

ASSEMBLY BILL NO. 112—ASSEMBLYMEN PARNELL, PIERCE, PARKS, MCCLAIN, ANDERSON, ATKINSON, BOBZIEN, BUCKLEY, GANSERT, GERHARDT, KIRKPATRICK, KOIVISTO, LESLIE, OCEGUERA, OHRENSCHALL, SEGERBLOM, SMITH AND WOMACK

FEBRUARY 15, 2007

Referred to Committee on Judiciary

SUMMARY—Makes various changes to provisions governing protective orders. (BDR 3-48)

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 protective orders; expanding the circumstances which prohibit a court from admitting a person who is arrested for violating an order for protection against domestic violence to bail sooner than 12 hours after his arrest; applying the same standards for not admitting a person to bail sooner than 12 hours after his arrest to a person arrested for violating an order for protection against stalking, aggravated stalking or harassment; establishing the amount of bail that the arrested person must post to be released for such an offense when the amount has not otherwise been established by the court or magistrate; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law prohibits a court from admitting to bail a person who is arrested
- 2 for violating an order for protection against domestic violence, whether the person
- 3 is a child or an adult, if the arresting officer determines that the violation of the
- 4 order was accompanied by a direct or indirect threat of harm. (NRS 62C.020,
- 5 125.555, 178.484) **Sections 2 and 3** of this bill further prohibit a court from



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6 admitting a person to bail sooner than 12 hours after arrest if the person is under the
7 influence of alcohol or a controlled substance or has previously violated an order
8 for protection. (NRS 62C.020, 125.555) **Sections 2 and 5** of this bill make the
9 circumstances requiring the 12-hour hold of a person who violates an order for
10 protection against domestic violence applicable to a person arrested for violating an
11 order for protection against stalking, aggravated stalking or harassment. (NRS
12 62C.020, 178.484)

13 Existing law requires notice to be provided to a person who is arrested for
14 violating an order for protection against domestic violence and to the alleged victim
15 of such a person stating the circumstances under which such a person may not be
16 admitted to bail sooner than 12 hours after arrest. (NRS 33.030, 171.1225) **Sections**
17 **1 and 4** of this bill add the new circumstances to that notice. **Section 7** of this bill
18 further requires such notice to be included with a temporary or extended order for
19 protection against stalking, aggravated stalking or harassment. (NRS 200.591)

20 **Section 5** of this bill further makes existing law which establishes the amount
21 of bail that a person must post before being admitted to bail if the person is held for
22 more than 12 hours after his arrest for violating an order for protection against
23 domestic violence without appearing personally before a magistrate or without the
24 amount of bail otherwise being established by a magistrate or a court applicable to
25 a person who violates an order for protection against stalking, aggravated stalking
26 or harassment. (NRS 178.484)

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

1 **Section 1.** NRS 33.030 is hereby amended to read as follows:

2 33.030 1. The court by a temporary order may:

3 (a) Enjoin the adverse party from threatening, physically
4 injuring or harassing the applicant or minor child, either directly or
5 through an agent;

6 (b) Exclude the adverse party from the applicant's place of
7 residence;

8 (c) Prohibit the adverse party from entering the residence,
9 school or place of employment of the applicant or minor child and
10 order him to stay away from any specified place frequented
11 regularly by them;

12 (d) If it has jurisdiction under chapter 125A of NRS, grant
13 temporary custody of the minor child to the applicant; and

14 (e) Order such other relief as it deems necessary in an
15 emergency situation.

16 2. The court by an extended order may grant any relief
17 enumerated in subsection 1 and:

18 (a) Specify arrangements for visitation of the minor child by the
19 adverse party and require supervision of that visitation by a third
20 party if necessary; and

21 (b) Order the adverse party to:

22 (1) Avoid or limit communication with the applicant or
23 minor child;



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(2) Pay rent or make payments on a mortgage on the applicant's place of residence or pay for the support of the applicant or minor child if he is found to have a duty to support the applicant or minor child; and

(3) Pay all costs and fees incurred by the applicant in bringing the action.

