

Amendment No. 65

Assembly Amendment to Assembly Bill No. 21

(BDR 14-846)

Proposed by: Committee on Judiciary**Amendment Box:****Resolves Conflicts with:** N/A**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____
Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____

Amend section 1, page 2, line 10, by deleting “~~Riotously~~” and inserting “~~Riotously~~”.

Amend section 1, page 2, line 11, by deleting “~~With,]~~” and inserting “~~With]~~”.

Amend section 1, page 2, line 14, by deleting “*Constitutes*” and inserting:

“*Is a battery that constitutes*”.

**If this amendment is adopted, the Legislative
Counsel's Digest will be changed to read as follows:**

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.