

ASSEMBLY BILL NO. 135—COMMITTEE ON JUDICIARY

PREFILED FEBRUARY 10, 2017

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to prohibited acts concerning the use of marijuana and the operation of a vehicle or vessel. (BDR 43-598)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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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 public safety; revising provisions relating to prohibited acts concerning the use of marijuana and the operation of a vehicle or vessel; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that it is unlawful for any person to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access if the person is under the influence of a controlled substance or has certain specified amounts of a prohibited substance in his or her blood or urine, including marijuana and marijuana metabolite. (NRS 484C.110) **Section 1** of this bill removes the specified amounts of marijuana and marijuana metabolite in a person's urine, thereby providing that the amount of marijuana or marijuana metabolite in a person's system can only be measured through his or her blood. **Sections 2 and 6** of this bill make the same changes to similar provisions of existing law relating to a person driving or being in actual physical control of a commercial motor vehicle on a highway or on premises to which the public has access or operating or being in actual physical control of a vessel under power or sail on the waters of this State, respectively. **Sections 3-5 and 7-17** of this bill make conforming changes.

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

Section 1. NRS 484C.110 is hereby amended to read as follows:
484C.110 1. It is unlawful for any person who:
(a) Is under the influence of intoxicating liquor;



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(b) Has a concentration of alcohol of 0.08 or more in his or her blood or breath; or

(c) Is found by measurement within 2 hours after driving or being in actual physical control of a vehicle to have a concentration of alcohol of 0.08 or more in his or her blood or breath,

↳ to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access.

2. It is unlawful for any person who:

(a) Is under the influence of a controlled substance;

(b) Is under the combined influence of intoxicating liquor and a controlled substance; or

(c) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a vehicle,

↳ to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access. The fact that any person charged with a violation of this subsection is or has been entitled to use that drug under the laws of this State is not a defense against any charge of violating this subsection.

3. It is unlawful for any person to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access with an amount of ~~that~~ *any of the following* prohibited ~~substance~~ *substances* in his or her blood or urine that is equal to or greater than:

Prohibited substance	Urine Nanograms per milliliter	Blood Nanograms per milliliter
(a) Amphetamine	500	100
(b) Cocaine	150	50
(c) Cocaine metabolite	150	50
(d) Heroin	2,000	50
(e) Heroin metabolite:		
(1) Morphine	2,000	50
(2) 6-monoacetyl morphine	10	10
(f) Lysergic acid diethylamide	25	10
(g) Marijuana	10	2
(h) Marijuana metabolite	15	5
(i) Methamphetamine	500	100
(j) (h) Phencyclidine	25	10

4. *It is unlawful for any person to drive or be in actual physical control of a vehicle on a highway or on premises to which*



the public has access with an amount of any of the following prohibited substances in his or her blood that is equal to or greater than:

<i>Prohibited substance</i>	<i>Blood Nanograms per milliliter</i>
<i>(a) Marijuana (delta-9-tetrahydrocannabinol)</i>	<i>2</i>
<i>(b) Marijuana metabolite (11-OH-tetrahydrocannabinol)</i>	<i>5</i>

5. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the vehicle, and before his or her blood or breath was tested, to cause the defendant to have a concentration of alcohol of 0.08 or more in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

~~§-1~~ 6. A person who violates any provision of this section may be subject to any additional penalty set forth in NRS 484B.130 or 484B.135.

Sec. 2. NRS 484C.120 is hereby amended to read as follows:

484C.120 1. It is unlawful for any person who:

(a) Is under the influence of intoxicating liquor;

(b) Has a concentration of alcohol of 0.04 or more but less than 0.08 in his or her blood or breath; or

(c) Is found by measurement within 2 hours after driving or being in actual physical control of a commercial motor vehicle to have a concentration of alcohol of 0.04 or more but less than 0.08 in his or her blood or breath,

➔ to drive or be in actual physical control of a commercial motor vehicle on a highway or on premises to which the public has access.

2. It is unlawful for any person who:

(a) Is under the influence of a controlled substance;

(b) Is under the combined influence of intoxicating liquor and a controlled substance; or

(c) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a commercial motor vehicle,



↳ to drive or be in actual physical control of a commercial motor vehicle on a highway or on premises to which the public has access. The fact that any person charged with a violation of this subsection is or has been entitled to use that drug under the laws of this State is not a defense against any charge of violating this subsection.

3. It is unlawful for any person to drive or be in actual physical control of a commercial motor vehicle on a highway or on premises to which the public has access with an amount of ~~1a~~ *any of the following* prohibited ~~substance~~ *substances* in his or her blood or urine that is equal to or greater than:

Prohibited substance	Urine Nanograms per milliliter	Blood Nanograms per milliliter
(a) Amphetamine	500	100
(b) Cocaine	150	50
(c) Cocaine metabolite	150	50
(d) Heroin	2,000	50
(e) Heroin metabolite:		
(1) Morphine	2,000	50
(2) 6-monoacetyl morphine	10	10
(f) Lysergic acid diethylamide	25	10
(g) Marijuana	10	2
(h) Marijuana metabolite	15	5
(i) Methamphetamine	500	100
(i) (h) Phencyclidine	25	10

