

Amendment No. 443

Senate Amendment to Senate Bill No. 387	(BDR 3-839)
<b>Proposed by:</b> Senate Committee on Judiciary	
<b>Amends:</b> Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will:
(1) REMOVE the 2/3s majority vote requirement from S.B. 387.
(2) REMOVE the unfunded mandate from S.B. 387.

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) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

NCA



Date: 4/23/2017

S.B. No. 387—Provides for the issuance of certain orders for protection.  
(BDR 3-839)





SENATE BILL NO. 387—SENATORS RATTI, FORD, MANENDO, SPEARMAN, FARLEY;  
ATKINSON, CANCELA, CANNIZZARO, DENIS, PARKS, SEGERBLOM AND  
WOODHOUSE

MARCH 20, 2017

Referred to Committee on Judiciary

SUMMARY—Provides for the issuance of certain orders for protection.  
(BDR 3-839)

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

~~{CONTAINS UNFUNDED MANDATE (§ 10)  
(Not Requested by Affected Local Government)}~~

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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; defining certain terms relating to orders for protection; providing for the issuance and enforcement of certain orders for protection against a person who is alleged to have committed certain acts that constitute a high risk; authorizing ~~{an immediate}~~ a family or household member or law enforcement officer to obtain such orders for protection; prohibiting a person from filing an application for such an order under certain circumstances; authorizing a court to issue such an order for protection in certain circumstances; prohibiting a person against whom such an order for protection is issued from possessing or having under his or her custody or control, or purchasing or otherwise acquiring, any firearm ~~for ammunition~~ during the period the order is in effect; authorizing a person to request a hearing to move the court to dissolve such an order for protection; authorizing the renewal of such an order for protection; establishing procedures for persons subject to such an order for protection to remove certain information from the Central Repository for Nevada Records of Criminal History; providing penalties; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law authorizes a court to issue certain temporary or extended orders for protection. (NRS 33.020, 33.270, 33.400) **Sections 2-16** of this bill enact similar provisions to provide for the issuance and enforcement of an emergency, ex parte or extended order for protection against a high-risk ~~{offender}~~ individual. **Section 3** defines a “high-risk ~~{offender}~~ individual” as a person who poses a risk of causing personal injury to himself, herself or another by possessing or having under his or her custody or control, or purchasing or otherwise acquiring, any firearm. for ammunition. **Section 7** authorizes ~~{an immediate}~~ a

family **or household** member or a law enforcement officer to file a verified application to obtain certain orders for protection against a high-risk ~~offender~~ **individual**. **Section 7 also prohibits a family or household member from filing an application for an ex parte order for protection against a high-risk individual under certain circumstances.** **Section 8** authorizes a court to issue the following orders for protection against a high-risk ~~offender~~ **individual** in certain circumstances: (1) an emergency order; (2) an ex parte order; or (3) an extended order. **Section 8** also requires the court to schedule a hearing within 21 days after the application for an ex parte or extended order is filed and issue a copy of the application and notice of the hearing upon the high-risk ~~offender~~ **individual**. **Sections 9 and 12** establish provisions relating to the contents of the order for protection and service on the high-risk ~~offender~~ **individual**.

**Section 14** establishes that the issuance of an: (1) emergency order for protection is effective for 14 days; (2) ex parte order for protection is effective for 21 days; and (3) extended order for protection is effective for 1 year. **Section 14** also authorizes the court to renew an extended order for protection. And finally, **section 14** authorizes a high-risk ~~offender~~ **individual**, in certain circumstances, to request a hearing to move the court to dissolve the order for protection.

**Section 9** provides that if such an order for protection is issued, the high-risk ~~offender~~ **individual** is prohibited from owning or having in his or her possession or under his or her custody or control, or purchasing or otherwise acquiring, any firearm, ~~for ammunition~~. **Section 15 authorizes a high-risk individual to petition the court to remove certain information relating to the issuance of an order for protection.** **Section 16** provides that a person who violates such an order for protection is: (1) guilty of a misdemeanor; and (2) prohibited from possessing or having under his or her custody or control, or purchasing or otherwise acquiring, a firearm, ~~for ammunition~~.

