

ASSEMBLY BILL NO. 370—ASSEMBLYMEN LESLIE, BACHE, PARKS, PRICE, MCCLAIN, ANDERSON, ARBERRY, CHOWNING, CLABORN, DE BRAGA, DINI, FREEMAN, GIUNCHIGLIANI, HUMKE, KOIVISTO, MANENDO, MORTENSON, NEIGHBORS, PARNELL, SMITH AND TIFFANY

MARCH 15, 2001

Referred to Committee on Judiciary

SUMMARY—Authorizes employers to obtain orders for protection against harassment in workplace and establishes procedures for obtaining such orders. (BDR 3-720)

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 injunctions; authorizing employers to obtain orders for protection against harassment in the workplace to protect employers, employees and persons at the workplace from harassment by other persons; establishing the procedure for obtaining such an order; providing a penalty; 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  
2     the provisions set forth as sections 2 to 19, inclusive, of this act.  
3     **Sec. 2.** *As used in sections 2 to 19, inclusive, of this act, unless the*  
4     *context otherwise requires, the words and terms defined in sections 3, 4*  
5     *and 5 of this act have the meanings ascribed to them in those sections.*  
6     **Sec. 3.** *“Employee” means a person who is employed by an*  
7     *employer, including, without limitation, an independent contractor.*  
8     **Sec. 4.** *“Employer” means a public or private employer in this state,*  
9     *including, without limitation, the State of Nevada, an agency of this state*  
10    *and a political subdivision of this state.*  
11    **Sec. 5.** *“Order for protection against harassment in the workplace”*  
12    *means an order issued pursuant to section 8 of this act.*  
13    **Sec. 6.** *Harassment in the workplace occurs when:*  
14    1. *A person knowingly threatens to cause or commits an act that*  
15    *causes:*



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- 1 (a) Bodily injury to himself or another person;
- 2 (b) Damage to the property of another person; or
- 3 (c) Substantial harm to the physical or mental health or safety of a
- 4 person;

5 2. The threat is made or the act is committed against an employer, an  
6 employee of the employer while the employee performs his duties of  
7 employment or a person present at the workplace of the employer; and

8 3. The threat or act would cause a reasonable person to be seriously  
9 alarmed or annoyed.

10 **Sec. 7.** 1. An employer or an authorized agent of an employer who  
11 reasonably believes that harassment in the workplace has occurred may  
12 file a verified application for an order for protection against harassment  
13 in the workplace against the person who allegedly committed the  
14 harassment.

15 2. The verified application must include, without limitation:

- 16 (a) The name of the employer seeking the order;
- 17 (b) The name and address, if known, of the person who allegedly
- 18 committed the harassment in the workplace; and
- 19 (c) A detailed description of the events that allegedly constituted
- 20 harassment in the workplace and the dates on which these events
- 21 occurred.

22 **Sec. 8.** 1. If it appears to the satisfaction of the court from specific  
23 facts shown by a verified application filed pursuant to section 7 of this  
24 act, after reviewing the application, that harassment in the workplace has  
25 occurred, the court may issue an order for protection against such  
26 harassment.

27 2. The court may require the employer or the person who allegedly  
28 committed the harassment, or both, to appear before it before  
29 determining whether to issue the order for protection against harassment  
30 in the workplace.

31 3. The court may issue an order for protection against harassment in  
32 the workplace without notice to the person who allegedly committed the  
33 harassment if the court finds that:

34 (a) There is reasonable evidence that the person committed  
35 harassment in the workplace or that good cause exists to believe that  
36 great or irreparable harm would result to the employer, an employee of  
37 the employer while the employee performs his duties of employment or a  
38 person who is present at the workplace of the employer; and

39 (b) There are specific facts that attest to the efforts of the employer to  
40 provide notice of the application and hearing to the person who allegedly  
41 committed the harassment in the workplace or there are reasons  
42 supporting the claim of the employer that notice should not be given to  
43 the person.

