

Assembly Bill No. 331–Assemblyman McCleary
(by request)

CHAPTER.....

AN ACT relating to protective orders; providing for the issuance and enforcement of temporary and extended orders against a person who is alleged to have committed a certain type of crime against a child; providing specific authorization for the parent or guardian of a child to obtain such orders on behalf of the child; providing justices' courts with jurisdiction over proceedings to obtain such temporary or extended orders; 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. Chapter 33 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. 1. *In addition to any other remedy provided by law, the parent or guardian of a child may petition any court of competent jurisdiction on behalf of the child for a temporary or extended order against a person who is 18 years of age or older and who the parent or guardian reasonably believes has committed or is committing a crime involving:*

(a) Physical or mental injury to the child of a nonaccidental nature; or

(b) Sexual abuse or sexual exploitation of the child.

2. *If such an order on behalf of a child is granted, the court may direct the person who allegedly committed or is committing the crime to:*

(a) Stay away from the home, school, business or place of employment of the child and any other location specifically named by the court.

(b) Refrain from contacting, intimidating, threatening or otherwise interfering with the child and any other person specifically named by the court, who may include, without limitation, a member of the family or the household of the child.

3. *If a defendant charged with committing a crime described in subsection 1 is released from custody before trial or is found guilty during the trial, the court may issue a temporary or extended order or provide as a condition of the release or sentence that the defendant:*

(a) Stay away from the home, school, business or place of employment of the child against whom the alleged crime was committed and any other location specifically named by the court.

(b) *Refrain from contacting, intimidating, threatening or otherwise interfering with the child against whom the alleged crime was committed and any other person specifically named by the court, who may include, without limitation, a member of the family or the household of the child.*

4. *A temporary order may be granted with or without notice to the adverse party. An extended order may be granted only after notice to the adverse party and a hearing on the petition.*

5. *If an extended order is issued by a justice's court, an interlocutory appeal lies to the district court, which may affirm, modify or vacate the order in question. The appeal may be taken without bond, but its taking does not stay the effect or enforcement of the order.*

6. *Any person who intentionally violates:*

(a) *A temporary order is guilty of a gross misdemeanor.*

(b) *An extended order is guilty of a category C felony and shall be punished as provided in NRS 193.130.*

7. *Any court order issued pursuant to this section must:*

(a) *Be in writing;*

(b) *Be personally served on the person to whom it is directed;*
and

(c) *Contain the warning that violation of the order:*

(1) *Subjects the person to immediate arrest.*

(2) *Is a gross misdemeanor if the order is a temporary order.*

(3) *Is a category C felony if the order is an extended order.*

Sec. 3. 1. *The payment of all costs and official fees must be deferred for any person who petitions a court for a temporary or extended order pursuant to section 2 of this act. After any hearing and not later than final disposition of such an application or order, the court shall assess the costs and fees against the adverse party, except that the court may reduce them or waive them, as justice may require.*

2. *The clerk of the court shall provide a person who petitions the court for a temporary or extended order pursuant to section 2 of this act and the adverse party, free of cost, with information about the:*

(a) *Availability of temporary and extended orders pursuant to section 2 of this act;*

(b) *Procedure for filing an application for such an order; and*

(c) *Right to proceed without legal counsel.*

3. *A person who obtains an order pursuant to section 2 of this act must not be charged any fee to have the order served in this state.*

Sec. 4. 1. *A temporary order issued pursuant to section 2 of this act expires within such time, not to exceed 30 days, as the*

court fixes. If a petition for an extended order is filed within the period of a temporary order, the temporary order remains in effect until the hearing on the extended order is held.

2. On 2 days' notice to the party who obtained the temporary order, the adverse party may appear and move its dissolution or modification, and in that event the court shall proceed to hear and determine such motion as expeditiously as the ends of justice require.

3. An extended order expires within such time, not to exceed 1 year, as the court fixes. A temporary order may be converted by the court, upon notice to the adverse party and a hearing, into an extended order effective for not more than 1 year.