3. If an extended order is issued by a justice 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.

4. A temporary or extended order must specify, as applicable, the county and city, if any, in which the residence, school, child care facility or other provider of child care, and place of employment of the applicant or minor child are located.

5. A temporary or extended order must provide notice that a person who is arrested for violating the order will not be admitted to bail sooner than 12 hours after his arrest if ~~the~~:

(a) The person is under the influence of alcohol or a controlled substance;

(b) The person has previously violated a temporary or extended order for protection; or

(c) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm.

Sec. 2. NRS 62C.020 is hereby amended to read as follows:

62C.020 1. A child must not be released from custody sooner than 12 hours after the child is taken into custody if the child is taken into custody for committing a battery that constitutes domestic violence pursuant to NRS 33.018.

2. A child must not be released from custody sooner than 12 hours after the child is taken into custody if ~~the~~:

~~(a) The~~ *the* child is taken into custody for violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or for violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS ~~and~~
~~(b) or for violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591 and:~~

(a) The child is under the influence of alcohol or a controlled substance;

(b) The child has previously violated a temporary or extended order for protection of the type for which he has been arrested; or



1 (c) *The* peace officer or probation officer who has taken the
2 child into custody determines that such a violation is accompanied
3 by a direct or indirect threat of harm.

4 3. For the purposes of this section, an order or injunction is in
5 the nature of a temporary or extended order for protection against
6 domestic violence if it grants relief that might be given in a
7 temporary or extended order issued pursuant to NRS 33.017 to
8 33.100, inclusive.

9 **Sec. 3.** NRS 125.555 is hereby amended to read as follows:

10 125.555 1. A restraining order or injunction that is in the
11 nature of a temporary or extended order for protection against
12 domestic violence which is issued in an action or proceeding
13 brought pursuant to this title must provide notice that a person who
14 is arrested for violating the order or injunction will not be admitted
15 to bail sooner than 12 hours after his arrest if ~~the~~ :

16 (a) *The person is under the influence of alcohol or a*
17 *controlled substance;*

18 (b) *The person has previously violated a temporary or*
19 *extended order for protection; or*

20 (c) *The* arresting officer determines that such a violation is
21 accompanied by a direct or indirect threat of harm.

22 2. For the purposes of this section, an order or injunction is in
23 the nature of a temporary or extended order for protection against
24 domestic violence if it grants relief that might be given in a
25 temporary or extended order issued pursuant to NRS 33.017 to
26 33.100, inclusive.

27 **Sec. 4.** NRS 171.1225 is hereby amended to read as follows:

28 171.1225 1. When investigating an act of domestic violence,
29 a peace officer shall:

30 (a) Make a good faith effort to explain the provisions of NRS
31 171.137 pertaining to domestic violence and advise victims of all
32 reasonable means to prevent further abuse, including advising each
33 person of the availability of a shelter or other services in the
34 community.

35 (b) Provide a person suspected of being the victim of an act of
36 domestic violence with a written copy of the following statements:

37 (1) My name is officer (naming the
38 investigating officer). Nevada law requires me to inform you of the
39 following information.

40 (2) If I have probable cause to believe that a battery has been
41 committed against you, your minor child or the minor child of the
42 person believed to have committed the battery in the last 24 hours
43 by your spouse, your former spouse, any other person to whom you
44 are related by blood or marriage, a person with whom you are or
45 were actually residing, a person with whom you have had or are



1 having a dating relationship or a person with whom you have a child
2 in common, I am required, unless mitigating circumstances exist, to
3 arrest the person suspected of committing the act.

4 (3) If I am unable to arrest the person suspected of
5 committing the battery, you have the right to request that the
6 prosecutor file a criminal complaint against the person. I can
7 provide you with information on this procedure. If convicted, the
8 person who committed the battery may be placed on probation,
9 ordered to see a counselor, put in jail or fined.

