
SENATE BILL NO. 77—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE INTERIM STUDY COMMITTEE ON CRIMINAL
JUSTICE SYSTEM IN RURAL NEVADA AND TRANSITIONAL
HOUSING FOR RELEASED OFFENDERS)

FEBRUARY 16, 2005

Referred to Committee on Judiciary

SUMMARY—Revises provisions pertaining to counseling required
for person convicted of battery which constitutes
domestic violence. (BDR 15-185)

FISCAL NOTE: Effect on Local Government: No.
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 domestic violence; revising the provisions
pertaining to the counseling required for a person
convicted of a battery which constitutes domestic
violence; and providing other matters properly relating
thereto.

Legislative Counsel's Digest:

- 1 Existing law requires a person convicted of domestic violence battery to
2 participate in weekly counseling sessions for at least 1 1/2 hours, for a total of at
3 least 6 hours of counseling per month. (NRS 200.485)
4 This bill would maintain the existing requirement that the person receive at
5 least 6 hours of counseling per month, but would eliminate the requirement that the
6 person attend weekly sessions.

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
3 NRS 200.481, a person convicted of a battery which constitutes
4 domestic violence pursuant to NRS 33.018:



(a) For the first offense within 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 2 days, but not more than 6 months; and

(2) Perform not less than 48 hours, but not more than 120 hours, of community service.

➤ The person shall be further punished by a fine of not less than \$200, but not more than \$1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than 4 consecutive hours and must occur at a time when the person is not required to be at his place of employment or on a weekend.

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

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

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

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

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

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

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

(b) For the second offense within 7 years, require him to participate in ~~{weekly counseling sessions of}~~ **counseling for** not less than ~~{1 1/2 hours per week}~~ **6 hours per month** for 12 months, at his expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 228.470.

3. An offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard to the sequence of the offenses and convictions. The facts concerning a prior offense



1 must be alleged in the complaint, indictment or information, must
2 not be read to the jury or proved at trial but must be proved at the
3 time of sentencing and, if the principal offense is alleged to be a
4 felony, must also be shown at the preliminary examination or
5 presented to the grand jury.

6 4. In addition to any other fine or penalty, the court shall order
7 such a person to pay an administrative assessment of \$35. Any
8 money so collected must be paid by the clerk of the court to the
9 State Controller on or before the fifth day of each month for the
10 preceding month for credit to the Account for Programs Related to
11 Domestic Violence established pursuant to NRS 228.460.

12 5. In addition to any other penalty, the court may require such a
13 person to participate, at his expense, in a program of treatment for
14 the abuse of alcohol or drugs that has been certified by the Health
15 Division of the Department of Human Resources.

16 6. If it appears from information presented to the court that a
17 child under the age of 18 years may need counseling as a result of
18 the commission of a battery which constitutes domestic violence
19 pursuant to NRS 33.018, the court may refer the child to an agency
20 which provides child welfare services. If the court refers a child to
21 an agency which provides child welfare services, the court shall
22 require the person convicted of a battery which constitutes domestic
23 violence pursuant to NRS 33.018 to reimburse the agency for the
24 costs of any services provided, to the extent of his ability to pay.

25 7. If a person is charged with committing a battery which
26 constitutes domestic violence pursuant to NRS 33.018, a
27 prosecuting attorney shall not dismiss such a charge in exchange for
28 a plea of guilty or nolo contendere to a lesser charge or for any other
29 reason unless he knows, or it is obvious, that the charge is not
30 supported by probable cause or cannot be proved at the time of trial.
31 A court shall not grant probation to and, except as otherwise
32 provided in NRS 4.373 and 5.055, a court shall not suspend the
33 sentence of such a person.

34 8. As used in this section:

35 (a) "Agency which provides child welfare services" has the
36 meaning ascribed to it in NRS 432B.030.

37 (b) "Battery" has the meaning ascribed to it in paragraph (a) of
38 subsection 1 of NRS 200.481.

39 (c) "Offense" includes a battery which constitutes domestic
40 violence pursuant to NRS 33.018 or a violation of the law of any
41 other jurisdiction that prohibits the same or similar conduct.

42 **Sec. 2.** This act becomes effective on July 1, 2005.