44 4. If an order for protection against harassment in the workplace is  
45 issued without notice to the person who allegedly committed the  
46 harassment and without a hearing, the person may, at any time during  
47 the period that the order is in effect, petition the court for a hearing on  
48 the order. The hearing must be held as soon as reasonably possible and  
49 not later than 10 days after the date on which the petition for a hearing is



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1 *filed with the court unless the court determines that there are compelling*  
2 *reasons to hold the hearing at a later date. At the hearing, the court may*  
3 *dissolve, modify or continue the order.*

4 *5. If the court denies a verified application for an order for*  
5 *protection against harassment in the workplace, the court may schedule*  
6 *a further hearing within 10 days after the denial if the notice of the*  
7 *hearing is provided to the person who allegedly committed the*  
8 *harassment.*

9 *6. An order for protection against harassment in the workplace*  
10 *expires within such time, not to exceed 1 year, as the court fixes.*

11 *Sec. 9. 1. An order for protection against harassment in the*  
12 *workplace may:*

13 *(a) Enjoin the person who allegedly committed the harassment from*  
14 *contacting the employer, an employee of the employer while the employee*  
15 *is performing his duties of employment and any person while the person*  
16 *is present at the workplace of the employer;*

17 *(b) Order the person who allegedly committed the harassment to stay*  
18 *away from the workplace of the employer;*

19 *(c) Order the person who allegedly committed the harassment to pay*  
20 *all costs and fees incurred by the employer in bringing the action for the*  
21 *order; and*

22 *(d) Order such other relief as the court deems necessary to protect the*  
23 *employer, the workplace of the employer, the employees of the employer*  
24 *while performing their duties of employment and any other persons who*  
25 *are present at the workplace.*

26 *2. A court may not issue an order for protection against harassment*  
27 *in the workplace against more than one person.*

28 *3. An order for protection against harassment in the workplace*  
29 *must:*

30 *(a) Specify, as applicable, the county and city, if any, in which the*  
31 *workplace of the employer is located and in which the employees of the*  
32 *employer perform their duties of employment;*

33 *(b) If the court granted the order pursuant to an ex parte hearing;*

34 *(1) Include a statement that the person who allegedly committed the*  
35 *harassment is entitled to a hearing on the order if he files a petition for a*  
36 *hearing pursuant to section 8 of this act; and*

37 *(2) Include the name and address of the court in which the petition*  
38 *for a hearing may be filed;*

39 *(c) Include a provision ordering any law enforcement officer to arrest*  
40 *a person who allegedly committed the harassment, with or without a*  
41 *warrant, if the officer has probable cause to believe that the person has*  
42 *received a copy of the order and has violated a provision of the order;*  
43 *and*

44 *(d) Include the following statement:*

45 **WARNING**

46 *This is an official court order. If you disobey this order, you may be*  
47 *arrested and prosecuted for the crime of violating an order for*  
48



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1       *protection against harassment in the workplace and any other crime*  
2       *that you may have committed in disobeying this order.*

3  
4       4. *If a court issues an order for protection against harassment in the*  
5       *workplace, an interlocutory appeal lies to the district court, which may*  
6       *affirm, modify or vacate the order in question. The appeal may be taken*  
7       *without bond, but its taking does not stay the effect or enforcement of the*  
8       *order.*

9       **Sec. 10.** *An order for protection against harassment in the*  
10       *workplace is in addition to and not in lieu of any other available civil or*  
11       *criminal action. An employer is not barred from seeking an order*  
12       *because of other pending proceedings.*

13       **Sec. 11.** 1. *A court shall transmit, by the end of the next business*  
14       *day after an order for protection against harassment in the workplace is*  
15       *issued, a copy of the order to the appropriate law enforcement agency*  
16       *that has jurisdiction over the workplace of the employer or the areas in*  
17       *which the employees of the employer perform their duties of employment.*

18       2. *The court may order the appropriate law enforcement agency to*  
19       *serve the person who allegedly committed the harassment personally with*  
20       *the order if it finds that such service is necessary to avoid an act of*  
21       *violence and to file with or mail to the clerk of the court proof of service*  
22       *by the end of the next business day after service is made. Service of an*  
23       *application for an order, the notice of hearing thereon and the order*  
24       *must be served upon the person who allegedly committed the harassment*  
25       *pursuant to the Nevada Rules of Civil Procedure.*