4. *It is unlawful for any person to drive or be in actual physical control of a commercial motor vehicle on a highway or on premises to which the public has access with an amount of any of the following prohibited substances in his or her blood that is equal to or greater than:*

<i>Prohibited substance</i>	<i>Blood Nanograms per milliliter</i>
<i>(a) Marijuana (delta-9-tetrahydrocannabinol)</i>	<i>2</i>
<i>(b) Marijuana metabolite (11-OH-tetrahydrocannabinol)</i>	<i>5</i>

5. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the



1 commercial motor vehicle, and before his or her blood or breath was
2 tested, to cause the defendant to have a concentration of alcohol of
3 0.04 or more in his or her blood or breath. A defendant who intends
4 to offer this defense at a trial or preliminary hearing must, not less
5 than 14 days before the trial or hearing or at such other time as the
6 court may direct, file and serve on the prosecuting attorney a written
7 notice of that intent.

8 ~~15-1~~ 6. A person who violates any provision of this section may
9 be subject to any additional penalty set forth in NRS 484B.130 or
10 484B.135.

11 ~~16-1~~ 7. As used in this section:

12 (a) "Commercial motor vehicle" means a motor vehicle or
13 combination of motor vehicles used in commerce to transport
14 passengers or property if the motor vehicle:

15 (1) Has a gross combination weight rating of 26,001 or more
16 pounds which includes a towed unit with a gross vehicle weight
17 rating of more than 10,000 pounds;

18 (2) Has a gross vehicle weight rating of 26,001 or more
19 pounds;

20 (3) Is designed to transport 16 or more passengers, including
21 the driver; or

22 (4) Regardless of size, is used in the transportation of
23 materials which are considered to be hazardous for the purposes of
24 the federal Hazardous Materials Transportation Act, 49 U.S.C. §§
25 5101 et. seq., and for which the display of identifying placards is
26 required pursuant to 49 C.F.R. Part 172, Subpart F.

27 (b) The phrase "concentration of alcohol of 0.04 or more but
28 less than 0.08 in his or her blood or breath" means 0.04 gram or
29 more but less than 0.08 gram of alcohol per 100 milliliters of the
30 blood of a person or per 210 liters of his or her breath.

31 **Sec. 3.** NRS 484C.130 is hereby amended to read as follows:

32 484C.130 1. A person commits vehicular homicide if the
33 person:

34 (a) Drives or is in actual physical control of a vehicle on or off
35 the highways of this State and:

36 (1) Is under the influence of intoxicating liquor;

37 (2) Has a concentration of alcohol of 0.08 or more in his or
38 her blood or breath;

39 (3) Is found by measurement within 2 hours after driving or
40 being in actual physical control of a vehicle to have a concentration
41 of alcohol of 0.08 or more in his or her blood or breath;

42 (4) Is under the influence of a controlled substance or is
43 under the combined influence of intoxicating liquor and a controlled
44 substance;



(5) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a vehicle; or

(6) Has a prohibited substance in his or her blood or urine , **as applicable**, in an amount that is equal to or greater than the amount set forth in subsection 3 **or 4** of NRS 484C.110;

(b) Proximately causes the death of another person while driving or in actual physical control of a vehicle on or off the highways of this State; and

(c) Has previously been convicted of at least three offenses.

2. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under subparagraph (3) of paragraph (a) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the vehicle, and before his or her blood or breath was tested, to cause the defendant to have a concentration of alcohol of 0.08 or more in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

3. As used in this section, "offense" means:

(a) A violation of NRS 484C.110, 484C.120 or 484C.430;

(b) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by this section or NRS 484C.110 or 484C.430; or

(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b).

Sec. 4. NRS 484C.160 is hereby amended to read as follows:

484C.160 1. Except as otherwise provided in subsections 4 and 5, any person who drives or is in actual physical control of a vehicle on a highway or on premises to which the public has access shall be deemed to have given his or her consent to an evidentiary test of his or her blood, urine, breath or other bodily substance to determine the concentration of alcohol in his or her blood or breath or to determine whether a controlled substance, chemical, poison, organic solvent or another prohibited substance is present, if such a test is administered at the request of a police officer having reasonable grounds to believe that the person to be tested was:

(a) Driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or with a prohibited substance in his or her blood or urine; or



(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130 or 484C.430.

2. A police officer who requests that a person submit to a test pursuant to subsection 1 shall inform the person that his or her license, permit or privilege to drive will be revoked if he or she fails to submit to the test.

3. If the person to be tested pursuant to subsection 1 is dead or unconscious, the officer shall direct that samples of blood from the person to be tested.

4. Any person who is afflicted with hemophilia or with a heart condition requiring the use of an anticoagulant as determined by a physician is exempt from any blood test which may be required pursuant to this section but must, when appropriate pursuant to the provisions of this section, be required to submit to a breath, saliva or urine test.

5. If the concentration of alcohol in the blood or breath of the person to be tested is in issue:

(a) Except as otherwise provided in this section, the person may refuse to submit to a blood test if means are reasonably available to perform a breath test.

(b) The person may request a blood test, but if means are reasonably available to perform a breath test when the blood test is requested, and the person is subsequently convicted, the person must pay for the cost of the blood test, including the fees and expenses of witnesses whose testimony in court or an administrative hearing is necessary because of the use of the blood test. The expenses of such a witness may be assessed at an hourly rate of not less than:

(1) Fifty dollars for travel to and from the place of the proceeding; and

(2) One hundred dollars for giving or waiting to give testimony.

