

Attachment Five (5)

Victim's Advocate and Victim State Law (NRS)

Nevada Council for Prevention of Domestic Violence

March 16, 2016

VICTIM'S ADVOCATE AND VICTIM State Law (NRS)

NRS 49.2541 Definitions. As used in NRS 49.2541 to 49.2549, inclusive, the words and terms defined in NRS 49.2542 to 49.2545, inclusive, have the meanings ascribed to them in those sections (Added to NRS by 2003, 1755)

NRS 49.2542 "Domestic violence" defined. "Domestic violence" means an act described in NRS 33.018.(Added to NRS by 2003, 1755)

NRS 49.2543 "Sexual assault" defined. "Sexual assault" means a violation of NRS 200.366 or an attempt to violate or conspiracy to violate NRS 200.366. (Added to NRS by 2003, 1755)

NRS 49.2544 "Victim" defined. "Victim" means a person who alleges that an act of domestic violence or sexual assault has been committed against the person. (Added to NRS by 2003, 1755)

NRS 49.2545 "Victim's advocate" defined. "Victim's advocate" means a person who works for a nonprofit program that provides assistance to victims with or without compensation and who has received at least 20 hours of relevant training. (Added to NRS by 2003, 1755)

NRS 49.2546 When communication deemed to be confidential; "communication" defined.

1. A communication shall be deemed to be confidential if the communication is between a victim and a victim's advocate and is not intended to be disclosed to third persons other than:

(a) A person who is present to further the interest of the victim;

(b) A person reasonably necessary for the transmission of the communication; or

(c) A person who is participating in the advice, counseling or assistance of the victim, including, without limitation, a member of the victim's family.

2. As used in this section, "communication" includes, without limitation, all records concerning the victim and the services provided to the victim which are within the possession of:

(a) The victim's advocate; or

(b) The nonprofit program for whom the victim's advocate works.
(Added to NRS by 2003, 1755)

NRS 49.2547 General rule of privilege. Except as otherwise provided in NRS 49.2549, a victim who seeks advice, counseling or assistance from a victim's advocate has a privilege to refuse to disclose, and to prevent any other person from disclosing, confidential communications set forth in NRS 49.2546. (Added to NRS by 2003, 1756)

NRS 49.2548 Who may claim privilege.

1. The privilege provided pursuant to NRS 49.2547 may be claimed by:

(a) The victim;

(b) The guardian or conservator of the victim;

(c) The personal representative of a deceased victim; and

(d) The victim's advocate, but only on behalf of the victim.

2. The authority of a victim's advocate to claim the privilege is presumed in the absence of evidence to the contrary.

(Added to NRS by 2003, 1756)

NRS 49.2549 Exceptions. There is no privilege pursuant to NRS 49.2547 if:

1. The purpose of the victim in seeking services from a victim's advocate is to enable or aid any person to commit or plan to commit what the victim knows or reasonably should have known is a crime or fraud;
2. The communication concerns a report of abuse or neglect of a child, older person or vulnerable person in violation of NRS 200.508, 200.5093 or 200.50935, but only as to that portion of the communication;
3. The communication is relevant to an issue of breach of duty by the victim's advocate to the victim or by the victim to the victim's advocate; or
4. Disclosure of the communication is otherwise required by law.

(Added to NRS by 2003, 1756; A 2005, 1115)