

Amendment No. 665

Senate Amendment to Assembly Bill No. 112

(BDR 3-48)

Proposed by: Senate Committee on Judiciary**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"/>	_____	

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold* is newly added transitory language.

KEL/BAW



Date: 5/10/2007

A.B. No. 112—Makes various changes to provisions governing protective orders.
(BDR 3-48)



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:

Existing law prohibits a court from admitting to bail a person who is arrested for violating an order for protection against domestic violence, whether the person is a child or an adult, if the arresting officer determines that the violation of the order was accompanied by a direct or indirect threat of harm. (NRS 62C.020, 125.555, 178.484) **Sections 2 and 3** of this bill further prohibit a court from admitting a person to bail sooner than 12 hours after arrest if the person ~~is under the influence of alcohol or a controlled substance or~~ **has previously violated an order for protection ~~or~~ or has a certain concentration of alcohol in his blood or breath or a certain amount of a prohibited substance in his blood or urine at the time of, or within 2 hours after, the violation.** (NRS 62C.020, 125.555) **Sections 2 and 5** of this bill make the circumstances requiring the 12-hour hold of a person who violates an order for protection against domestic violence applicable to a person arrested for violating an order for protection against stalking, aggravated stalking or harassment. (NRS 62C.020, 178.484)

Existing law requires notice to be provided to a person who is arrested for violating an order for protection against domestic violence and to the alleged victim of such a person stating the circumstances under which such a person may not be admitted to bail sooner than 12 hours after arrest. (NRS 33.030, 171.1225) **Sections 1 and 4** of this bill add the new

17 circumstances to that notice. **Section 7** of this bill further requires such notice to be included
18 with a temporary or extended order for protection against stalking, aggravated stalking or
19 harassment. (NRS 200.591)

20 **Section 5** of this bill further makes existing law which establishes the amount of bail that
21 a person must post before being admitted to bail if the person is held for more than 12 hours
22 after his arrest for violating an order for protection against domestic violence without
23 appearing personally before a magistrate or without the amount of bail otherwise being
24 established by a magistrate or a court applicable to a person who violates an order for
25 protection against stalking, aggravated stalking 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 injuring or harassing
4 the applicant or minor child, either directly or through an agent;

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

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

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

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

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

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

16 (b) Order the adverse party to:

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

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

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

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

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

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

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

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

35 ~~(c) The~~ arresting officer determines that such a violation is accompanied by a
36 direct or indirect threat of harm ~~to~~;

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

(c) At the time of the violation or within 2 hours after the violation, the person has:

- (1) A concentration of alcohol of 0.08 or more in his blood or breath; or
(2) An amount of a prohibited substance in his blood or urine that is equal to or greater than the amount set forth in subsection 3 of NRS 484.379.

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 ~~+~~

~~(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~~

~~(c) The~~ peace officer or probation officer who has taken the child into custody determines that such a violation is accompanied by a direct or indirect threat of harm ~~+~~;

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

(c) At the time of the violation or within 2 hours after the violation, the child has:

- (1) A concentration of alcohol of 0.08 or more in his blood or breath; or
(2) An amount of a prohibited substance in his blood or urine that is equal to or greater than the amount set forth in subsection 3 of NRS 484.379.

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

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

125.555 1. A restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence which is issued in an action or proceeding brought pursuant to this title must provide notice that a person who is arrested for violating the order or injunction 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 ~~+~~;

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

(c) At the time of the violation or within 2 hours after the violation, the person has:

- (1) A concentration of alcohol of 0.08 or more in his blood or breath; or
(2) An amount of a prohibited substance in his blood or urine that is equal to or greater than the amount set forth in subsection 3 of NRS 484.379.

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

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

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

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

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

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

(2) If I have probable cause to believe that a battery has been committed against you, your minor child or the minor child of the person believed to have committed the battery in the last 24 hours by your spouse, your former spouse, any other person to whom you are related by blood or marriage, a person with whom you are or were actually residing, a person with whom you have had or are having a dating relationship or a person with whom you have a child in common, I am required, unless mitigating circumstances exist, to arrest the person suspected of committing the act.

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

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

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

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

(II) Move out of your residence;

(III) Stay away from your place of employment;

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

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

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

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

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

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

and

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

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

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

~~(I) The person is under the influence of alcohol or a 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 ~~to~~:

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

(III) At the time of the violation or within 2 hours after the violation, the person has a concentration of alcohol of 0.08 or more in his blood or breath or an amount of a prohibited substance in his blood or urine that is equal to or greater than the amount set forth in subsection 3 of NRS 484.379.

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

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

2 178.484 1. Except as otherwise provided in this section, a person arrested
3 for an offense other than murder of the first degree must be admitted to bail.