26       3. *A law enforcement agency shall enforce an order for protection*  
27       *against harassment in the workplace without regard to the county in*  
28       *which the order was issued.*

29       4. *The clerk of the court that issued an order for protection against*  
30       *harassment in the workplace shall issue a copy of the order to the*  
31       *employer who requested the order and the person who allegedly*  
32       *committed the harassment.*

33       **Sec. 12.** 1. *Whether or not a violation occurs in the presence of a*  
34       *law enforcement officer, the officer may, with or without a warrant,*  
35       *arrest and take into custody a person if the officer has probable cause to*  
36       *believe that:*

37       (a) *An order has been issued pursuant to section 8 of this act against*  
38       *the person;*

39       (b) *The person has received a copy of the order; and*

40       (c) *The person is acting in violation of the order.*

41       2. *If a law enforcement officer cannot verify that the person was*  
42       *served with a copy of the order and the officer is at the workplace of the*  
43       *employer, the officer shall serve the person with a copy of the order if a*  
44       *copy is available.*

45       3. *A law enforcement officer who serves a person with a copy of an*  
46       *order pursuant to subsection 2 shall note the date and time of such*  
47       *service on the copy of the order that was issued to the employer.*

48       **Sec. 13.** 1. *An employer or an authorized agent of an employer*  
49       *may register an order for protection against harassment in the workplace*



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1 issued by the court of another state by presenting a certified copy of the  
2 order to the clerk of the court in a judicial district in which the employer  
3 believes that enforcement may be necessary.

4 2. An order for protection against harassment in the workplace that  
5 is registered has the same effect and must be enforced in like manner as  
6 such an order issued by a court of this state.

7 3. The clerk of the court shall maintain a record of each order  
8 registered pursuant to this section.

9 **Sec. 14.** A court, law enforcement officer or any other person who  
10 enforces an order for protection against harassment in the workplace  
11 based upon a reasonable belief that the order is valid is immune from  
12 civil and criminal liability for any action taken based on that belief.

13 **Sec. 15.** (Deleted by amendment.)

14 **Sec. 16.** If an employer has knowledge that a specific person is the  
15 target of harassment in the workplace and the employer intends to seek  
16 an order for protection against such harassment, the employer shall  
17 make a good faith effort to notify the person who is the target of the  
18 harassment that the employer intends to seek the order for protection  
19 against harassment in the workplace.

20 **Sec. 17.** 1. An employer is immune from civil liability for:

21 (a) Seeking an order for protection against harassment in the  
22 workplace, if the employer acts in good faith in seeking the order; and

23 (b) Failing to seek an order for protection against harassment in the  
24 workplace.

25 2. An action taken or a statement made by an employer pursuant to  
26 sections 2 to 19, inclusive, of this act:

27 (a) Shall not be deemed an admission by the employer of any fact; and

28 (b) May be used for the purposes of impeachment.

29 **Sec. 18.** The provisions of sections 2 to 19, inclusive, of this act do  
30 not:

31 1. Modify the duty of an employer to provide a safe workplace for the  
32 employees of the employer and other persons present at the workplace of  
33 the employer;

34 2. Prohibit a person from engaging in any constitutionally protected  
35 exercise of free speech, including, without limitation, speech involving  
36 labor disputes concerning organized labor; or

37 3. Prohibit a person from engaging in any activity which is part of a  
38 labor dispute.

39 **Sec. 19.** 1. A person who violates an order for protection against  
40 harassment in the workplace is guilty of a misdemeanor, unless a more  
41 severe penalty is prescribed by law for the act that constitutes the  
42 violation of the order. If the violation is accompanied by a violent  
43 physical act by that person against a person protected by the order, the  
44 court shall:

45 (a) Impose upon the person who violated the order a fine of \$1,000 or  
46 require him to perform a minimum of 200 hours of work for the  
47 community;

48 (b) Sentence the person who violated the order to imprisonment for  
49 not fewer than 5 days nor more than 6 months;



1 (c) Order the person who violated the order to reimburse the  
2 employer, in an amount determined by the court, for all costs and  
3 attorney's fees incurred by the employer in seeking to enforce the order,  
4 and for all medical expenses of the employer and any person protected by  
5 the order that were incurred as a result of the violent physical act; and

6 (d) Order the person who violated the order to participate in and  
7 complete a program of professional counseling, at his own expense, if  
8 such counseling is available.