(c) Except as otherwise provided in NRS 484C.200, not more than three samples of the person's blood or breath may be taken during the 5-hour period immediately following the time of the initial arrest.

6. ~~HH~~ *Except as otherwise provided in subsection 7, if the presence of a controlled substance, chemical, poison, organic solvent or another prohibited substance in the blood or urine of the person is in issue, the officer may request that the person submit to a blood or urine test, or both.*

7. *If the presence of marijuana in the blood of the person is in issue, the officer may request that the person submit to a blood test.*

8. Except as otherwise provided in subsections 4 and 6, a police officer shall not request that a person submit to a urine test.



~~18-1~~ 9. If a person to be tested fails to submit to a required test as requested by a police officer pursuant to this section and the officer has reasonable grounds to believe that the person to be tested was:

(a) Driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or with a prohibited substance in his or her blood or urine; or

(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130 or 484C.430,

the officer may apply for a warrant or court order directing that reasonable force be used to the extent necessary to obtain samples of blood from the person to be tested.

~~19-1~~ 10. If a person who is less than 18 years of age is requested to submit to an evidentiary test pursuant to this section, the officer shall, before testing the person, make a reasonable attempt to notify the parent, guardian or custodian of the person, if known.

Sec. 5. NRS 484C.430 is hereby amended to read as follows:

484C.430 1. Unless a greater penalty is provided pursuant to NRS 484C.440, a person who:

(a) Is under the influence of intoxicating liquor;

(b) Has a concentration of alcohol of 0.08 or more in his or her blood or breath;

(c) Is found by measurement within 2 hours after driving or being in actual physical control of a vehicle to have a concentration of alcohol of 0.08 or more in his or her blood or breath;

(d) Is under the influence of a controlled substance or is under the combined influence of intoxicating liquor and a controlled substance;

(e) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a vehicle; or

(f) Has a prohibited substance in his or her blood or urine , *as applicable*, in an amount that is equal to or greater than the amount set forth in subsection 3 *or 4* of NRS 484C.110,

and does any act or neglects any duty imposed by law while driving or in actual physical control of any vehicle on or off the highways of this State, if the act or neglect of duty proximately causes the death of, or substantial bodily harm to, another person, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years and must be further punished by a fine of not less than \$2,000 nor more than \$5,000. A person so imprisoned must, insofar as practicable, be segregated



1 from offenders whose crimes were violent and, insofar as
2 practicable, be assigned to an institution or facility of minimum
3 security.

4 2. A prosecuting attorney shall not dismiss a charge of
5 violating the provisions of subsection 1 in exchange for a plea of
6 guilty, guilty but mentally ill or nolo contendere to a lesser charge or
7 for any other reason unless the attorney knows or it is obvious that
8 the charge is not supported by probable cause or cannot be proved at
9 the time of trial. A sentence imposed pursuant to subsection 1 may
10 not be suspended nor may probation be granted.

11 3. Except as otherwise provided in subsection 4, if
12 consumption is proven by a preponderance of the evidence, it is an
13 affirmative defense under paragraph (c) of subsection 1 that the
14 defendant consumed a sufficient quantity of alcohol after driving or
15 being in actual physical control of the vehicle, and before his or her
16 blood or breath was tested, to cause the defendant to have a
17 concentration of alcohol of 0.08 or more in his or her blood or
18 breath. A defendant who intends to offer this defense at a trial
19 or preliminary hearing must, not less than 14 days before the trial or
20 hearing or at such other time as the court may direct, file and serve
21 on the prosecuting attorney a written notice of that intent.

22 4. If the defendant is also charged with violating the provisions
23 of NRS 484E.010, 484E.020 or 484E.030, the defendant may not
24 offer the affirmative defense set forth in subsection 3.

25 5. If the defendant was transporting a person who is less than
26 15 years of age in the motor vehicle at the time of the violation, the
27 court shall consider that fact as an aggravating factor in determining
28 the sentence of the defendant.

29 **Sec. 6.** NRS 488.410 is hereby amended to read as follows:

30 488.410 1. It is unlawful for any person who:

31 (a) Is under the influence of intoxicating liquor;

32 (b) Has a concentration of alcohol of 0.08 or more in his or her
33 blood or breath; or

34 (c) Is found by measurement within 2 hours after operating or
35 being in actual physical control of a vessel to have a concentration
36 of alcohol of 0.08 or more in his or her blood or breath,

37 ➔ to operate or be in actual physical control of a vessel under power
38 or sail on the waters of this State.

39 2. It is unlawful for any person who:

40 (a) Is under the influence of a controlled substance;

41 (b) Is under the combined influence of intoxicating liquor and a
42 controlled substance; or

43 (c) Inhales, ingests, applies or otherwise uses any chemical,
44 poison or organic solvent, or any compound or combination of any
45 of these, to a degree which renders the person incapable of safely



operating or exercising actual physical control of a vessel under power or sail,
to operate or be in actual physical control of a vessel under power or sail on the waters of this State.