**Section 10** establishes provisions relating to the surrender of the high-risk ~~offender's~~ **individual's** firearms, ~~for ammunition~~. **Section 10** authorizes a law enforcement agency to charge and collect a fee from the high risk offender for the collection and storage of a surrendered firearm or ammunition. **Section 10** also establishes provisions relating to the return of a surrendered firearm ~~for ammunition~~ to the person when an order for protection expires.

Existing law provides that a person who commits certain crimes that are punishable as a felony in violation of certain orders for protection is subject to an additional penalty. (NRS 193.166) **Section 18** includes a felony committed in violation of an emergency, ex parte or extended order for protection against a high-risk ~~offender~~ **individual** to the list of violations which result in an additional penalty.

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

**Section 1.** Chapter 33 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 16, inclusive, of this act.

**Sec. 2.** *As used in sections 2 to 16, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.*

**Sec. 3.** *"High-risk ~~offender~~" **individual**" means a person who poses a risk of causing personal injury to himself, herself or another person by possessing or having under his or her custody or control, or purchasing or otherwise acquiring, any firearm, ~~for ammunition~~.*

**Sec. 4.** ~~["Immediate family"]~~ *"Family or household member" means ~~a~~ person who is, with respect to a high-risk individual, any:*

*1. Person related by blood, adoption or marriage, ~~within the second degree of consanguinity or affinity~~ to a high-risk ~~offender~~ **individual**;*

2. Person who has a child in common with a high-risk individual, regardless of whether the person has been married to the high-risk individual or has lived together with the high-risk individual at any time;

3. Person who resides with a high-risk individual or has resided with a high-risk individual within the past year;

4. Domestic partner of a high-risk individual;

5. Person who has a biological or legal parent and child relationship with a high-risk individual, including, without limitation, a natural parent, adoptive parent, stepparent, stepchild, grandparent or grandchild; or

6. Person who is acting or has acted as a high-risk individual's guardian.

Sec. 5. "Order for protection against a high-risk ~~offender~~ individual" means an order issued pursuant to section 8 of this act.

Sec. 6. ~~1. A person is a high-risk offender if her or she commits any of the following acts:~~

~~1. A threat of violence or act of violence against a person within the immediately preceding 6 months;~~

~~2. A threat of violence or act of violence directed toward himself or herself within the immediately preceding 6 months;~~

~~3. A violation of a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.020; or~~

~~4. A pattern of violent acts or violent threats within the immediately preceding 12 months, including, without limitation, threats of violence or acts of violence by the person directed toward himself, herself or another person.~~

(Deleted by amendment.)

Sec. 7. 1. A law enforcement officer who has ~~reasonable~~ probable cause to believe that a person is a high-risk ~~offender~~ individual may file a verified application for an emergency order for protection against a high-risk ~~offender~~ individual against that person.

2. ~~1. An immediate~~ A family or household member who believes, or a law enforcement officer who ~~believes~~ has probable cause to believe, there is a substantial likelihood that a person will, in the near future, be a high-risk ~~offender~~ individual may file a verified application for an ex parte order for protection against a high-risk ~~offender~~ individual against that person. Any family or household member who files a verified application for an ex parte order, who knows or has reason to know that such an application is false or who files such an application with the intent to harass the person who is the subject of the application, is guilty of a misdemeanor.

3. ~~1. An immediate~~ A family or household member who reasonably believes, or a law enforcement officer who ~~reasonably believes~~ has probable cause to believe that a person is a high-risk ~~offender~~ individual may file a verified application for an extended order for protection against a high-risk ~~offender~~ individual against that person.

4. The verified application must include, without limitation:

(a) The name of the person seeking the order;

(b) The name and address, if known, of the person who is allegedly a high-risk ~~offender~~ individual; and

(c) A detailed description of the events that allegedly constituted the person being or becoming a high-risk ~~offender~~ individual and the dates on which these events occurred.