10 (4) The law provides that you may seek a court order for the
11 protection of you or your minor children against further threats or
12 acts of domestic violence. You do not need to hire a lawyer to
13 obtain such an order for protection.

14 (5) An order for protection may require the person who
15 committed or threatened the act of domestic violence against you to:

16 (I) Stop threatening, harassing or injuring you or your
17 children;

18 (II) Move out of your residence;

19 (III) Stay away from your place of employment;

20 (IV) Stay away from the school attended by your
21 children;

22 (V) Stay away from any place you or your children
23 regularly go; and

24 (VI) Avoid or limit all communication with you or your
25 children.

26 (6) A court may make future orders for protection which
27 award you custody of your children and require the person who
28 committed or threatened the act of domestic violence against you to
29 pay:

30 (I) The rent or mortgage due on the place in which you
31 live;

32 (II) The amount of money necessary for the support of
33 your children; and

34 (III) Part or all of the costs incurred by you in obtaining
35 the order for protection.

36 (7) To get an order for protection, go to room number
37 (state the room number of the office at the court) at the court, which
38 is located at (state the address of the court). Ask the
39 clerk of the court to provide you with the forms for an order of
40 protection.

41 (8) If the person who committed or threatened the act of
42 domestic violence against you violates the terms of an order for
43 protection, he may be arrested and, if **[the]** :

44 ***(I) The person is under the influence of alcohol or a***
45 ***controlled substance;***



(II) *The person has previously violated a temporary or extended order for protection; or*

(III) *The* arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm, he will not be admitted to bail sooner than 12 hours after his arrest.

(9) You may obtain emergency assistance or shelter by contacting your local program against domestic violence at (state name, address and telephone number of local program) or you may call, without charge to you, the Statewide Program Against Domestic Violence at (state toll-free telephone number of Statewide Program).

2. As used in this section, "act of domestic violence" means any of the following acts committed by a person against his spouse, former spouse, any other person to whom he is related by blood or marriage, a person with whom he is or was actually residing, a person with whom he has had or is having a dating relationship, a person with whom he has a child in common, the minor child of any of those persons or his minor child:

(a) A battery.

(b) An assault.

(c) Compelling the other by force or threat of force to perform an act from which he has the right to refrain or to refrain from an act which he has the right to perform.

(d) A sexual assault.

(e) A knowing, purposeful or reckless course of conduct intended to harass the other. Such conduct may include, but is not limited to:

(1) Stalking.

(2) Arson.

(3) Trespassing.

(4) Larceny.

(5) Destruction of private property.

(6) Carrying a concealed weapon without a permit.

(f) False imprisonment.

(g) Unlawful entry of the other's residence, or forcible entry against the other's will if there is a reasonably foreseeable risk of harm to the other from the entry.

3. The failure of a peace officer to carry out the requirements set forth in subsection 1 is not a defense in a criminal prosecution for the commission of an act of domestic violence, nor may such an omission be considered as negligence or as causation in any civil action against the peace officer or his employer.

4. As used in this section, "dating relationship" means frequent, intimate associations primarily characterized by the



1 expectation of affectional or sexual involvement. The term does not
2 include a casual relationship or an ordinary association between
3 persons in a business or social context.

4 **Sec. 5.** NRS 178.484 is hereby amended to read as follows:

5 178.484 1. Except as otherwise provided in this section, a
6 person arrested for an offense other than murder of the first degree
7 must be admitted to bail.

8 2. A person arrested for a felony who has been released on
9 probation or parole for a different offense must not be admitted to
10 bail unless:

11 (a) A court issues an order directing that the person be admitted
12 to bail;

13 (b) The State Board of Parole Commissioners directs the
14 detention facility to admit the person to bail; or

15 (c) The Division of Parole and Probation of the Department of
16 Public Safety directs the detention facility to admit the person to
17 bail.