3. It is unlawful for any person to operate or be in actual physical control of a vessel under power or sail on the waters of this State with an amount of ~~1a~~ *any of the following* prohibited ~~substance~~ *substances* in his or her blood or urine that is equal to or greater than:

Prohibited substance	Urine Nanograms per milliliter	Blood Nanograms per milliliter
(a) Amphetamine	500	100
(b) Cocaine	150	50
(c) Cocaine metabolite	150	50
(d) Heroin	2,000	50
(e) Heroin metabolite:		
(1) Morphine	2,000	50
(2) 6-monoacetyl morphine	10	10
(f) Lysergic acid diethylamide	25	10
(g) Marijuana	10	2
(h) Marijuana metabolite	15	5
(i) Methamphetamine	500	100
(i) (h) Phencyclidine	25	10

4. *It is unlawful for any person to operate or be in actual physical control of a vessel under power or sail on the waters of this State with an amount of any of the following prohibited substances in his or her blood that is equal to or greater than:*

<i>Prohibited substance</i>	<i>Blood Nanograms per milliliter</i>
<i>(a) Marijuana (delta-9-tetrahydrocannabinol)</i>	<i>2</i>
<i>(b) Marijuana metabolite (11-OH-tetrahydrocannabinol)</i>	<i>5</i>

5. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after operating or being in actual physical control of the vessel, and before his or her blood was tested, to cause the defendant to have a concentration of 0.08 or more of alcohol in his



1 or her blood or breath. A defendant who intends to offer this defense
2 at a trial or preliminary hearing must, not less than 14 days before
3 the trial or hearing or at such other time as the court may direct, file
4 and serve on the prosecuting attorney a written notice of that intent.

5 ~~IS-1~~ 6. Except as otherwise provided in NRS 488.427, a person
6 who violates the provisions of this section is guilty of a
7 misdemeanor.

8 **Sec. 7.** NRS 488.420 is hereby amended to read as follows:

9 488.420 1. Unless a greater penalty is provided pursuant to
10 NRS 488.425, a person who:

11 (a) Is under the influence of intoxicating liquor;

12 (b) Has a concentration of alcohol of 0.08 or more in his or her
13 blood or breath;

14 (c) Is found by measurement within 2 hours after operating or
15 being in actual physical control of a vessel under power or sail to
16 have a concentration of alcohol of 0.08 or more in his or her blood
17 or breath;

18 (d) Is under the influence of a controlled substance or is under
19 the combined influence of intoxicating liquor and a controlled
20 substance;

21 (e) Inhales, ingests, applies or otherwise uses any chemical,
22 poison or organic solvent, or any compound or combination of any
23 of these, to a degree which renders the person incapable of safely
24 operating or being in actual physical control of a vessel under power
25 or sail; or

26 (f) Has a prohibited substance in his or her blood or urine , *as*
27 *applicable*, in an amount that is equal to or greater than the amount
28 set forth in subsection 3 *or 4* of NRS 488.410,

29 ➔ and does any act or neglects any duty imposed by law while
30 operating or being in actual physical control of any vessel under
31 power or sail, if the act or neglect of duty proximately causes the
32 death of, or substantial bodily harm to, another person, is guilty of a
33 category B felony and shall be punished by imprisonment in the
34 state prison for a minimum term of not less than 2 years and a
35 maximum term of not more than 20 years and shall be further
36 punished by a fine of not less than \$2,000 nor more than \$5,000. A
37 person so imprisoned must, insofar as practicable, be segregated
38 from offenders whose crimes were violent and, insofar as
39 practicable, be assigned to an institution or facility of minimum
40 security.

41 2. A prosecuting attorney shall not dismiss a charge of
42 violating the provisions of subsection 1 in exchange for a plea of
43 guilty, guilty but mentally ill or nolo contendere to a lesser charge or
44 for any other reason unless the prosecuting attorney knows or it is
45 obvious that the charge is not supported by probable cause or cannot



1 be proved at the time of trial. A sentence imposed pursuant to
2 subsection 1 must not be suspended, and probation must not be
3 granted.

4 3. If consumption is proven by a preponderance of the
5 evidence, it is an affirmative defense under paragraph (c) of
6 subsection 1 that the defendant consumed a sufficient quantity of
7 alcohol after operating or being in actual physical control of the
8 vessel under power or sail, and before his or her blood was tested, to
9 cause the defendant to have a concentration of alcohol of 0.08 or
10 more in his or her blood or breath. A defendant who intends to offer
11 this defense at a trial or preliminary hearing must, not less than 14
12 days before the trial or hearing or at such other time as the court
13 may direct, file and serve on the prosecuting attorney a written
14 notice of that intent.

15 4. If a person less than 15 years of age was in the vessel at the
16 time of the defendant's violation, the court shall consider that fact as
17 an aggravating factor in determining the sentence of the defendant.

