written request of the victim or witness, investigate the circumstances, take adequate measures to protect the victim or witness where appropriate, and inform the victim or witness of the level of protection being provided.</p> <p> A promising practice is to notify victims, at the first opportunity, if they are required to submit a written request for this right and to whom.</p>	<p>Nev. Rev. Stat. Ann. § 178.5692.</p>
<p>Law Enforcement to Assist If Harassed, Intimidated or Subjected to Conflicting Employment Requirements; and Notice of Scheduling Changes.</p> <p>1. If it is difficult for such a victim or witness to assist in an investigation or cooperate with the prosecuting attorney because the victim or witness is being harassed, intimidated or subjected to conflicting requirements by his or her employer, the prosecuting attorney, sheriff or chief of police shall, upon the written request of the victim or witness, intercede on his or her behalf to minimize any loss of pay or other benefits which would result from his or her assistance or appearances in court.</p> <p>2. If a proceeding in court to which such a victim or witness has been subpoenaed will not go on as scheduled, the prosecuting attorney shall:</p> <ul style="list-style-type: none"> (a) Make a reasonable effort to notify the victim or witness of that fact; or (b) Provide a system of notification which allows the victim or witness to call by telephone and receive such information. <p>In any case, the prosecuting attorney shall, if the victim or witness so requests in writing and provides a current address, ensure that written notice is mailed to that address. If written notice would not be timely, the prosecuting attorney shall make a reasonable effort to notify the victim or witness by some other means.</p> <p> A promising practice is to notify victims, at the first opportunity, if they are required to submit a written request for this right and to whom.</p>	<p>Nev. Rev. Stat. Ann. § 178.5694(1)-(2)(a)-(b).</p>

<p>Separate Waiting Area.</p> <p>A court trying a criminal case shall provide victims and witnesses a secure waiting area which is not used by the members of the jury or the defendant and the defendant's family and friends.</p> <p> Although this law is directed at courts, the same concept can and should be applied to law enforcement agencies when interacting with victims, the victims' families, victims' witnesses and the defendant, the defendants' families and defense witnesses.</p>	<p>Nev. Rev. Stat. Ann. § 178.5696(1).</p>
<p>No Court Ordered Psychological or Psychiatric Examinations of Victims in Sex Offense Cases.</p> <p>In any criminal or juvenile delinquency action relating to the commission of a sexual offense, a court may not order the victim of or a witness to the sexual offense to take or submit to a psychological or psychiatric examination.</p>	<p>Nev. Rev. Stat. Ann. § 50.700(1).</p>
<p>Law Enforcement to Inform Victim of Pretrial Release, Conditions of Release and Any Form of Disposition.</p> <p>1. The prosecuting attorney, sheriff or chief of police shall, upon the request of a victim or witness, inform the victim or witness:</p> <p>(a) When the defendant is released from custody at any time before or during the trial, including, without limitation, when the defendant is released pending trial or subject to electronic supervision;</p> <p>(b) If the defendant is so released, the amount of bail required, if any; and</p> <p>(c) Of the final disposition of the criminal case in which the victim or witness was directly involved.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must "request" the exercise of certain rights.</p>	<p>Nev. Rev. Stat. Ann. § 178.5698(1)(a)-(c).</p>

<p>Expediently Return Property; and Itemization of Property.</p> <p>2. A court or law enforcement agency which has custody of any stolen or other personal property belonging to such a victim or witness shall:</p> <p>(a) Upon the written request of the victim or witness, make available to the victim or witness a list describing the property held in custody, unless it is shown that the disclosure of the identity or nature of the property would seriously impede the investigation of the crime; or</p> <p>(b) Return the property to the victim or witness expeditiously when it is no longer needed as evidence.</p> <p> A promising practice is to have instructions ready and available to provide to victims, explaining how they may promptly obtain their property, in addition to the name of a person they may contact to check the status of the return.</p> <p> If a defendant files a request for return of property, victims and the prosecution must be notified immediately to ensure that they are on notice and have an opportunity to be meaningfully heard on the matter.</p>	<p>Nev. Rev. Stat. Ann. § 178.5696(2)(a)-(b).</p>
<p>Confidentiality of Personal Information; and Notice of Sentencing Hearing.</p> <p>4. The prosecutor shall give reasonable notice of the hearing to impose sentence to:</p> <p>(a) The person against whom the crime was committed;</p> <p>(b) A person who was injured as a direct result of the commission of the crime;</p> <p>(c) The surviving spouse, parents or children of a person who was killed as a direct result of the commission of the crime; and</p> <p>(d) Any other relative or victim who requests in writing to be notified of the hearing.</p> <p>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.</p>	<p>Nev. Rev. Stat. Ann. § 176.015(4)(a)-(d).</p>

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<p>Heard Prior to Sentence on Matters, Including Restitution and Victim Impact.</p> <p>3. After hearing any statements presented pursuant to subsection 2 and before imposing sentence, the court shall afford the victim an opportunity to:</p> <p>(a) Appear personally, by counsel or by personal representative; and</p> <p>(b) Reasonably express any views concerning the crime, the person responsible, the impact of the crime on the victim and the need for restitution.</p> <p> A promising practice is to notify victims that they should collect and neatly organize all documentation relating to their losses—including anticipated future expenses.</p>	<p>Nev. Rev. Stat. Ann. § 176.015(3)(a)-(b).</p>
<p>Authorized to Bring Civil Action.</p> <p>1. Any victim of a crime described in NRS 205.473 to 205.513, inclusive, may bring a civil action to recover:</p> <p>(a) Damages for any response costs, loss or injury suffered as a result of the crime;</p> <p>(b) Punitive damages; and</p> <p>(c) Costs and reasonable attorney’s fees incurred in bringing the civil action.</p> <p>2. A victim of a crime described in NRS 205.473 to 205.513, inclusive, may bring a civil action pursuant to this section whether or not the person who committed the crime is or has been charged with or convicted or acquitted of the crime or any other offense arising out of the facts surrounding the crime.</p> <p>3. The provisions of this section do not abrogate or limit the right of a victim of a crime described in NRS 205.473 to 205.513, inclusive, to bring a civil action pursuant to any other statute or the common law.</p>	<p>Nev. Rev. Stat. Ann. § 205.511(1)-(3).</p>

This draft publication was developed by the National Crime Victim Law Institute (NCVLI) under 2018-V3-GX-K049, awarded to the International Association of Chiefs of Police (IACP) by the Office for Victims of Crime, Office of Justice Programs, U.S. Department of Justice. The opinions, findings, and conclusions or recommendations expressed in this draft publication are those of the contributors and do not necessarily represent the official position of the U.S. Department of Justice.