
ASSEMBLY BILL NO. 10—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE CITY OF HENDERSON)

PREFILED JANUARY 26, 2005

Referred to Committee on Judiciary

SUMMARY—Prohibits civil compromise of battery that constitutes domestic violence. (BDR 14-342)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
Effect on the State: No.

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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; prohibiting the civil compromise of a battery that constitutes domestic violence; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law allows a court to compromise a misdemeanor when the person
2 injured by the act constituting the misdemeanor has a civil remedy, unless the
3 offense was: (1) committed by or upon a judicial officer while executing his duties;
4 (2) committed during a riot; or (3) committed with the intent to commit a felony.
5 (NRS 178.564) If a compromise is granted, the judge may then stay the offense and
6 discharge the defendant. (NRS 178.566) Thus, the compromise essentially serves as
7 a settlement of the criminal charge. The Nevada Supreme Court has ruled that a
8 court may not establish a policy of prohibiting compromises for certain types of
9 offenses which are not prohibited by statute. Rather, if a compromise is not
10 prohibited, the court is required to consider the proposed compromise and make a
11 decision based upon the merits. (*Willmes v. Reno Municipal Court*, 118 Nev. 831
12 (2002)).

13 This bill specifically adds an offense which is a battery that constitutes
14 domestic violence to the list of circumstances which prohibit a court from
15 compromising a misdemeanor.

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



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- 1 **Section 1.** NRS 178.564 is hereby amended to read as follows:
2 178.564 ~~{When}~~ *If* a defendant is held to answer on a charge of
3 a misdemeanor ~~{}~~ for which the person injured by the act
4 constituting the offense has a remedy by a civil action, the offense
5 may be compromised as provided in NRS 178.566 ~~{, except when it~~
6 ~~was committed:~~
7 ~~1. By}~~ *unless the offense:*
8 1. *Was committed by* or upon an officer of justice ~~{}~~ while in
9 the execution of the duties of his office ~~{~~
10 ~~2. Riotously.~~
11 ~~3. With}~~ ;
12 2. *Was committed with the* intent to commit a felony ~~{}~~ ;
13 3. *Was committed riotously; or*
14 4. *Committed is a battery that constitutes domestic violence*
15 *pursuant to NRS 33.018.*
16 **Sec. 2.** This act becomes effective upon passage and approval.