18 **Sec. 8.** NRS 488.425 is hereby amended to read as follows:

19 488.425 1. A person commits homicide by vessel if the
20 person:

21 (a) Operates or is in actual physical control of a vessel under
22 power or sail on the waters of this State and:

23 (1) Is under the influence of intoxicating liquor;

24 (2) Has a concentration of alcohol of 0.08 or more in his or
25 her blood or breath;

26 (3) Is found by measurement within 2 hours after operating
27 or being in actual physical control of a vessel under power or sail to
28 have a concentration of alcohol of 0.08 or more in his or her blood
29 or breath;

30 (4) Is under the influence of a controlled substance or is
31 under the combined influence of intoxicating liquor and a controlled
32 substance;

33 (5) Inhales, ingests, applies or otherwise uses any chemical,
34 poison or organic solvent, or any compound or combination of any
35 of these, to a degree which renders the person incapable of safely
36 operating or exercising actual physical control of a vessel under
37 power or sail; or

38 (6) Has a prohibited substance in his or her blood or urine ,
39 *as applicable*, in an amount that is equal to or greater than the
40 amount set forth in subsection 3 *or 4* of NRS 488.410;

41 (b) Proximately causes the death of another person while
42 operating or in actual physical control of a vessel under power or
43 sail; and

44 (c) Has previously been convicted of at least three offenses.



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2. A person who commits homicide by vessel is guilty of a category A felony and shall be punished by imprisonment in the state prison:

(a) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or

(b) For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served.

3. A person imprisoned pursuant to subsection 2 must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

4. A prosecuting attorney shall not dismiss a charge of homicide by vessel in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless the prosecuting attorney knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial. A sentence imposed pursuant to subsection 2 may not be suspended nor may probation be granted.

5. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under subparagraph (3) of paragraph (a) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after operating or being in actual physical control of the vessel, and before his or her blood or breath was tested, to cause the defendant to have a concentration of alcohol of 0.08 or more in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

6. If the defendant was transporting a person who is less than 15 years of age in the vessel at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

7. As used in this section, "offense" means:

(a) A violation of NRS 488.410 or 488.420;

(b) A homicide resulting from operating or being in actual physical control of a vessel while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by this section or NRS 488.410 or 488.420; or

(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b).

Sec. 9. NRS 488.460 is hereby amended to read as follows:

488.460 1. Except as otherwise provided in subsections 3 and 4, a person who operates or is in actual physical control of a vessel under power or sail on the waters of this State shall be deemed to



1 have given consent to an evidentiary test of his or her blood, urine,
2 breath or other bodily substance to determine the concentration of
3 alcohol in his or her blood or breath or to determine whether a
4 controlled substance, chemical, poison, organic solvent or another
5 prohibited substance is present, if such a test is administered at the
6 request of a peace officer having reasonable grounds to believe that
7 the person to be tested was:

8 (a) Operating or in actual physical control of a vessel under
9 power or sail while under the influence of intoxicating liquor or a
10 controlled substance or with a prohibited substance in his or her
11 blood or urine; or

12 (b) Engaging in any other conduct prohibited by NRS 488.410,
13 488.420 or 488.425.

14 2. If the person to be tested pursuant to subsection 1 is dead or
15 unconscious, the officer shall direct that samples of blood from the
16 person be tested.

17 3. Any person who is afflicted with hemophilia or with a heart
18 condition requiring the use of an anticoagulant as determined by a
19 physician is exempt from any blood test which may be required
20 pursuant to this section, but must, when appropriate pursuant to the
21 provisions of this section, be required to submit to a breath , *saliva*
22 or urine test.

23 4. If the concentration of alcohol of the blood or breath of the
24 person to be tested is in issue:

25 (a) Except as otherwise provided in this section, the person may
26 refuse to submit to a blood test if means are reasonably available to
27 perform a breath test.

28 (b) The person may request a blood test, but if means are
29 reasonably available to perform a breath test when the blood test is
30 requested, and the person is subsequently convicted, the person must
31 pay for the cost of the blood test, including the fees and expenses of
32 witnesses whose testimony in court is necessary because of the use
33 of the blood test. The expenses of such a witness may be assessed at
34 an hourly rate of not less than:

35 (1) Fifty dollars for travel to and from the place of the
36 proceeding; and

37 (2) One hundred dollars for giving or waiting to give
38 testimony.

39 (c) Except as otherwise provided in NRS 488.470, not more than
40 three samples of the person's blood or breath may be taken during
41 the 5-hour period immediately following the time of the initial
42 arrest.

43 5. ~~HH~~ *Except as otherwise provided in subsection 6, if* the
44 presence of a controlled substance, chemical, poison, organic
45 solvent or another prohibited substance in the blood or urine of the



1 person is in issue, the officer may request that the person submit to a
2 blood or urine test, or both.

3 6. *If the presence of marijuana in the blood of the person is*
4 *in issue, the officer may request that the person submit to a blood*
5 *test.*

6 7. Except as otherwise provided in subsections 3 and 5, a peace
7 officer shall not request that a person submit to a urine test.

8 ~~17~~ 8. If a person to be tested fails to submit to a required test
9 as requested by a peace officer pursuant to this section and the
10 officer has reasonable grounds to believe that the person to be tested
11 was:

12 (a) Operating or in actual physical control of a vessel under
13 power or sail while under the influence of intoxicating liquor or a
14 controlled substance or with a prohibited substance in his or her
15 blood or urine; or

16 (b) Engaging in any other conduct prohibited by NRS 488.410,
17 488.420 or 488.425,

18 ➔ the officer may apply for a warrant or court order directing that
19 reasonable force be used to the extent necessary to obtain samples of
20 blood from the person to be tested.

21 ~~18~~ 9. If a person who is less than 18 years of age is requested
22 to submit to an evidentiary test pursuant to this section, the officer
23 shall, before testing the person, make a reasonable attempt to notify
24 the parent, guardian or custodian of the person, if known.

