

NRS 441A.320

This statute has been a key focus of this Task Force. NRS 441A.320 allowed for a perpetrator of a sex related crime to be tested for sexually transmitted diseases. Senate Bill 275 of 2021 repealed this statute and instead requires information concerning HIV and STD testing to be provided to sexual assault victims (in addition to the information that the Sexual Assault Survivors' Bill of Rights already requires be given to victims).

When the 2019 Task Force on HIV Exposure Modernization originally reviewed this statute, we recommended that the law be amended so that testing is offered to the victim instead of testing the perpetrator first. Since then, we have realized the problematic nature of this recommendation because it goes against principles of victims' rights. Additionally, the repeal of this statute has already caused issues in cases of sexual assault here in Nevada. While law enforcement originally thought this issue did not concern them, their position changed when dealing with a case that involved a person living with HIV and multiple victims who are minors.

To learn more about issues stemming from this statute's repeal, members of the Task Force reached out to the Washoe County and Southern Nevada Health Districts, the Attorney General's Advisory Committee on the Rights of Survivors of Sexual Assault, the Center Advocacy Network at the Center in Las Vegas, the Washoe County Sheriff's Office, the Nevada Coalition to End Domestic and Sexual Violence, and Signs of Hope (formerly known as Rape Crisis Center).

The Task Force also wanted to learn more about the Sexual Assault Survivors' Bill of Rights to find out what kind of information is already being offered to victims. Nathan Orme, the Education and Information Officer at the Nevada Department of Health and Human Services, attended our meeting on September 29, 2022 to answer our questions. One of our concerns was whether or not health providers were providing the information that is required to be provided to victims by the Bill of Rights. In a follow-up email, Nathan told us that his office has not received any citations of non-compliance regarding health providers providing this information.

A representative from Signs of Hope attended our meeting on September 15, 2022. The representative acknowledged that the organization was not very aware of this legislative change due to staffing within the organization. Nonetheless, the representative presented concerns regarding testing for sexual assault victims, and there was a discussion in regards to providing urgent testing and resources for sexual assault victims.

Serena Evans, the Policy Coordinator at the Nevada Coalition to End Domestic and Sexual Violence, attended our meeting on October 27, 2022 to discuss this statute. By putting the onus of testing on the victim, Serena said that it places an even bigger burden on victims when they already have a big burden to carry. She also mentioned that more accountability and responsibility should be placed on the perpetrator. Although the Coalition does not have an official stance on this statute's repeal and whether or not it should be reinstated, Serena said she would let us know if they do release an official statement. Serena also expressed concerns about health providers not providing the information that is required by the Sexual Assault Survivors' Bill of Rights. Although Nathan Orme's office has not received any citations of non-compliance,

we know that there may be instances where the information is not provided and it never gets reported or cited. Serena expressed the importance of working with health providers to ensure that this information is always provided to victims.

Despite our outreach efforts, we did not hear from some of the groups that we wanted to hear from. It seems as though many people may still be unaware of this statute's repeal and its impact. Nonetheless, it might be best to reinstate NRS 441A.320 or a variation of this statute to help protect victims of sexual assault. Additional collaboration and research should be done on the impact of this bill on survivors of sexual assault. [More specifically, the Task Force believes that additional discussions between advocates, public health, and law enforcement are necessary to determine next steps regarding this statute.](#)