Sec. 5. *1. Each court that issues an order pursuant to section 2 of this act shall transmit, as soon as practicable, a copy of the order to all law enforcement agencies within its jurisdiction. The copy must include a notation of the date on which the order was personally served upon the person to whom it is directed.*

2. A peace officer, without a warrant, may arrest and take into custody a person when the peace officer has reasonable cause to believe that:

(a) An order has been issued pursuant to section 2 of this act to the person to be arrested;

(b) The person to be arrested has received a copy of the order; and

(c) The person to be arrested is acting in violation of the order.

3. Any law enforcement agency in this state may enforce a court order issued pursuant to section 2 of this act.

Sec. 6. *1. Upon the request of the parent or guardian of a child, the prosecuting attorney in any trial brought against a person for a crime described in subsection 1 of section 2 of this act shall inform the parent or guardian of the final disposition of the case.*

2. If the defendant is found guilty and the court issues an order or provides a condition of his sentence restricting the ability of the defendant to have contact with the child against whom the crime was committed or witnesses, the clerk of the court shall:

(a) Keep a record of the order or condition of the sentence; and

(b) Provide a certified copy of the order or condition of the sentence to the parent or guardian of the child and other persons named in the order.

Sec. 7. NRS 4.370 is hereby amended to read as follows:

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

(a) In actions arising on contract for the recovery of money only, if the sum claimed, exclusive of interest, does not exceed \$7,500.

(b) In actions for damages for injury to the person, or for taking, detaining or injuring personal property, or for injury to real property where no issue is raised by the verified answer of the defendant involving the title to or boundaries of the real property, if the damage claimed does not exceed \$7,500.

(c) Except as otherwise provided in paragraph (l) in actions for a fine, penalty or forfeiture not exceeding \$7,500, given by statute or the ordinance of a county, city or town, where no issue is raised by the answer involving the legality of any tax, impost, assessment, toll or municipal fine.

(d) In actions upon bonds or undertakings conditioned for the payment of money, if the sum claimed does not exceed \$7,500, though the penalty may exceed that sum. Bail bonds and other undertakings posted in criminal matters may be forfeited regardless of amount.

(e) In actions to recover the possession of personal property, if the value of the property does not exceed \$7,500.

(f) To take and enter judgment on the confession of a defendant, when the amount confessed, exclusive of interest, does not exceed \$7,500.

(g) Of actions for the possession of lands and tenements where the relation of landlord and tenant exists, when damages claimed do not exceed \$7,500 or when no damages are claimed.

(h) Of actions when the possession of lands and tenements has been unlawfully or fraudulently obtained or withheld, when damages claimed do not exceed \$7,500 or when no damages are claimed.

(i) Of suits for the collection of taxes, where the amount of the tax sued for does not exceed \$7,500.

(j) Of actions for the enforcement of mechanics' liens, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed \$7,500.

(k) Of actions for the enforcement of liens of owners of facilities for storage, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed \$7,500.

(l) In actions for a fine imposed for a violation of NRS 484.757.

(m) Except in a judicial district that includes a county whose population is 100,000 or more, in any action for the issuance of a temporary or extended order for protection against domestic violence.

(n) In an action for the issuance of a temporary or extended order for protection against harassment in the workplace pursuant to NRS 33.200 to 33.360, inclusive.

(o) In small claims actions under the provisions of chapter 73 of NRS.

(p) In actions to contest the validity of liens on mobile homes or manufactured homes.

(q) In any action pursuant to NRS 200.591 for the issuance of a protective order against a person alleged to be committing the crime of stalking, aggravated stalking or harassment.

(r) In any action for the issuance of a temporary or extended order pursuant to section 2 of this act.

2. The jurisdiction conferred by this section does not extend to civil actions, other than for forcible entry or detainer, in which the title of real property or mining claims or questions affecting the boundaries of land are involved.

3. Justices' courts have jurisdiction of all misdemeanors and no other criminal offenses except as otherwise provided by specific statute. Upon approval of the district court, a justice's court may transfer original jurisdiction of a misdemeanor to the district court for the purpose of assigning an offender to a program established pursuant to NRS 176A.250.

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

5. In the case of any arrest made by a member of the Nevada Highway Patrol, the jurisdiction of the justices of the peace extends to the limits of their respective counties and to the limits of all counties which have common boundaries with their respective counties.

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