25 **Sec. 10.** NRS 33.030 is hereby amended to read as follows:

26 33.030 1. The court by a temporary order may:

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

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

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

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

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

42 (f) Enjoin the adverse party from physically injuring or
43 threatening to injure any animal that is owned or kept by the adverse
44 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:

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

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

(c) Order the adverse party to:

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

(2) Pay rent or make payments on a mortgage on the applicant's place of residence;

(3) Pay for the support of the applicant or minor child, including, without limitation, support of a minor child for whom a guardian has been appointed pursuant to chapter 159 of NRS or a minor child who has been placed in protective custody pursuant to chapter 432B of NRS, if the adverse party is found to have a duty to support the applicant or minor child;

(4) Pay all costs and fees incurred by the applicant in bringing the action; and

(5) Pay monetary compensation to the applicant for lost earnings and expenses incurred as a result of the applicant attending any hearing concerning an application for an extended order.

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 the person's arrest if:

(a) 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 the person's blood or breath; or

(2) An amount of a prohibited substance in the person's blood or urine , *as applicable*, that is equal to or greater than the amount set forth in subsection 3 *or 4* of NRS 484C.110.

Sec. 11. 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, unless the peace officer or probation officer who has taken the child into custody determines that the child does not otherwise meet the criteria for secure detention and:

(a) Respite care or another out-of-home alternative to secure detention is available for the child;

(b) An out-of-home alternative to secure detention is not necessary to protect the victim from injury; or

(c) Family services are available to maintain the child in the home and the parents or guardians of the child agree to receive those family services and to allow the child to return to the home.

2. 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 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 or for violating a temporary or extended order for protection against sexual assault issued pursuant to NRS 200.378 and:

(a) 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 the child has been taken into custody; 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 or her blood or breath; or

(2) An amount of a prohibited substance in his or her blood or urine , *as applicable*, that is equal to or greater than the amount set forth in subsection 3 *or 4* of NRS 484C.110.



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. 12. 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 the person's arrest if:

(a) 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 or her blood or breath; or

(2) An amount of a prohibited substance in his or her blood or urine, *as applicable*, that is equal to or greater than the amount set forth in subsection 3 *or 4* of NRS 484C.110.

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. 13. 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



1 are related by blood or marriage, a person with whom you are or
2 were actually residing, a person with whom you have had or are
3 having a dating relationship or a person with whom you have a child
4 in common, I am required, unless mitigating circumstances exist, to
5 arrest the person suspected of committing the battery.

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

12 (4) The law provides that you may seek a court order for the
13 protection of you, your minor children or any animal that is owned
14 or kept by you, by the person who committed or threatened the act
15 of domestic violence or by the minor child of either such person
16 against further threats or acts of domestic violence. You do not need
17 to hire a lawyer to obtain such an order for protection.

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

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

22 (II) Move out of your residence;

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

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

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

28 (VI) Avoid or limit all communication with you or your
29 children;

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

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

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

40 (I) Pay the rent or mortgage due on the place in which
41 you live;

42 (II) Pay the amount of money necessary for the support of
43 your children;

44 (III) Pay part or all of the costs incurred by you in
45 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, *as applicable*, that is equal to or greater than the amount set forth in subsection 3 *or 4* of NRS 484C.110,

↳ the person will not be admitted to bail sooner than 12 hours after 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. 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 the officer's employer.

3. As used in this section:

(a) "Act of domestic violence" means any of the following acts committed by a person against his or her spouse, former spouse, any other person to whom he or she is related by blood or marriage, a person with whom he or she is or was actually residing, a person with whom he or she has had or is having a dating relationship, a person with whom he or she has a child in common, the minor child of any of those persons or his or her minor child:

(1) A battery.

(2) An assault.



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

(4) A sexual assault.

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

(I) Stalking.

(II) Arson.

(III) Trespassing.

(IV) Larceny.

(V) Destruction of private property.

(VI) Carrying a concealed weapon without a permit.

(VII) Injuring or killing an animal.

(6) False imprisonment.

(7) 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.

(b) "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. 14. NRS 178.484 is hereby amended to read as follows:

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

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

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

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

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

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

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

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



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

5. A person arrested for a violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who is under the influence of intoxicating liquor must not be admitted to bail or released on the person's own recognizance unless the person has a concentration of alcohol of less than 0.04 in his or her breath. A test of the person's breath pursuant to this subsection to determine the concentration of alcohol in his or her breath as a condition of admission to bail or release is not admissible as evidence against the person.

6. A person arrested for a violation of NRS 484C.110, 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who is under the influence of a controlled substance, is under the combined influence of intoxicating liquor and a controlled substance, or inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a vehicle or vessel under power or sail must not be admitted to bail or released on the person's own recognizance sooner than 12 hours after arrest.