9 2. The person who violates an order for protection against  
10 harassment in the workplace shall comply with the order for  
11 reimbursement of the employer or any other person protected by the  
12 order before paying a fine imposed pursuant to this section.

13 **Sec. 20.** NRS 4.355 is hereby amended to read as follows:

14 4.355 1. A justice of the peace in a township whose population is  
15 40,000 or more may appoint a referee to take testimony and recommend  
16 orders and a judgment:

17 (a) In any action filed pursuant to NRS 73.010;

18 (b) *In any action filed pursuant to sections 2 to 19, inclusive, of this*  
19 *act;*

20 (c) In any action for a misdemeanor constituting a violation of chapter  
21 484 of NRS, except NRS 484.379 and 484.3795; or

22 ~~(e)~~ (d) In any action for a misdemeanor constituting a violation of a  
23 county traffic ordinance.

24 2. The referee must meet the qualifications of a justice of the peace as  
25 set forth in subsections 1 and 2 of NRS 4.010.

26 3. The referee:

27 (a) Shall take testimony;

28 (b) Shall make findings of fact, conclusions of law and  
29 recommendations for an order or judgment;

30 (c) May, subject to confirmation by the justice of the peace, enter an  
31 order or judgment; and

32 (d) Has any other power or duty contained in the order of reference  
33 issued by the justice of the peace.

34 4. The findings of fact, conclusions of law and recommendations of  
35 the referee must be furnished to each party or his attorney at the conclusion  
36 of the proceeding or as soon thereafter as possible. Within 5 days after  
37 receipt of the findings of fact, conclusions of law and recommendations, a  
38 party may file a written objection. If no objection is filed, the court shall  
39 accept the findings, unless clearly erroneous, and the judgment may be  
40 entered thereon. If an objection is filed within the 5-day period, the justice  
41 of the peace shall review the matter by trial de novo, except that if all of  
42 the parties so stipulate, the review must be confined to the record.

43 5. A referee must be paid one-half of the hourly compensation of a  
44 justice of the peace.

45 **Sec. 21.** NRS 4.370 is hereby amended to read as follows:

46 4.370 1. Except as limited by subsection 2, justices' courts have  
47 jurisdiction of the following civil actions and proceedings and no others  
48 except as *otherwise* provided by specific statute:



