

CHAPTER.....

AN ACT relating to criminal procedure; prohibiting the civil compromise of misdemeanor offenses involving domestic violence; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

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

This bill specifically adds to the list of circumstances which prohibit a court from compromising a misdemeanor: (1) a battery that constitutes domestic violence; and (2) an offense that violates an order for protection against domestic violence.

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

Section 1. NRS 178.564 is hereby amended to read as follows:

178.564 ~~When~~ **If** a defendant is held to answer on a charge of a misdemeanor ~~for~~ **for** which the person injured by the act constituting the offense has a remedy by a civil action, the offense may be compromised as provided in NRS 178.566 ~~except when it was committed;~~

~~1. By~~ **unless the offense:**

1. Was committed by or upon an officer of justice ~~for~~ while in the execution of the duties of his office ~~for~~

~~2. Riotously;~~

~~3. With~~ ;

2. Was committed riotously;

3. Was committed with the intent to commit a felony ~~for~~ ;

4. Is a battery that constitutes domestic violence pursuant to NRS 33.018; or

5. Violates a temporary or extended order for protection against domestic violence.

Sec. 2. This act becomes effective upon passage and approval.