Sec. 8. 1. The court may issue an emergency order for protection against a high-risk ~~offender~~ individual if the court finds there is reasonable cause to believe from specific facts shown by a verified application that:

1 (a) The high-risk ~~offender~~ individual presents an immediate danger of  
2 causing personal injury to himself, herself or another person by possessing or  
3 having under his or her custody or control, or purchasing or otherwise acquiring,  
4 any firearm ~~; for ammunition;~~ and

5 (b) Less restrictive options have been exhausted or are not effective.

6 2. The court may issue an ex parte order for protection against a high-risk  
7 ~~offender~~ individual if the court finds there is good cause to believe from specific  
8 facts shown by a verified application that:

9 (a) There is a substantial likelihood shown by a preponderance of the  
10 evidence that the high-risk ~~offender~~ individual will, in the near future, cause  
11 personal injury to himself, herself or another person by possessing or having  
12 under his or her custody or control, or purchasing or otherwise acquiring, any  
13 firearm ~~; for ammunition;~~ and

14 (b) Less restrictive options have been exhausted or are not effective.

15 3. The court may issue an extended order for protection against a high-risk  
16 ~~offender~~ individual if the court finds by clear and convincing evidence from  
17 specific facts shown by a verified application that:

18 (a) There is a substantial likelihood that the high-risk ~~offender~~ individual  
19 will cause personal injury to himself, herself or another person by possessing or  
20 having under his or her custody or control, or purchasing or otherwise acquiring,  
21 any firearm ~~; for ammunition;~~ and

22 (b) Less restrictive options have been exhausted or are not effective.

23 4. In determining whether to issue any order for protection against a high-  
24 risk ~~offender~~ individual, the court ~~must~~ may consider, without limitation,  
25 whether the high-risk ~~offender~~ individual:

26 (a) Committed any of the following acts ~~(described in section 6 of this act)~~ ;

27 (1) A threat of violence or act of violence against a person within the  
28 immediately preceding 6 months;

29 (2) A threat of violence or act of violence directed toward himself or  
30 herself within the immediately preceding 6 months;

31 (3) A violation of a temporary or extended order for protection against  
32 domestic violence issued pursuant to NRS 33.020; or

33 (4) A pattern of violent acts or violent threats within the immediately  
34 preceding 12 months, including, without limitation, threats of violence or acts of  
35 violence by the person directed toward himself, herself or another person;

36 (b) Has a prior felony conviction;

37 (c) Engaged in reckless use, display or brandishing of a firearm;

38 (d) Has a history of use, attempted use or threatened use of physical force  
39 against another person;

40 (e) Has problems with the abuse of alcohol or drugs; or

41 (f) Has recently acquired a firearm or other deadly weapon.

42 5. The court may require the applicant or the high-risk ~~offender~~ individual,  
43 individual, or both, to appear before the court before determining whether to  
44 grant an emergency or ex parte order for protection against a high-risk  
45 ~~offender~~ individual.

46 6. An emergency or ex parte order for protection against a high-risk  
47 ~~offender~~ individual may only be granted with ~~for without~~ notice to the high-  
48 risk ~~offender~~ individual. An extended order for protection against a high-risk  
49 ~~offender~~ individual may only be granted after notice to the high-risk ~~offender~~ individual  
50 individual and a hearing on the application. A hearing on an application for an  
51 extended order for protection against a high-risk ~~offender~~ individual must be  
52 held within 21 days after the day on which the application for the extended order  
53 for protection against a high-risk ~~offender~~ individual is filed.

7. If it appears to the satisfaction of the court from specific facts communicated by telephone to the court by ~~an immediate family member or~~ a law enforcement officer that the person is a high-risk ~~offender~~ individual, the court may grant an emergency order for protection against the person.

8. In a county whose population is 52,000 or more, the court shall be available 24 hours a day, 7 days a week, including nonjudicial days and holidays, to receive communications by telephone and for the issuance of an emergency order for protection against a high-risk ~~offender~~ individual pursuant to subsection 7.

