

### 11.1 – CRIME VICTIM’S BILL OF RIGHTS

The 1983 Nevada General Assembly mandated certain rights and guarantees to crime victims and witnesses, Chapter 178 of the Nevada Revised Statutes recognizes the following needs and rights of crime victims in adult proceedings. We attempt to implement as many of these rights as possible in the juvenile system.

- \*You have the right to know the status of the case in which you are involved
- \*The right to be present at all public court proceedings related to the offense, unless the court determines that testimony by the victim would be materially affected if the victim heard other testimony at trial
- \*You have the right to be free from intimidation or dissuasion
- \*You have the right to know when your impounded property can be released
- \*You have the right to understand the existing victim compensation laws and receive compensation, if applicable
- \*The right to restitution, if applicable

### 11.2 – NRS 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;s 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 needs 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 of 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.

### 11.3 – CHAPTER 62 – JUVENILE COURTS, GENERAL PROVISIONS

11.3.1 – NRS 62.2183 – Child required to provide restitution for medical expenses of victim and damage to property; responsibilities of parent or guardian of child; community service in lieu of restitution.

- 1) In addition to any action ordered pursuant to the provisions of this chapter, the Judge, or his authorized representative, shall order a child who is found to have committed an unlawful act in which the child:
  - (a) Caused physical injury to another person to provide restitution to that person for medical expenses incurred as the result of the act.

**(b) Damaged or destroyed the property of another person to provide restitution to the owner of the property.**

- 2) If the child is not able to provide restitution, the judge, or his authorized representative, shall order the parent or guardian of the child to provide restitution, unless the judge, or his authorized representative, determines that extenuating circumstances exist.
- 3) If the child and his parent or guardian are unable to provide restitution because of financial hardship, the judge, or his authorized representative, shall order the child or his parent or guardian, or both, to perform community service.
- 4) The community service must be performed for and under the supervising authority of a county, city, town or other political subdivision or agency of the State of Nevada or a charitable organization that renders service to the community or its residents.

**11.3.2 – Added to NRS in 2003 – NRS 62E.560 – Duty of juvenile court to order restitution for certain unlawful acts; responsibilities of parent or guardian of child; community service in lieu of restitution.**

- 1) If a delinquent child has committed an unlawful act that causes physical injury to a victim of the act, the juvenile court shall order the child to provide restitution to the victim for medical expenses incurred as a result of the act.
- 2) If a delinquent child has committed an unlawful act that damaged or destroyed property owned or possessed by another person, the juvenile court shall order the child to provide restitution to the person who owns or possesses the property.
- 3) If the child is not able to provide restitution pursuant to this section, the juvenile court shall order the parent or guardian of the child to provide restitution, unless the juvenile court determines that extenuating circumstances exist.
- 4) If, because of financial hardship, a delinquent child or the parent or guardian of the child, or both, are unable to provide restitution pursuant to this section, the juvenile court shall order the child or the parent or guardian of the child, or both, to perform community service.

**11.3.3 – Added to NRS in 2003 – NRS 62E.570 – Determination of amount of restitution.**

**If the juvenile court orders a delinquent child or the parent or guardian of the child, or both, to pay restitution:**

- 1) The juvenile court shall determine the amount of restitution the child or parent or guardian of the child, or both, must pay to the victim; and**
- 2) The juvenile court may order that the child or parent or guardian of the child, or both, pay restitution in an amount that equals the full amount of the loss incurred by the victim, regardless of the amount of insurance coverage that exists for the loss.**

**11.3.4 – Added to NRS in 2003 – NRS 62E.610 – Victim awarded restitution may bring civil action in district court to recover damages.**

**If the juvenile court orders a delinquent child or the parent or guardian of the child, or both, to pay restitution to a victim of any unlawful act committed by the child, the victim is not prohibited from bringing a civil action to recover damages incurred as a result of the unlawful act.**

**11.4 – CHAPTER 11 – LIMITATION OF ACTIONS**

**NRS 11.190 – Periods of limitations. Except as otherwise provided in NRS 125B.050 and 217.007, actions other than those for the recovery of real property, unless further limited by specific statute, may only be commenced as follows:**

**11.190(4) – Within 2 years:**

- (d) An action for libel, slander, assault, battery, false imprisonment or seduction.**
- (e) Except as otherwise provided in NRS 11.215, an action to recover damages for injuries to a person or for the death of a person caused by the wrongful act or neglect of another. The provisions of this paragraph relating to an action to recover damages for injuries to a person apply only to causes of action which accrue after March 20, 1951.**

**11.5 – CHAPTER 41 – LIABILITY OF PARENTS AND GUARDIANS FOR  
MINOR'S ACT OF NEGLIGENCE OR WILLFUL MISCONDUCT RESULTING  
IN DAMAGE**

**NRS 41.470 – Imposition of liability for minor's willful misconduct.**

- 1. Except as otherwise provided in NRS 424.085, any act of willful misconduct of a minor which results in any injury or death to another person or injury to the private property of another or to public property is imputed to the parents or guardian having custody and control of the minor for all purposes of civil damages, and the parents or guardian having custody or control are jointly and severally liable with the minor for all damages resulting from the willful misconduct.**
- 2. The joint and several liability of one or both parents or guardian having custody or control of a minor under this section must not exceed \$10,000 for any such act of willful misconduct of the minor.**
- 3. The liability imposed by this section is in addition to any other liability imposed by law.**