18 3. A person arrested for a felony whose sentence has been
19 suspended pursuant to NRS 4.373 or 5.055 for a different offense or
20 who has been sentenced to a term of residential confinement
21 pursuant to NRS 4.3762 or 5.076 for a different offense must not be
22 admitted to bail unless:

23 (a) A court issues an order directing that the person be admitted
24 to bail; or

25 (b) A department of alternative sentencing directs the detention
26 facility to admit the person to bail.

27 4. A person arrested for murder of the first degree may be
28 admitted to bail unless the proof is evident or the presumption great
29 by any competent court or magistrate authorized by law to do so in
30 the exercise of discretion, giving due weight to the evidence and to
31 the nature and circumstances of the offense.

32 5. A person arrested for a battery that constitutes domestic
33 violence pursuant to NRS 33.018 must not be admitted to bail
34 sooner than 12 hours after his arrest. If the person is admitted to bail
35 more than 12 hours after his arrest, ~~[pursuant to subsection 5 of NRS~~
36 ~~171.178.]~~ without appearing personally before a magistrate, or
37 without the amount of bail having been otherwise set by a
38 magistrate or a court, the amount of bail must be:

39 (a) Three thousand dollars, if the person has no previous
40 convictions of battery that constitute domestic violence pursuant to
41 NRS 33.018 and there is no reason to believe that the battery for
42 which he has been arrested resulted in substantial bodily harm;

43 (b) Five thousand dollars, if the person has:

44 (1) No previous convictions of battery that constitute
45 domestic violence pursuant to NRS 33.018, but there is reason to



1 believe that the battery for which he has been arrested resulted in
2 substantial bodily harm; or

3 (2) One previous conviction of battery that constitutes
4 domestic violence pursuant to NRS 33.018, but there is no reason to
5 believe that the battery for which he has been arrested resulted in
6 substantial bodily harm; or

7 (c) Fifteen thousand dollars, if the person has:

8 (1) One previous conviction of battery that constitutes
9 domestic violence pursuant to NRS 33.018 and there is reason to
10 believe that the battery for which he has been arrested resulted in
11 substantial bodily harm; or

12 (2) Two or more previous convictions of battery that
13 constitute domestic violence pursuant to NRS 33.018.

14 ➔ The provisions of this subsection do not affect the authority of a
15 magistrate or a court to set the amount of bail when the person
16 personally appears before the magistrate or the court, or when a
17 magistrate or a court has otherwise been contacted to set the amount
18 of bail. For the purposes of this subsection, a person shall be
19 deemed to have a previous conviction of battery that constitutes
20 domestic violence pursuant to NRS 33.018 if the person has been
21 convicted of such an offense in this State or has been convicted of
22 violating a law of any other jurisdiction that prohibits the same or
23 similar conduct.

24 6. A person arrested for violating a temporary or extended
25 order for protection against domestic violence issued pursuant to
26 NRS 33.017 to 33.100, inclusive, or for violating a restraining order
27 or injunction that is in the nature of a temporary or extended order
28 for protection against domestic violence issued in an action or
29 proceeding brought pursuant to title 11 of NRS , *or for violating a*
30 *temporary or extended order for protection against stalking,*
31 *aggravated stalking or harassment issued pursuant to NRS*
32 *200.591* must not be admitted to bail sooner than 12 hours after his
33 arrest if ~~the~~ :

34 (a) *The person is under the influence of alcohol or a*
35 *controlled substance;*

36 (b) *If the person has previously violated a temporary or*
37 *extended order for protection of the type for which he has been*
38 *arrested; or*

39 (c) *The* arresting officer determines that such a violation is
40 accompanied by a direct or indirect threat of harm.