7. A person arrested for a battery that constitutes domestic violence pursuant to NRS 33.018 must not be admitted to bail sooner than 12 hours after arrest. If the person is admitted to bail more than 12 hours after arrest, 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 battery that constitute domestic violence pursuant to NRS 33.018 and there is no reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation;

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

(1) No previous convictions of battery that constitute domestic violence pursuant to NRS 33.018, but there is reason to believe that the battery for which the person has been arrested resulted in substantial bodily harm or was committed by strangulation; or

(2) One previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018, but there is no reason to believe that the battery for which the person has been arrested



1 resulted in substantial bodily harm or was committed by
2 strangulation; or

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

4 (1) One previous conviction of battery that constitutes
5 domestic violence pursuant to NRS 33.018 and there is reason to
6 believe that the battery for which the person has been arrested
7 resulted in substantial bodily harm or was committed by
8 strangulation; or

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

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

21 8. A person arrested for violating a temporary or extended
22 order for protection against domestic violence issued pursuant to
23 NRS 33.017 to 33.100, inclusive, or for violating a restraining order
24 or injunction that is in the nature of a temporary or extended order
25 for protection against domestic violence issued in an action or
26 proceeding brought pursuant to title 11 of NRS, or for violating a
27 temporary or extended order for protection against stalking,
28 aggravated stalking or harassment issued pursuant to NRS 200.591,
29 or for violating a temporary or extended order for protection against
30 sexual assault pursuant to NRS 200.378 must not be admitted to bail
31 sooner than 12 hours after arrest if:

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

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

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

39 (1) A concentration of alcohol of 0.08 or more in the
40 person's blood or breath; or

41 (2) An amount of a prohibited substance in the person's
42 blood or urine , *as applicable*, that is equal to or greater than the
43 amount set forth in subsection 3 *or 4* of NRS 484C.110.

44 9. If a person is admitted to bail more than 12 hours after
45 arrest, pursuant to subsection 8, without appearing personally before



1 a magistrate or without the amount of bail having been otherwise set
2 by a magistrate or a court, the amount of bail must be:

3 (a) Three thousand dollars, if the person has no previous
4 convictions of violating a temporary or extended order for
5 protection against domestic violence issued pursuant to NRS 33.017
6 to 33.100, inclusive, or of violating a restraining order or injunction
7 that is in the nature of a temporary or extended order for protection
8 against domestic violence issued in an action or proceeding brought
9 pursuant to title 11 of NRS, or of violating a temporary or extended
10 order for protection against stalking, aggravated stalking or
11 harassment issued pursuant to NRS 200.591, or of violating a
12 temporary or extended order for protection against sexual assault
13 pursuant to NRS 200.378;

14 (b) Five thousand dollars, if the person has one previous
15 conviction of violating a temporary or extended order for protection
16 against domestic violence issued pursuant to NRS 33.017 to 33.100,
17 inclusive, or of violating a restraining order or injunction that is in
18 the nature of a temporary or extended order for protection against
19 domestic violence issued in an action or proceeding brought
20 pursuant to title 11 of NRS, or of violating a temporary or extended
21 order for protection against stalking, aggravated stalking or
22 harassment issued pursuant to NRS 200.591, or of violating a
23 temporary or extended order for protection against sexual assault
24 pursuant to NRS 200.378; or

25 (c) Fifteen thousand dollars, if the person has two or more
26 previous convictions of violating a temporary or extended order for
27 protection against domestic violence issued pursuant to NRS 33.017
28 to 33.100, inclusive, or of violating a restraining order or injunction
29 that is in the nature of a temporary or extended order for protection
30 against domestic violence issued in an action or proceeding brought
31 pursuant to title 11 of NRS, or of violating a temporary or extended
32 order for protection against stalking, aggravated stalking or
33 harassment issued pursuant to NRS 200.591, or of violating a
34 temporary or extended order for protection against sexual assault
35 pursuant to NRS 200.378.

36 ➤ The provisions of this subsection do not affect the authority of a
37 magistrate or a court to set the amount of bail when the person
38 personally appears before the magistrate or the court or when a
39 magistrate or a court has otherwise been contacted to set the amount
40 of bail. For the purposes of this subsection, a person shall be
41 deemed to have a previous conviction of violating a temporary or
42 extended order for protection against domestic violence issued
43 pursuant to NRS 33.017 to 33.100, inclusive, or of violating a
44 restraining order or injunction that is in the nature of a temporary or
45 extended order for protection against domestic violence issued in an



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1 action or proceeding brought pursuant to title 11 of NRS, or of
2 violating a temporary or extended order for protection against
3 stalking, aggravated stalking or harassment issued pursuant to NRS
4 200.591, or of violating a temporary or extended order for
5 protection against sexual assault pursuant to NRS 200.378, if the
6 person has been convicted of such an offense in this State or has
7 been convicted of violating a law of any other jurisdiction that
8 prohibits the same or similar conduct.

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

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

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

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

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

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

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

29 12. If a person fails to comply with a condition imposed
30 pursuant to subsection 11, the court may, after providing the person
31 with reasonable notice and an opportunity for a hearing:

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

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

34 13. An order issued pursuant to this section that imposes a
35 condition on a person admitted to bail must include a provision
36 ordering any law enforcement officer to arrest the person if the
37 officer has probable cause to believe that the person has violated a
38 condition of bail.

39 14. Before a person may be admitted to bail, the person must
40 sign a document stating that:

41 (a) The person will appear at all times and places as ordered by
42 the court releasing the person and as ordered by any court before
43 which the charge is subsequently heard;

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



(c) If the person fails to appear when so ordered and is taken into custody outside of this State, the person waives all 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.

