

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 certain provisions governing warrantless arrests. (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; 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  
12       (2) The misdemeanor is discovered because there was probable cause  
13    for the arresting officer to stop, detain or arrest the person for another  
14    alleged violation or offense;  
15    (d) When the offense is committed in the presence of a private person  
16    and he makes an arrest immediately after the offense is committed;



\* A B 2 5 9 R 1 \*

- 1 (e) When the offense charged is battery ~~committed by a person upon~~  
2 ~~his spouse and any bodily harm has occurred;~~ *that constitutes domestic*  
3 *violence pursuant to NRS 33.018 and the arrest is made in the manner*  
4 *provided in NRS 171.137;*  
5 (f) *When the offense charged is a violation of a temporary or extended*  
6 *order for protection against domestic violence issued pursuant to NRS*  
7 *33.017 to 33.100, inclusive;*  
8 (g) When the person is already in custody as a result of another lawful  
9 arrest; or  
10 ~~(e)~~ (h) When the person voluntarily surrenders himself in response to  
11 an outstanding warrant of arrest.