41 7. If ~~the~~ a person is admitted to bail more than 12 hours after
42 his arrest, pursuant to subsection ~~[5 of NRS 171.178.]~~ 6, without
43 appearing personally before a magistrate, or without the amount of
44 bail having been otherwise set by a magistrate or a court, the amount
45 of bail must be:



(a) Three thousand dollars, if the person has no previous convictions of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS ~~33.017~~, *or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591;*

(b) Five thousand dollars, if the person has one previous conviction of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS , ~~33.017~~ *or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591; or*

(c) Fifteen thousand dollars, if the person has two or more previous convictions of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS ~~33.017~~, *or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591.*

➔ The provisions of this subsection do not affect the authority of a magistrate or a court to set the amount of bail when the person personally appears before the magistrate or the court, or when a magistrate or a court has otherwise been contacted to set the amount of bail. For the purposes of this subsection, a person shall be deemed to have a previous conviction of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS , *or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591* if the person has been convicted of such an offense in this State or has been convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct.



~~[7-]~~ 8. The court may, before releasing a person arrested for an offense punishable as a felony, require the surrender to the court of any passport the person possesses.

~~[8-]~~ 9. Before releasing a person arrested for any crime, the court may impose such reasonable conditions on the person as it deems necessary to protect the health, safety and welfare of the community and to ensure that the person will appear at all times and places ordered by the court, including, without limitation:

(a) Requiring the person to remain in this State or a certain county within this State;

(b) Prohibiting the person from contacting or attempting to contact a specific person or from causing or attempting to cause another person to contact that person on his behalf;

(c) Prohibiting the person from entering a certain geographic area; or

(d) Prohibiting the person from engaging in specific conduct that may be harmful to his own health, safety or welfare, or the health, safety or welfare of another person.

➔ In determining whether a condition is reasonable, the court shall consider the factors listed in NRS 178.4853.

~~[9-]~~ 10. If a person fails to comply with a condition imposed pursuant to subsection ~~[8-]~~ 9, the court may, after providing the person with reasonable notice and an opportunity for a hearing:

(a) Deem such conduct a contempt pursuant to NRS 22.010; or

(b) Increase the amount of bail pursuant to NRS 178.499.

~~[10-]~~ 11. An order issued pursuant to this section that imposes a condition on a person admitted to bail must include a provision ordering any law enforcement officer to arrest the person if he has probable cause to believe that the person has violated a condition of his bail.

~~[11-]~~ 12. Before a person may be admitted to bail, he must sign a document stating that:

(a) He will appear at all times and places as ordered by the court releasing him and as ordered by any court before which the charge is subsequently heard;

(b) He will comply with the other conditions which have been imposed by the court and are stated in the document; and

(c) If he fails to appear when so ordered and is taken into custody outside of this State, he waives all his rights relating to extradition proceedings.

➔ The signed document must be filed with the clerk of the court of competent jurisdiction as soon as practicable, but in no event later than the next business day.

~~[12-]~~ 13. If a person admitted to bail fails to appear as ordered by a court and the jurisdiction incurs any cost in returning the



1 person to the jurisdiction to stand trial, the person who failed to
2 appear is responsible for paying those costs as restitution.

3 ~~13.1~~ 14. For the purposes of subsection 6, an order or
4 injunction is in the nature of a temporary or extended order for
5 protection against domestic violence if it grants relief that might be
6 given in a temporary or extended order issued pursuant to NRS
7 33.017 to 33.100, inclusive.

8 **Sec. 6.** NRS 178.4851 is hereby amended to read as follows:

9 178.4851 1. Upon a showing of good cause, a court may
10 release without bail any person entitled to bail if it appears to the
11 court that it can impose conditions on the person that will
12 adequately protect the health, safety and welfare of the community
13 and ensure that he will appear at all times and places ordered by the
14 court.

15 2. In releasing a person without bail , the court may impose
16 such conditions as it deems necessary to protect the health, safety
17 and welfare of the community and to ensure that he will appear at all
18 times and places ordered by the court, including, without limitation,
19 any condition set forth in subsection ~~8~~ 9 of NRS 178.484.

20 3. Upon a showing of good cause, a sheriff or chief of police
21 may release without bail any person charged with a misdemeanor
22 pursuant to standards established by a court of competent
23 jurisdiction.