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- 1 (a) In actions arising on contract for the recovery of money only, if the  
2 sum claimed, exclusive of interest, does not exceed \$7,500.
- 3 (b) In actions for damages for injury to the person, or for taking,  
4 detaining or injuring personal property, or for injury to real property where  
5 no issue is raised by the verified answer of the defendant involving the title  
6 to or boundaries of the real property, if the damage claimed does not  
7 exceed \$7,500.
- 8 (c) Except as otherwise provided in paragraph (l) in actions for a fine,  
9 penalty or forfeiture not exceeding \$7,500, given by statute or the  
10 ordinance of a county, city or town, where no issue is raised by the answer  
11 involving the legality of any tax, impost, assessment, toll or municipal fine.
- 12 (d) In actions upon bonds or undertakings conditioned for the payment  
13 of money, if the sum claimed does not exceed \$7,500, though the penalty  
14 may exceed that sum. Bail bonds and other undertakings posted in criminal  
15 matters may be forfeited regardless of amount.
- 16 (e) In actions to recover the possession of personal property, if the value  
17 of the property does not exceed \$7,500.
- 18 (f) To take and enter judgment on the confession of a defendant, when  
19 the amount confessed, exclusive of interest, does not exceed \$7,500.
- 20 (g) Of actions for the possession of lands and tenements where the  
21 relation of landlord and tenant exists, when damages claimed do not exceed  
22 \$7,500 or when no damages are claimed.
- 23 (h) Of actions when the possession of lands and tenements has been  
24 unlawfully or fraudulently obtained or withheld, when damages claimed do  
25 not exceed \$7,500 or when no damages are claimed.
- 26 (i) Of suits for the collection of taxes, where the amount of the tax sued  
27 for does not exceed \$7,500.
- 28 (j) Of actions for the enforcement of mechanics' liens, where the  
29 amount of the lien sought to be enforced, exclusive of interest, does not  
30 exceed \$7,500.
- 31 (k) Of actions for the enforcement of liens of owners of facilities for  
32 storage, where the amount of the lien sought to be enforced, exclusive of  
33 interest, does not exceed \$7,500.
- 34 (l) In actions for a fine imposed for a violation of NRS 484.757.
- 35 (m) Except in a judicial district that includes a county whose population  
36 is 100,000 or more, in any action for the issuance of a temporary or  
37 extended order for protection against domestic violence.
- 38 (n) *In an action for the issuance of an order for protection against*  
39 *harassment in the workplace pursuant to sections 2 to 19, inclusive, of*  
40 *this act.*
- 41 (o) In small claims actions under the provisions of chapter 73 of NRS.
- 42 ~~(p)~~ (p) In actions to contest the validity of liens on mobile homes or  
43 manufactured homes.
- 44 ~~(q)~~ (q) In any action pursuant to NRS 200.591 for the issuance of a  
45 protective order against a person alleged to be committing the crime of  
46 stalking, aggravated stalking or harassment.
- 47 2. The jurisdiction conferred by this section does not extend to civil  
48 actions, other than for forcible entry or detainer, in which the title of real



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1 property or mining claims or questions affecting the boundaries of land are  
2 involved.

3 3. Justices' courts have jurisdiction of all misdemeanors and no other  
4 criminal offenses except as otherwise provided by specific statute.

5 4. Except as otherwise provided in subsections 5 and 6, in criminal  
6 cases the jurisdiction of justices of the peace extends to the limits of their  
7 respective counties.

8 5. In the case of any arrest made by a member of the Nevada highway  
9 patrol, the jurisdiction of the justices of the peace extends to the limits of  
10 their respective counties and to the limits of all counties which have  
11 common boundaries with their respective counties.

12 6. Each justice's court has jurisdiction of any violation of a regulation  
13 governing vehicular traffic on an airport within the township in which the  
14 court is established.

15 **Sec. 22.** NRS 171.124 is hereby amended to read as follows:

16 171.124 1. Except as otherwise provided in subsection 3 ~~H~~ and  
17 *section 12 of this act*, a peace officer or an officer of the Drug  
18 Enforcement Administration designated by the Attorney General of the  
19 United States for that purpose may make an arrest in obedience to a  
20 warrant delivered to him, or may, without a warrant, arrest a person:

21 (a) For a public offense committed or attempted in his presence.

22 (b) When a person arrested has committed a felony or gross  
23 misdemeanor, although not in his presence.

24 (c) When a felony or gross misdemeanor has in fact been committed,  
25 and he has reasonable cause for believing the person arrested to have  
26 committed it.

27 (d) On a charge made, upon a reasonable cause, of the commission of a  
28 felony or gross misdemeanor by the person arrested.

29 (e) When a warrant has in fact been issued in this state for the arrest of a  
30 named or described person for a public offense, and he has reasonable  
31 cause to believe that the person arrested is the person so named or  
32 described.

33 2. He may also, at night, without a warrant, arrest any person whom he  
34 has reasonable cause for believing to have committed a felony or gross  
35 misdemeanor, and is justified in making the arrest, though it afterward  
36 appear that a felony or gross misdemeanor has not been committed.

37 3. An officer of the Drug Enforcement Administration may only make  
38 an arrest pursuant to subsections 1 and 2 for a violation of chapter 453 of  
39 NRS.

40 **Sec. 23.** The amendatory provisions of this act do not apply to  
41 offenses committed before October 1, 2001.

