

Amendment No. 102

Assembly Amendment to Assembly Bill No. 282

(BDR 3-105)

Proposed by: Assembly Committee on Judiciary**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date
Adopted	☐	Lost	☐ _____	Adopted	☐	Lost	☐ _____
Concurred In	☐	Not	☐ _____	Concurred In	☐	Not	☐ _____
Receded	☐	Not	☐ _____	Receded	☐	Not	☐ _____

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.

RBL



Date: 4/9/2007

A.B. No. 282—Makes various changes to provisions concerning domestic violence.
(BDR 3-105)



ASSEMBLY BILL NO. 282—ASSEMBLYMEN LESLIE, ANDERSON, ATKINSON, BOBZIEN,
HORNE, KIRKPATRICK, MCCLAIN, OHRENSCHALL, PIERCE AND SMITH

MARCH 12, 2007

Referred to Committee on Judiciary

SUMMARY—Makes various changes to provisions concerning domestic violence.
(BDR 3-105)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 domestic violence; revising the list of acts that constitute domestic violence; authorizing a court to include certain protections for ~~(domestic)~~ animals in an order for protection against domestic violence; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain unlawful acts which constitute domestic violence when committed against certain specified persons. (NRS 33.018) This provision is used for purposes of determining who may obtain a temporary order for protection against domestic violence and for various other purposes. (NRS 4.373, 5.055, 33.017-33.100, 41.134, 171.227, 171.229, 228.423-228.490, 432B.157, 432B.330, 458.300) **Section 1** of this bill expands the unlawful acts which constitute domestic violence to include knowingly, purposefully or recklessly injuring or killing ~~(a domestic)~~ **an** animal with the intent to harass the victim. (NRS 33.018) As a result of this change, a person who intentionally violates an order for protection against domestic violence by injuring or killing ~~(a domestic)~~ **an** animal is guilty of a misdemeanor unless a more severe penalty is prescribed for the act. (NRS 33.100) **Section 2** of this bill authorizes the court, in a temporary **or extended** order for protection against domestic violence, to prohibit the adverse party from physically injuring ~~(a domestic)~~ **or** threatening to injure **any animal that is owned or kept by the adverse party, the applicant for the protection order or a minor child, or from** taking possession of any ~~(domestic)~~ animal that is owned or kept by the applicant ~~(for the protection order)~~ or a minor child. **Section 2** also authorizes the court, in an extended order for protection against domestic violence, to specify arrangements for the possession and care of any ~~(domestic)~~ animal owned or kept by the adverse party, the applicant for the extended order or a minor child. (NRS 33.030)

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

Section 1. NRS 33.018 is hereby amended to read as follows:

33.018 1. Domestic violence occurs when a person commits one of the following acts against or upon 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.

(7) *Injuring or killing ~~to domestic~~ an animal.*

(f) A 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.

2. 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.

Sec. 2. NRS 33.030 is hereby amended to read as follows:

33.030 1. The court by a temporary order may:

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

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

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

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

(e) *Enjoin the adverse party from physically injuring, threatening to injure or taking possession of any ~~domestic~~ animal that is owned or kept by the applicant or minor child, either directly or through an agent; ~~and~~*

(f) *Enjoin the adverse party from physically injuring or threatening to injure any animal that is owned or kept by the adverse party, either directly or through an agent; and*

(g) *Order such other relief as it deems necessary in an emergency situation.*

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

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

3 (b) *Specify arrangements for the possession and care of any ~~domestic~~*
4 *animal owned or kept by the adverse party, applicant or minor child; and*

5 (c) Order the adverse party to:

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

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

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

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

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

18 5. A temporary or extended order must provide notice that a person who is
19 arrested for violating the order will not be admitted to bail sooner than 12 hours
20 after his arrest if the arresting officer determines that such a violation is
21 accompanied by a direct or indirect threat of harm.