24 4. Before a person may be released without bail, he must file
25 with the clerk of the court of competent jurisdiction a signed
26 document stating that:

27 (a) He will appear at all times and places as ordered by the court
28 releasing him and as ordered by any court before which the charge
29 is subsequently heard;

30 (b) He will comply with the other conditions which have been
31 imposed by the court and are stated in the document;

32 (c) If he fails to appear when so ordered and is taken into
33 custody outside of this State, he waives all his rights relating to
34 extradition proceedings; and

35 (d) He understands that any court of competent jurisdiction may
36 revoke the order of release without bail and may order him into
37 custody or require him to furnish bail or otherwise ensure the
38 protection of the health, safety and welfare of the community or his
39 appearance.

40 5. If a jurisdiction incurs any costs in returning a person to the
41 jurisdiction to stand trial, the person failing to appear is responsible
42 for paying those costs as restitution.

43 6. An order issued pursuant to this section that imposes a
44 condition on a person who is released without bail must include a
45 provision ordering a law enforcement officer to arrest the person if



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1 he has probable cause to believe that the person has violated a
2 condition of his release.

3 **Sec. 7.** NRS 200.591 is hereby amended to read as follows:

4 200.591 1. In addition to any other remedy provided by law,
5 a person who reasonably believes that the crime of stalking,
6 aggravated stalking or harassment is being committed against him
7 by another person may petition any court of competent jurisdiction
8 for a temporary or extended order directing the person who is
9 allegedly committing the crime to:

10 (a) Stay away from the home, school, business or place of
11 employment of the victim of the alleged crime and any other
12 location specifically named by the court.

13 (b) Refrain from contacting, intimidating, threatening or
14 otherwise interfering with the victim of the alleged crime and any
15 other person named in the order, including, without limitation, a
16 member of the family or the household of the victim of the alleged
17 crime.

18 (c) Comply with any other restriction which the court deems
19 necessary to protect the victim of the alleged crime or to protect any
20 other person named in the order, including, without limitation, a
21 member of the family or the household of the victim of the alleged
22 crime.

23 2. If a defendant charged with a crime involving harassment,
24 stalking or aggravated stalking is released from custody before trial
25 or is found guilty at the trial, the court may issue a temporary or
26 extended order or provide as a condition of the release or sentence
27 that the defendant:

28 (a) Stay away from the home, school, business or place of
29 employment of the victim of the alleged crime and any other
30 location specifically named by the court.

31 (b) Refrain from contacting, intimidating, threatening or
32 otherwise interfering with the victim of the alleged crime and any
33 other person named in the order, including, without limitation, a
34 member of the family or the household of the victim of the alleged
35 crime.

36 (c) Comply with any other restriction which the court deems
37 necessary to protect the victim of the alleged crime or to protect any
38 other person named in the order, including, without limitation, a
39 member of the family or the household of the victim of the alleged
40 crime.

41 3. A temporary order may be granted with or without notice to
42 the adverse party. An extended order may be granted only after:

43 (a) Notice of the petition for the order and of the hearing thereon
44 is served upon the adverse party pursuant to the Nevada Rules of
45 Civil Procedure; and



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1 (b) A hearing is held on the petition.

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

7 5. Unless a more severe penalty is prescribed by law for the act
8 that constitutes the violation of the order, any person who
9 intentionally violates:

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

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

13 6. Any court order issued pursuant to this section must:

14 (a) Be in writing;

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

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

18 (1) Subjects the person to immediate arrest.

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

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

21 *7. A temporary or extended order issued pursuant to this*
22 *section must provide notice that a person who is arrested for*
23 *violating the order will not be admitted to bail sooner than 12*
24 *hours after his arrest if:*

25 *(a) The person is under the influence of alcohol or a*
26 *controlled substance;*

27 *(b) The person has previously violated a temporary or*
28 *extended order for protection; or*

29 *(c) The arresting officer determines that such a violation is*
30 *accompanied by a direct or indirect threat of harm.*

