

ASSEMBLY BILL NO. 115—ASSEMBLYMEN BENITEZ-THOMPSON,
SPRINKLE; BUSTAMANTE ADAMS, DALY AND NEAL

FEBRUARY 14, 2013

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing the information required to be provided to suspected victims of domestic violence by law enforcement. (BDR 14-628)

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; requiring the written statement provided by law enforcement to a suspected victim of domestic violence to inform the victim that an order for protection against domestic violence may include certain protections for animals; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law provides that knowingly, purposefully or recklessly injuring or
2 killing an animal with the intent to harass certain specified persons constitutes
3 domestic violence. (NRS 33.018) Existing law also provides that a temporary or
4 extended order for protection against domestic violence may enjoin the adverse
5 party from: (1) physically injuring, threatening to injure or taking possession of any
6 animal that is owned or kept by the applicant for the order or a minor child; or (2)
7 physically injuring or threatening to injure any animal that is owned or kept by the
8 adverse party. Under existing law, an extended order for protection against
9 domestic violence may specify arrangements for the possession and care of any
10 animal owned or kept by the adverse party, the applicant for the order or a minor
11 child. (NRS 33.030) This bill requires the written statement provided by a peace
12 officer to a suspected victim of domestic violence to include certain statements
13 concerning the protection for animals that may be included in temporary and
14 extended orders for protection against domestic violence.



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

Section 1. 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 of~~ **battery**.

(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 , ~~for~~ your minor children ***or any animal that is owned or kept by you, by the person who committed or threatened the act of domestic violence or by the minor child of either such person*** 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;



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(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 ~~+~~;

(VII) Stop physically injuring, threatening to injure or taking possession of any animal that is owned or kept by you or your children, either directly or through an agent; and

(VIII) Stop physically injuring or threatening to injure any animal that is owned or kept by the person who committed or threatened the act or his or her children, either directly or through an agent.

(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~~ Pay the rent or mortgage due on the place in which you live;

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

(III) ~~Part~~ Pay part or all of the costs incurred by you in obtaining the order for protection ~~+~~; and

(IV) Comply with the arrangements specified for the possession and care of any animal owned or kept by you or your children or by the person who committed or threatened the act or his or her children.

(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, the person may be arrested and, if:

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

(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 the person's blood or breath or an amount of a prohibited substance in the person's blood or urine that is equal to or greater than the amount set forth in subsection 3 of NRS 484C.110,



1 ↳ the person will not be admitted to bail sooner than 12 hours after
2 arrest.

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

9 2. As used in this section, “act of domestic violence” means
10 any of the following acts committed by a person against his or her
11 spouse, former spouse, any other person to whom he or she is
12 related by blood or marriage, a person with whom he or she is or
13 was actually residing, a person with whom he or she has had or is
14 having a dating relationship, a person with whom he or she has a
15 child in common, the minor child of any of those persons or his or
16 her minor child:

17 (a) A battery.

18 (b) An assault.

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

22 (d) A sexual assault.

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

26 (1) Stalking.

27 (2) Arson.

28 (3) Trespassing.

29 (4) Larceny.

30 (5) Destruction of private property.

31 (6) Carrying a concealed weapon without a permit.

32 (7) *Injuring or killing an animal.*

33 (f) False imprisonment.

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

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

42 4. As used in this section, “dating relationship” means
43 frequent, intimate associations primarily characterized by the
44 expectation of affectional or sexual involvement. The term does not



- 1 include a casual relationship or an ordinary association between
- 2 persons in a business or social context.

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