9. In a county whose population is less than 52,000, the court may be available 24 hours a day, 7 days a week, including nonjudicial days and holidays, to receive communications by telephone and for the issuance of an emergency order for protection against a high-risk ~~offender~~ individual pursuant to subsection 7.

10. The clerk of the court shall inform the applicant upon the successful transfer of information concerning the registration to the Central Repository for Nevada Records of Criminal History as required pursuant to section 15 of this act.

Sec. 9. 1. Each order for protection against a high-risk ~~offender~~ individual must include:

(a) A requirement that the high-risk ~~offender~~ individual surrender ~~or sell or transfer~~ any firearm ~~for ammunition~~ in his or her possession or under his or her custody or control in the manner set forth in section 10 of this act; and

(b) A prohibition on the high-risk ~~offender~~ individual against possessing or having under his or her custody or control, or purchasing or otherwise acquiring, any firearm ~~for ammunition~~ while the order is in effect.

2. The order for protection against a high-risk ~~offender~~ individual must:

(a) Include a provision ordering any law enforcement officer to arrest the person who is allegedly a high-risk ~~offender~~ individual, with or without a warrant, if the officer has probable cause to believe that the person has been served with a copy of the order and has violated a provision of the order;

(b) State the reasons for granting the order;

(c) Include instructions for surrendering ~~or selling or transferring~~ any ~~firearms or ammunition~~ firearm pursuant to paragraph ~~((b))~~ (a) of subsection 1;

(d) State the time and date on which the order expires; and

(e) Include the following statement:

#### WARNING

This is an official court order. If you disobey this order, you may be arrested and prosecuted for the crime of violating an order for protection against a high-risk ~~offender~~ individual and any other crime that you may have committed in disobeying this order.

Sec. 10. 1. After a court orders a high-risk ~~offender~~ individual to surrender any firearm ~~for ammunition~~ pursuant to section 9 of this act, the high-risk ~~offender~~ individual shall, ~~not later than 24 hours~~ immediately after service of the order:

(a) Surrender any firearm ~~for ammunition~~ in his or her possession or under his or her custody or control to the appropriate law enforcement agency designated by the court in the order; or

(b) Surrender any firearm ~~for ammunition~~ in his or her possession under his or her custody or control to a person designated by the court in the order. ~~or~~

~~(c) Sell or transfer any firearm or ammunition in his or her possession or under his or her custody or control to a licensed firearm dealer.~~

2. If the court orders the high-risk ~~offender~~ individual to surrender any firearm ~~for ammunition~~ to a local law enforcement agency pursuant to paragraph (a) of subsection 1, the law enforcement agency shall provide the high-risk ~~offender~~ individual with a receipt which includes a description of each firearm ~~and ammunition~~ surrendered and the high-risk ~~offender~~ individual shall, not later than 72 hours or 1 business day, whichever is later, after surrendering any such firearm ~~for ammunition~~, provide the receipt to the court. The local law enforcement agency shall store any such firearm or may contract with a licensed firearm dealer to provide storage.

3. If the court orders the high-risk ~~offender~~ individual to surrender any firearm ~~for ammunition~~ to a person designated by the court pursuant to paragraph (b) of subsection 1, the high-risk ~~offender~~ individual shall, not later than 72 hours or 1 business day, whichever is later, after surrendering any such firearm ~~for ammunition~~ to such a person, provide to the court and the appropriate local law enforcement agency the name and address of the person designated in the order and a written description of each firearm ~~and ammunition~~ surrendered to the person.

4. ~~If the high-risk offender sells or transfers any firearm or ammunition to a licensed firearm dealer that is subject to an order pursuant to paragraph (c) of subsection 1, the high-risk offender shall, not later than 72 hours or 1 business day, whichever is later, after such a sale or transfer, provide the court and the appropriate local law enforcement agency a receipt of such sale or transfer and a written description of each firearm sold or transferred.~~

~~5. If there is probable cause to believe that the high-risk offender individual has not surrendered, sold or transferred any firearm for ammunition in his or her possession or under his or her custody or control within 24 hours, immediately after service of the order, the court may issue and deliver to any law enforcement officer a search warrant which authorizes the officer to enter and search any place where there is probable cause to believe any firearm for ammunition is located and seize the firearm for ammunition.~~

