

ASSEMBLY BILL NO. 259—ASSEMBLYMEN MCCLAIN, KOIVISTO, LESLIE, SMITH, OCEGUERA, ANDERSON, ARBERRY, BACHE, BERMAN, BROWER, BUCKLEY, CEGAVSKE, CHOWNING, CLABORN, COLLINS, DINI, FREEMAN, GIBBONS, GIUNCHIGLIANI, HETTRICK, HUMKE, LEE, MANENDO, MORTENSON, NEIGHBORS, NOLAN, PARNELL, TIFFANY AND WILLIAMS

MARCH 1, 2001

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing warrantless arrests and requires prosecuting attorney to prepare report concerning disposition of cases involving certain acts of violence. (BDR 14-212)

FISCAL NOTE: Effect on Local Government: Yes.  
Effect on the State: Yes.

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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 criminal procedure; revising certain provisions that limit the time of day that an arrest for a misdemeanor may be made to exclude arrests for certain misdemeanor offenses related to domestic violence; requiring a prosecuting attorney to report any action in or disposition of criminal matters involving certain acts of violence to the central repository for Nevada records of criminal history; 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.** NRS 171.136 is hereby amended to read as follows:  
2     171.136 1. If the offense charged is a felony or gross misdemeanor,  
3     the arrest may be made on any day, and at any time of day or night.  
4     2. If it is a misdemeanor, the arrest cannot be made between the hours  
5     of 7 p.m. and 7 a.m., except:  
6     (a) Upon the direction of a magistrate, endorsed upon the warrant;  
7     (b) When the offense is committed in the presence of the arresting  
8     officer;  
9     (c) When the person is found and the arrest is made in a public place or  
10    a place that is open to the public and:  
11    (1) There is a warrant of arrest against the person; and



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(2) The misdemeanor is discovered because there was probable cause for the arresting officer to stop, detain or arrest the person for another alleged violation or offense;

(d) When the offense is committed in the presence of a private person and he makes an arrest immediately after the offense is committed;

(e) When the offense charged is battery ~~committed by a person upon his spouse and any bodily harm has occurred;~~ *that constitutes domestic violence pursuant to NRS 33.018 and the arrest is made in the manner provided in NRS 171.137;*

(f) *When the offense charged is a violation of a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive;*

(g) When the person is already in custody as a result of another lawful arrest; or

~~(e)~~ (h) When the person voluntarily surrenders himself in response to an outstanding warrant of arrest.

**Sec. 2.** Chapter 179A of NRS is hereby amended by adding thereto a new section to read as follows:

*1. In any case that involves an act of violence committed by a person against or upon his spouse, former spouse, any other person to whom he is related by blood or marriage, a person with whom he is or was actually residing, a person with whom he has had or is having a dating relationship, a person with whom he has a child in common, the minor child of any of those persons or his minor child, the prosecuting attorney shall prepare a report, in the manner prescribed by the central repository, concerning any action in or disposition of the case, including, without limitation:*

*(a) A decision not to prosecute the case;*

*(b) An agreement with a defendant in which the defendant agrees to enter a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge; or*

*(c) A dismissal, acquittal or conviction.*

*2. A prosecuting attorney shall prepare the report required by subsection 1 within 30 days after the action or disposition for which a report is required pursuant to this section occurs and shall immediately forward a copy of the report to the central repository.*

*3. The data acquired from the report prepared pursuant to this section must be used only for research or statistical purposes and must not contain any information that may reveal the identity of any person who is the subject of a report.*

*4. As used in this section, "dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.*