15. If a person admitted to bail fails to appear as ordered by a court and the jurisdiction incurs any cost in returning the person to the jurisdiction to stand trial, the person who failed to appear is responsible for paying those costs as restitution.

16. For the purposes of subsections 8 and 9, 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.

17. As used in this section, "strangulation" has the meaning ascribed to it in NRS 200.481.

Sec. 15. NRS 200.378 is hereby amended to read as follows:

200.378 1. In addition to any other remedy provided by law, a person who reasonably believes that the crime of sexual assault has been committed against him or her by another person may petition any court of competent jurisdiction for a temporary or extended order directing the person who allegedly committed the sexual assault to:

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

(b) Refrain from contacting, intimidating, threatening or otherwise interfering with the victim of the alleged sexual assault 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 sexual assault.

(c) Comply with any other restriction which the court deems necessary to protect the victim of the alleged sexual assault 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 sexual assault.

2. If a defendant charged with a crime involving sexual assault is released from custody before trial or is found guilty at the trial, the court may issue a temporary or extended order or provide as a condition of 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 sexual assault and any other location specifically named by the court.



(b) Refrain from contacting, intimidating, threatening or otherwise interfering with the victim of the alleged sexual assault 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 sexual assault.

(c) Comply with any other restriction which the court deems necessary to protect the victim of the alleged sexual assault 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 sexual assault.

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 the arrest if:

(a) 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 or her blood or breath; or

(2) An amount of a prohibited substance in his or her blood or urine, *as applicable*, that is equal to or greater than the amount set forth in subsection 3 *or 4* of NRS 484C.110.

Sec. 16. NRS 200.591 is hereby amended to read as follows:

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

(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.

2. If a defendant charged with a crime involving harassment, stalking or aggravated stalking is released from custody before trial or is found guilty at the trial, the court may issue a temporary or extended order or provide as a condition of 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 the person's arrest if:

(a) 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 or her blood or breath; or

(2) An amount of a prohibited substance in his or her blood or urine, *as applicable*, that is equal to or greater than the amount set forth in subsection 3 *or* 4 of NRS 484C.110.

Sec. 17. NRS 616C.230 is hereby amended to read as follows:

616C.230 1. Compensation is not payable pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS for an injury:

(a) Caused by the employee's willful intention to injure himself or herself.

(b) Caused by the employee's willful intention to injure another.



(c) That occurred while the employee was in a state of intoxication, unless the employee can prove by clear and convincing evidence that his or her state of intoxication was not the proximate cause of the injury. For the purposes of this paragraph, an employee is in a state of intoxication if the level of alcohol in the bloodstream of the employee meets or exceeds the limits set forth in subsection 1 of NRS 484C.110.

(d) That occurred while the employee was under the influence of a controlled or prohibited substance, unless the employee can prove by clear and convincing evidence that his or her being under the influence of a controlled or prohibited substance was not the proximate cause of the injury. For the purposes of this paragraph, an employee is under the influence of a controlled or prohibited substance if the employee had an amount of a controlled or prohibited substance in his or her system at the time of his or her injury that was equal to or greater than the limits set forth in subsection 3 *or 4* of NRS 484C.110 and for which the employee did not have a current and lawful prescription issued in the employee's name.

2. For the purposes of paragraphs (c) and (d) of subsection 1:

(a) The affidavit or declaration of an expert or other person described in NRS 50.310, 50.315 or 50.320 is admissible to prove the existence of an impermissible quantity of alcohol or the existence, quantity or identity of an impermissible controlled or prohibited substance in an employee's system. If the affidavit or declaration is to be so used, it must be submitted in the manner prescribed in NRS 616C.355.

(b) When an examination requested or ordered includes testing for the use of alcohol or a controlled or prohibited substance, the laboratory that conducts the testing must be licensed pursuant to the provisions of chapter 652 of NRS.

(c) The results of any testing for the use of alcohol or a controlled or prohibited substance, irrespective of the purpose for performing the test, must be made available to an insurer or employer upon request, to the extent that doing so does not conflict with federal law.

3. No compensation is payable for the death, disability or treatment of an employee if the employee's death is caused by, or insofar as the employee's disability is aggravated, caused or continued by, an unreasonable refusal or neglect to submit to or to follow any competent and reasonable surgical treatment or medical aid.

4. If any employee persists in an unsanitary or injurious practice that imperils or retards his or her recovery, or refuses to submit to such medical or surgical treatment as is necessary to



1 promote his or her recovery, the employee’s compensation may be
2 reduced or suspended.

3 5. An injured employee’s compensation, other than accident
4 benefits, must be suspended if:

5 (a) A physician or chiropractor determines that the employee is
6 unable to undergo treatment, testing or examination for the
7 industrial injury solely because of a condition or injury that did not
8 arise out of and in the course of employment; and

9 (b) It is within the ability of the employee to correct the
10 nonindustrial condition or injury.

11 ➤ The compensation must be suspended until the injured employee
12 is able to resume treatment, testing or examination for the industrial
13 injury. The insurer may elect to pay for the treatment of the
14 nonindustrial condition or injury.

15 6. As used in this section, “prohibited substance” has the
16 meaning ascribed to it in NRS 484C.080.

17 **Sec. 18.** This act becomes effective on July 1, 2017.