~~6. A local law enforcement agency may charge and collect a fee from the high-risk offender for the collection and storage of a firearm or ammunition pursuant to this section. The fee must not exceed the cost incurred by the local law enforcement agency for such collection and storage.~~

~~7. 5. A local law enforcement agency shall return any surrendered or seized firearm for ammunition to the high-risk offender individual not less than 14 days after the order expires.~~

6. As used in this section, "licensed firearm dealer" means a person licensed pursuant to 18 U.S.C. § 923(a).

Sec. 11. 1. The clerk of the court shall provide each party, free of cost, with information about the:

(a) Availability of orders for protection against a high-risk ~~offender~~ individual;

(b) Procedure for filing an application for an order for protection against a high-risk ~~offender~~ individual; and

(c) Right to proceed without counsel.

2. The clerk of the court or other person designated by the court shall assist any party in completing and filing the application, affidavit and any other paper



1 or pleading necessary to initiate or respond to an application for an order for  
2 protection against a high-risk ~~offender~~ individual. This assistance does not  
3 constitute the practice of law, but the clerk shall not render any advice or service  
4 that requires the professional judgment of an attorney.

5 3. The clerk of the court shall not charge an applicant for an ex parte or  
6 extended order for protection against a high-risk ~~offender~~ individual for  
7 providing the applicant with a certified copy of the order for protection against a  
8 high-risk ~~offender~~ individual.

9 Sec. 12. 1. The court shall transmit, by the end of the next day after an  
10 order for protection against a high-risk ~~offender~~ individual is issued or  
11 renewed, a copy of the order to the appropriate law enforcement agency.

12 2. The court shall order the appropriate law enforcement agency to serve,  
13 without charge, the high-risk ~~offender~~ individual personally with the order for  
14 protection against a high-risk ~~offender~~ individual and to file with or mail to the  
15 clerk of the court proof of service by the end of the next business day after service  
16 is made. Service of an application for an extended order for protection against a  
17 high-risk ~~offender~~ individual and the notice of hearing thereon must be served  
18 upon the high-risk ~~offender~~ individual pursuant to the Nevada Rules of Civil  
19 Procedure.

20 3. A law enforcement agency shall enforce an order for protection against a  
21 high-risk ~~offender~~ individual without regard to the county in which the order  
22 was issued.

23 4. The clerk of the court shall issue, without fee, a copy of the order for  
24 protection against a high-risk ~~offender~~ individual to the applicant or high-risk  
25 ~~offender~~ individual.

26 Sec. 13. 1. Every order for protection against a high-risk ~~offender~~  
27 individual must include a provision ordering any law enforcement officer to  
28 arrest the high-risk ~~offender~~ individual if the officer has probable cause to  
29 believe that the high-risk ~~offender~~ individual has violated any provision of the  
30 order. The law enforcement officer may make an arrest with or without a warrant  
31 and regardless of whether the violation occurs in the officer's presence.

32 2. If a law enforcement officer cannot verify that the high-risk ~~offender~~  
33 individual was served with a copy of the application and the order for protection  
34 against a high-risk ~~offender~~ individual, the officer shall:

35 (a) Inform the high-risk ~~offender~~ individual of the specific terms and  
36 conditions of the order;

37 (b) Inform the high-risk ~~offender~~ individual that the high-risk ~~offender~~  
38 individual now has notice of the provisions of the order and that a violation of the  
39 order will result in his or her arrest;

40 (c) Inform the high-risk ~~offender~~ individual of the location of the court that  
41 issued the original order and the hours during which the high-risk ~~offender~~  
42 individual may obtain a copy of the order; and

43 (d) Inform the high-risk ~~offender~~ individual of the date and time set for a  
44 hearing on an application for an extended order for protection against a high-  
45 risk ~~offender~~ individual, if any.

