

ASSEMBLY BILL NO. 339—ASSEMBLYMEN EVANS, CHOWNING, DE BRAGA,
CLABORN, KOIVISTO, MCCLAIN, PARNELL, ANDERSON, CEGAVSKE, HUMKE,
MORTENSON, GUSTAVSON, ANGLE, BUCKLEY, LESLIE AND BROWER

MARCH 1, 1999

JOINT SPONSORS: SENATORS AMODEI, MATHEWS,
SHAFFER AND WIENER

Referred to Committee on Judiciary

SUMMARY—Makes various changes concerning orders for protection against domestic violence.
(BDR 3-1206)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

AN ACT relating to domestic violence; allowing a person who is applying for a temporary order for protection against domestic violence to apply, at the same time, for an extended order for protection against domestic violence; requiring that a hearing concerning the issuance of an extended order for protection against domestic violence be held within 45 days after the application for the extended order is filed; authorizing the court to appoint a master to take testimony and recommend orders in cases concerning orders for protection against domestic violence; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE
AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** Chapter 33 of NRS is hereby amended by adding thereto a
2 new section to read as follows:
3 ***1. In an action to issue, dissolve, convert, modify or register a***
4 ***temporary or extended order pursuant to NRS 33.017 to 33.100,***
5 ***inclusive, the court may appoint a master to take testimony and***
6 ***recommend orders.***
7 ***2. The master must be an attorney licensed to practice in this state.***

1 **3. The master shall:**

2 **(a) Take testimony and establish a record; and**

3 **(b) Make findings of fact, conclusions of law and recommendations**
4 **concerning a temporary or extended order.**

5 **Sec. 2.** NRS 33.017 is hereby amended to read as follows:

6 33.017 As used in NRS 33.017 to 33.100, inclusive, **and section 1 of**
7 **this act**, unless the context otherwise requires:

8 1. "Extended order" means an extended order for protection against
9 domestic violence.

10 2. "Temporary order" means a temporary order for protection against
11 domestic violence.

12 **Sec. 3.** NRS 33.020 is hereby amended to read as follows:

13 33.020 1. If it appears to the satisfaction of the court from specific
14 facts shown by a verified application that an act of domestic violence has
15 occurred or there exists a threat of domestic violence, the court may grant a
16 temporary or extended order for protection against domestic violence. A
17 temporary or extended order for protection against domestic violence must
18 not be granted to the applicant or the adverse party unless he has requested
19 the order and has filed a verified application that an act of domestic
20 violence has occurred or there exists a threat of domestic violence.

21 2. The court may require the applicant or the adverse party, or both, to
22 appear before it before determining whether to grant the temporary or
23 extended order.

24 3. A temporary order may be granted with or without notice to the
25 adverse party. An extended order may only be granted after notice to the
26 adverse party and a hearing on the application. **A hearing on an**
27 **application for an extended order must be held within 45 days after the**
28 **date on which the application for the extended order is filed.**

29 4. The court shall rule upon an application for a temporary order
30 within 1 judicial day after it is filed.

31 5. If it appears to the satisfaction of the court from specific facts
32 communicated by telephone to the court by an alleged victim that an act of
33 domestic violence has occurred and the alleged perpetrator of the domestic
34 violence has been arrested and is presently in custody pursuant to NRS
35 171.137, the court may grant a temporary order for protection against
36 domestic violence. Before approving an order under such circumstances,
37 the court shall confirm with the appropriate law enforcement agency that
38 the applicant is an alleged victim and that the alleged perpetrator is in
39 custody. Upon approval by the court, the signed order may be transmitted
40 to the facility where the alleged perpetrator is in custody by electronic or
41 telephonic transmission to a facsimile machine. If such an order is received
42 by the facility holding the alleged perpetrator while he is still in custody,
43 the order must be personally served by an authorized employee of the

1 facility before the alleged perpetrator is released. The court shall mail a
2 copy of each order issued pursuant to this subsection to the alleged victim
3 named in the order and cause the original order to be filed with the court
4 clerk on the first judicial day after it is issued.

5 6. In a county whose population is 400,000 or more, the court shall be
6 available 24 hours a day, 7 days a week, including nonjudicial days and
7 holidays, to receive communications by telephone and for the issuance of a
8 temporary order for protection against domestic violence pursuant to
9 subsection 5.

10 7. In a county whose population is less than 400,000, the court may be
11 available 24 hours a day, 7 days a week, including nonjudicial days and
12 holidays, to receive communications by telephone and for the issuance of a
13 temporary order for protection against domestic violence pursuant to
14 subsection 5.

15 8. The clerk of the court shall inform the protected party upon the
16 successful transfer of information concerning the registration to the central
17 repository for Nevada records of criminal history as required pursuant to
18 NRS 33.095.

19 **Sec. 4.** NRS 33.080 is hereby amended to read as follows:

20 33.080 1. A temporary order expires within such time, not to exceed
21 30 days, as the court fixes. If an application for an extended order is filed
22 within the period of a temporary order ~~or~~ *or at the same time that an*
23 *application for a temporary order is filed*, the temporary order remains in
24 effect until the hearing on the extended order is held.

25 2. On 2 days' notice to the party who obtained the temporary order,
26 the adverse party may appear and move its dissolution or modification, and
27 in that event the court shall proceed to hear and determine such motion as
28 expeditiously as the ends of justice require.

29 3. An extended order expires within such time, not to exceed 1 year, as
30 the court fixes. A temporary order may be converted by the court, upon
31 notice to the adverse party and a hearing, into an extended order effective
32 for ~~no~~ *not* more than 1 year.