

SENATE BILL NO. 87—SENATORS WIENER, JAMES, CARE, PORTER,  
WASHINGTON, TITUS AND MCGINNESS

FEBRUARY 8, 2001

Referred to Committee on Judiciary

SUMMARY—Provides that court may order that psychological evaluation and necessary counseling be provided to child affected by battery which constitutes domestic violence. (BDR 15-854)

FISCAL NOTE: Effect on Local Government: Yes.  
Effect on the State: No.

CONTAINS UNFUNDED MANDATE (§ 1)  
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

~

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

AN ACT relating to domestic violence; providing that the court may order that a psychological evaluation and any necessary counseling be provided to a child affected by a battery which constitutes 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 200.485 is hereby amended to read as follows:  
2     200.485 1. Unless a greater penalty is provided pursuant to NRS  
3     200.481, a person convicted of a battery ~~that~~ ***which*** constitutes domestic  
4     violence pursuant to NRS 33.018:  
5     (a) For the first offense within the immediately preceding 7 years, is  
6     guilty of a misdemeanor and shall be sentenced to:  
7     (1) Imprisonment in the city or county jail or detention facility for not  
8     less than 2 days, but not more than 6 months; and  
9     (2) Perform not less than 48 hours, but not more than 120 hours, of  
10    community service.  
11    The person shall be further punished by a fine of not less than \$200, but not  
12    more than \$1,000. A term of imprisonment imposed pursuant to this  
13    paragraph may be served intermittently at the discretion of the judge or  
14    justice of the peace, except that each period of confinement must be not  
15    less than 4 consecutive hours and must occur either at a time when the  
16    person is not required to be at his place of employment or on a weekend.



1 (b) For the second offense within the immediately preceding 7 years, is  
2 guilty of a misdemeanor and shall be sentenced to:

3 (1) Imprisonment in the city or county jail or detention facility for not  
4 less than 10 days, but not more than 6 months; and

5 (2) Perform not less than 100 hours, but not more than 200 hours, of  
6 community service.

7 The person shall be further punished by a fine of not less than \$500, but not  
8 more than \$1,000.

9 (c) For the third and any subsequent offense within the immediately  
10 preceding 7 years, is guilty of a category C felony and shall be punished as  
11 provided in NRS 193.130.

12 2. In addition to any other penalty, if a person is convicted of a battery  
13 which constitutes domestic violence pursuant to NRS 33.018, the court  
14 shall:

15 (a) For the first offense within the immediately preceding 7 years,  
16 require him to participate in weekly counseling sessions of not less than 1  
17 1/2 hours per week for not less than 6 months, but not more than 12  
18 months, at his own expense, in a program for the treatment of persons who  
19 commit domestic violence that has been certified pursuant to NRS 228.470.

20 (b) For the second offense within the immediately preceding 7 years,  
21 require him to participate in weekly counseling sessions of not less than 1  
22 1/2 hours per week for 12 months, at his own expense, in a program for the  
23 treatment of persons who commit domestic violence that has been certified  
24 pursuant to NRS 228.470.

25 3. In addition to any other fine or penalty, the court shall order such a  
26 person to pay an administrative assessment of \$35. Any money so collected  
27 must be paid by the clerk of the court to the state treasurer on or before the  
28 fifth day of each month for the preceding month for credit to the account  
29 for programs related to domestic violence established pursuant to NRS  
30 228.460.

31 4. In addition to any other penalty, the court may require such a person  
32 to participate, at his own expense, in a program of treatment for the abuse  
33 of alcohol or drugs that has been certified by the bureau of alcohol and  
34 drug abuse in the department of human resources.

35 5. *The court may, if appropriate, order that a psychological*  
36 *evaluation and any necessary counseling be provided to any child under*  
37 *the age of 18 years who may require evaluation or counseling as a result*  
38 *of the commission of a battery which constitutes domestic violence*  
39 *pursuant to NRS 33.018. Any costs associated with an evaluation or*  
40 *counseling ordered by the court pursuant to this subsection are a charge*  
41 *against:*

42 (a) *The county in which the person is convicted, if the person is*  
43 *convicted in a district court or justice's court; or*

44 (b) *The city in which the person is convicted, if the person is convicted*  
45 *in a municipal court,*

46 *but the court may order the person to reimburse the county or city for*  
47 *such costs, to the extent of his ability to pay.*

48 6. If a person is charged with committing a battery which constitutes  
49 domestic violence pursuant to NRS 33.018, a prosecuting attorney shall not



1 dismiss such a charge in exchange for a plea of guilty, guilty but mentally  
2 ill or nolo contendere to a lesser charge or for any other reason unless he  
3 knows, or it is obvious, that the charge is not supported by probable cause  
4 or cannot be proved at the time of trial. A court shall not grant probation to  
5 and, except as otherwise provided in NRS 4.373 and 5.055, a court shall  
6 not suspend the sentence of such a person.

7 ~~16.1~~ 7. For the purposes of this section:

8 (a) “Battery” has the meaning ascribed to it in paragraph (a) of  
9 subsection 1 of NRS 200.481; and

10 (b) “Offense” includes a battery which constitutes domestic violence  
11 pursuant to NRS 33.018 or a violation of the law of any other jurisdiction  
12 that prohibits the same or similar conduct.

13 **Sec. 2.** The provisions of subsection 1 of NRS 354.599 do not apply  
14 to any additional expenses of a local government that are related to the  
15 provisions of this act.

16 **Sec. 3.** The amendatory provisions of this act do not apply to offenses  
17 committed before October 1, 2001.