46 3. Information concerning the terms and conditions of the order for  
47 protection against a high-risk ~~offender~~ individual, the date and time of the  
48 notice provided to the high-risk ~~offender~~ individual and the name and  
49 identifying number of the law enforcement officer who gave the notice must be  
50 provided in writing to the applicant and noted in the records of the law  
51 enforcement agency and the court.

52 Sec. 14. 1. An emergency order for protection against a high-risk  
53 ~~offender~~ individual expires within such time, not to exceed 14 days, as the court

1 fixes. Before the emergency order expires, if a verified application for an  
2 extended order for protection against a high-risk individual was filed pursuant to  
3 subsection 3 of section 7 of this act, the court shall hold a hearing on the  
4 application for the extended order and may issue such an order pursuant to  
5 subsection 3 of section 8 of this act.

6 2. An ex parte order for protection against a high-risk ~~offender~~ individual  
7 expires within such time, not to exceed 21 days, as the court fixes. Before the ex  
8 parte order expires, if a verified application for an extended order for protection  
9 against a high-risk individual was filed pursuant to subsection 3 of section 7 of  
10 this act, the court shall hold a hearing on the application for the extended order  
11 and may issue such an order pursuant to subsection 3 of section 8 of this act.

12 3. An extended order for protection against a high-risk ~~offender~~  
13 individual expires within such time, not to exceed 1 year, as the court fixes.

14 4. The family or household member or law enforcement officer who filed  
15 the verified application or the high-risk ~~offender~~ individual may request in  
16 writing one hearing to move the court to dissolve the order for protection against  
17 a high-risk ~~offender~~ individual. If the court finds that there is no longer clear  
18 and convincing evidence that the person is a high-risk ~~offender~~ individual, the  
19 court shall dissolve the order. The high-risk ~~offender~~ individual may request a  
20 hearing to move the court to dissolve the order after a renewal pursuant to  
21 subsection 5.

22 5. ~~The~~ Not less than 3 months before the expiration of an extended order  
23 for protection against a high-risk individual and upon petition by a family or  
24 household member or law enforcement officer, the court may, after notice and a  
25 hearing, renew an extended order for protection against a high-risk ~~offender~~  
26 individual. If the court finds that there is clear and convincing evidence that the  
27 person is a high-risk ~~offender~~ individual, the court may renew the order. The  
28 renewal of such an order expires within such time, not to exceed 1 year, as the  
29 court fixes.

30 Sec. 15. 1. Any time that a court issues or renews an order for protection  
31 against a high-risk ~~offender~~ individual and any time that a person serves such  
32 an order or receives any information or takes any other action pursuant to  
33 sections 2 to 16, inclusive, of this act, the person shall by the end of the next  
34 business day:

35 ~~1.~~ (a) Cause to be transmitted, in the manner prescribed by the Central  
36 Repository for Nevada Records of Criminal History, any information required by  
37 the Central Repository in a manner which ensures that the information is  
38 received by the Central Repository; and

39 ~~2.~~ (b) Transmit a copy of the order to the Attorney General.

40 2. If the Central Repository receives any information described in  
41 subsection 1, the person who is the subject of the information may petition the  
42 court for an order declaring that the basis for the information transmitted no  
43 longer exists.

44 3. A petition brought pursuant to subsection 2 must be filed in the court  
45 which issued the order for protection against a high-risk individual.

46 4. The court shall grant the petition and issue the order described in  
47 subsection 2 if the court finds that the petitioner has established that:

48 (a) The basis for the high-risk protection order concerning the petitioner no  
49 longer exists;

50 (b) The petitioner's record and reputation indicate that the petitioner is not  
51 likely to act in a manner dangerous to public safety; and

52 (c) Granting the petition requested by the petitioner pursuant to subsection 2  
53 is not contrary to the public interest.

5. The court, upon entering an order pursuant to this section, shall cause, on a form prescribed by the Department of Public Safety, a record of the order to be transmitted to the Central Repository.

6. Within 5 business days after receiving a record of an order transmitted pursuant to subsection 5, the Central Repository shall take reasonable steps to ensure that the information concerning the petitioner is removed from the Central Repository.

