

VICTIMS' BILL OF RIGHTS (Nevada)

Effective November 27, 2018: Article 1, Section 8A of the Nevada Constitution significantly expands the rights of victims in Nevada.

1. Each person who is the victim of a crime is entitled to the following rights:

- a) To be treated with fairness and respect for his or her privacy and dignity, and to be free from intimidation, harassment and abuse, throughout the criminal or juvenile justice process.**
- b) To be reasonably protected from the defendant and persons acting on behalf of the defendant.**
- c) To have the safety of the victim and the victim's family considered as a factor in fixing the amount of bail and release conditions for the defendant.**
- d) To prevent the disclosure of confidential information or records to the defendant which could be used to locate or harass the victim or the victim's family.**
- e) To refuse an interview or deposition request, unless under court order, and to set reasonable conditions on the conduct of any such interview to which the victim consents.**
- f) To reasonably confer with the prosecuting agency, upon request, regarding the case.**
- g) To reasonable notice of all public proceedings, including delinquency proceedings, upon request, at which the defendant and the prosecutor are entitled to be present and of all parole or other post-conviction release proceedings, and to be present at all such proceedings.**
- h) To be reasonably heard, upon request, at any public proceeding, including any delinquency proceeding, in any court involving release or sentencing, and at any parole proceeding.**
- i) To the timely disposition of the case following the arrest of the defendant.**
- j) To provide information to any public officer or employee conducting a presentence investigation concerning the impact of the offense on the victim and the victim's family and any sentencing recommendations before the sentencing of the defendant.**
- k) To be informed, upon request, of the conviction, sentence, place and time of incarceration, or other disposition of the defendant, the scheduled release date of the defendant and the release of or the escape by the defendant from custody.**
- l) To full and timely restitution.**
- m) To the prompt return of legal property when no longer needed as evidence.**
- n) To be informed of all post-conviction proceedings, to participate and provide information to the parole authority to be considered before the parole of the offender and to be notified, upon request, of the parole or other release of the offender.**
- o) To have the safety of the victim, the victim's family and the general public considered before any parole or other post-judgment release decision is made.**
- p) To have all monetary payments, money and property collected from any person who has been ordered to make restitution be first applied to pay the amounts ordered as restitution to the victim.**
- q) To be specifically informed of the rights enumerated in this section, and to have information concerning those rights be made available to the general public.**

2. A victim has the right to assert these rights in any court with jurisdiction over the criminal case, and any person may bring a court action to compel a public officer or employee carry out any duty required by these enumerated rights or by any legislation enacted pursuant thereto.

3. A victim is defined as any person directly and proximately harmed by the commission of a criminal offense under any law of Nevada. If the victim is less than 18 years of age, incompetent, incapacitated or deceased, the term includes the legal guardian of the victim, a representative of the victim's estate, a member of the victim's family, or any other person who is appointed by the court to act on behalf of the victim. A defendant may not be appointed by the court on behalf of the victim.