

Assembly Bill No. 259—Assemblymen McClain, Koivisto, Leslie, Smith, Ocegüera, 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

CHAPTER.....

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; and providing other matters properly relating thereto.

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

Section 1. NRS 171.136 is hereby amended to read as follows:

171.136 1. If the offense charged is a felony or gross misdemeanor, the arrest may be made on any day, and at any time of day or night.

2. If it is a misdemeanor, the arrest cannot be made between the hours of 7 p.m. and 7 a.m., except:

(a) Upon the direction of a magistrate, endorsed upon the warrant;

(b) When the offense is committed in the presence of the arresting officer;

(c) When the person is found and the arrest is made in a public place or a place that is open to the public and:

(1) There is a warrant of arrest against the person; and

(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.