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

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

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

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

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

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

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

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

22 5. A person arrested for a battery that constitutes domestic violence pursuant
23 to NRS 33.018 must not be admitted to bail sooner than 12 hours after his arrest. If
24 the person is admitted to bail more than 12 hours after his arrest, ~~pursuant to~~
25 ~~subsection 5 of NRS 171.178,~~ without appearing personally before a magistrate, or
26 without the amount of bail having been otherwise set by a magistrate or a court, the
27 amount of bail must be:

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

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

33 (1) No previous convictions of battery that constitute domestic violence
34 pursuant to NRS 33.018, but there is reason to believe that the battery for which he
35 has been arrested resulted in substantial bodily harm; or

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

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

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

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

45 ➤ The provisions of this subsection do not affect the authority of a magistrate or a
46 court to set the amount of bail when the person personally appears before the
47 magistrate or the court, or when a magistrate or a court has otherwise been
48 contacted to set the amount of bail. For the purposes of this subsection, a person
49 shall be deemed to have a previous conviction of battery that constitutes domestic
50 violence pursuant to NRS 33.018 if the person has been convicted of such an
51 offense in this State or has been convicted of violating a law of any other
52 jurisdiction that prohibits the same or similar conduct.

6. A person arrested 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 , *or for violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591* must 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) If the person has previously violated a temporary or extended order for protection of the type for which he has been arrested; or~~

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

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

(c) At the time of the violation or within 2 hours after the violation, the person has:

(1) A concentration of alcohol of 0.08 or more in his blood or breath; or

(2) An amount of a prohibited substance in his blood or urine that is equal to or greater than the amount set forth in subsection 3 of NRS 484.379.

7. If ~~the~~ a person is admitted to bail more than 12 hours after his arrest, pursuant to subsection ~~5 of NRS 171.178,~~ 6, without appearing personally before a magistrate, or without the amount of bail having been otherwise set by a magistrate or a court, the amount 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 ~~171.178,~~ *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 ~~171.178,~~ *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 ~~171.178,~~ *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

1 order for protection against domestic violence issued pursuant to NRS 33.017 to
2 33.100, inclusive, or of violating a restraining order or injunction that is in the
3 nature of a temporary or extended order for protection against domestic violence
4 issued in an action or proceeding brought pursuant to title 11 of NRS , *or of*
5 *violating a temporary or extended order for protection against stalking,*
6 *aggravated stalking or harassment issued pursuant to NRS 200.591* if the person
7 has been convicted of such an offense in this State or has been convicted of
8 violating a law of any other jurisdiction that prohibits the same or similar conduct.

9 ~~H-1~~ 8. The court may, before releasing a person arrested for an offense
10 punishable as a felony, require the surrender to the court of any passport the person
11 possesses.

12 ~~H-2~~ 9. Before releasing a person arrested for any crime, the court may impose
13 such reasonable conditions on the person as it deems necessary to protect the
14 health, safety and welfare of the community and to ensure that the person will
15 appear at all times and places ordered by the court, including, without limitation:

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

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

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

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

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

27 ~~H-3~~ 10. If a person fails to comply with a condition imposed pursuant to
28 subsection ~~H-2~~ 9, the court may, after providing the person with reasonable notice
29 and an opportunity for a hearing:

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

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

32 ~~H-4~~ 11. An order issued pursuant to this section that imposes a condition on
33 a person admitted to bail must include a provision ordering any law enforcement
34 officer to arrest the person if he has probable cause to believe that the person has
35 violated a condition of his bail.

36 ~~H-5~~ 12. Before a person may be admitted to bail, he must sign a document
37 stating that:

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

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

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

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

46 ~~H-6~~ 13. If a person admitted to bail fails to appear as ordered by a court and
47 the jurisdiction incurs any cost in returning the person to the jurisdiction to stand
48 trial, the person who failed to appear is responsible for paying those costs as
49 restitution.

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

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

2 178.4851 1. Upon a showing of good cause, a court may release without
3 bail any person entitled to bail if it appears to the court that it can impose conditions
4 on the person that will adequately protect the health, safety and welfare of the
5 community and ensure that he will appear at all times and places ordered by the
6 court.

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

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

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

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

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

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

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

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

29 6. An order issued pursuant to this section that imposes a condition on a
30 person who is released without bail must include a provision ordering a law
31 enforcement officer to arrest the person if he has probable cause to believe that the
32 person has violated a condition of his release.

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

34 200.591 1. In addition to any other remedy provided by law, a person who
35 reasonably believes that the crime of stalking, aggravated stalking or harassment is
36 being committed against him by another person may petition any court of
37 competent jurisdiction for a temporary or extended order directing the person who
38 is allegedly committing the crime to:

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

41 (b) Refrain from contacting, intimidating, threatening or otherwise interfering
42 with the victim of the alleged crime and any other person named in the order,
43 including, without limitation, a member of the family or the household of the victim
44 of the alleged crime.

45 (c) Comply with any other restriction which the court deems necessary to
46 protect the victim of the alleged crime or to protect any other person named in the
47 order, including, without limitation, a member of the family or the household of the
48 victim of the alleged crime.

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

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

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

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

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

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

(b) A hearing is held on the petition.

4. 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.

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

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

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

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

(a) Be in writing;

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

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

(1) Subjects the person to immediate arrest.

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

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

7. A temporary or extended order issued pursuant to this section 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:

~~(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 to:~~

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

(c) At the time of the violation or within 2 hours after the violation, the person has:

(1) A concentration of alcohol of 0.08 or more in his blood or breath; or

(2) An amount of a prohibited substance in his blood or urine that is equal to or greater than the amount set forth in subsection 3 of NRS 484.379.