7. If the Central Repository fails to remove the information as provided in subsection 6, the petitioner may bring an action to compel the removal of the information. If the petitioner prevails in the action, the court may award the petitioner reasonable attorney's fees and costs incurred in bringing the action.

8. If a petition brought pursuant to subsection 2 is denied, the petitioner may petition for a rehearing not sooner than 2 years after the date of the denial of the petition.

Sec. 16. A person who intentionally violates an order for protection against a high-risk ~~offender~~ individual is:

1. Unless a more severe penalty is prescribed by law for the act that constitutes the violation of the order, guilty of a misdemeanor; and

2. Prohibited from possessing or having under his or her custody or control, or purchasing or otherwise acquiring, a firearm ~~for ammunition~~ for a period of 5 years.

Sec. 17. NRS 1.130 is hereby amended to read as follows:

1.130 1. No court except a justice court or a municipal court shall be opened nor shall any judicial business be transacted except by a justice court or municipal court on Sunday, or on any day declared to be a legal holiday according to the provisions of NRS 236.015, except for the following purposes:

(a) To give, upon their request, instructions to a jury then deliberating on their verdict.

(b) To receive a verdict or discharge a jury.

(c) For the exercise of the power of a magistrate in a criminal action or in a proceeding of a criminal nature.

(d) To receive communications by telephone and for the issuance of ~~that~~;

(1) A temporary order pursuant to subsection 5 of NRS 33.020 ~~that~~; or

(2) An emergency order for protection against a high-risk ~~offender~~ individual pursuant to subsection 7 of section 8 of this act.

(e) For the issue of a writ of attachment, which may be issued on each and all of the days above enumerated upon the plaintiff, or some person on behalf of the plaintiff, setting forth in the affidavit required by law for obtaining the writ the additional averment as follows:

That the affiant has good reason to believe, and does believe, that it will be too late for the purpose of acquiring a lien by the writ to wait until subsequent day for the issuance of the same.

All proceedings instituted, and all writs issued, and all official acts done on any of the days above specified, under and by virtue of this section, shall have all the validity, force and effect of proceedings commenced on other days, whether a lien be obtained or a levy made under and by virtue of the writ.

2. Nothing herein contained shall affect private transactions of any nature whatsoever.

Sec. 18. NRS 193.166 is hereby amended to read as follows:

193.166 1. Except as otherwise provided in NRS 193.169, a person who commits a crime that is punishable as a felony, other than a crime that is punishable

as a felony pursuant to subsection 6 of NRS 33.400, subsection 5 of NRS 200.378 or subsection 5 of NRS 200.591, in violation of:

(a) A temporary or extended order for protection against domestic violence issued pursuant to NRS 33.020;

(b) An order for protection against harassment in the workplace issued pursuant to NRS 33.270;

(c) A temporary or extended order for the protection of a child issued pursuant to NRS 33.400;

(d) *An emergency, ex parte or extended order for protection against a high-risk offender individual issued pursuant to section 8 of this act;*

(e) An order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS;

~~(e)~~ (f) A temporary or extended order issued pursuant to NRS 200.378; or

~~(e)~~ (g) A temporary or extended order issued pursuant to NRS 200.591,

shall, in addition to the term of imprisonment prescribed by statute for the crime, be punished by imprisonment in the state prison, except as otherwise provided in this subsection, for a minimum term of not less than 1 year and a maximum term of not more than 20 years. If the crime committed by the person is punishable as a category A felony or category B felony, in addition to the term of imprisonment prescribed by statute for that crime, the person shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 5 years.

2. In determining the length of the additional penalty imposed pursuant to this section, the court shall consider the following information:

(a) The facts and circumstances of the crime;

(b) The criminal history of the person;

(c) The impact of the crime on any victim;

(d) Any mitigating factors presented by the person; and

(e) Any other relevant information.

The court shall state on the record that it has considered the information described in paragraphs (a) to (e), inclusive, in determining the length of the additional penalty imposed.

3. The sentence prescribed by this section:

(a) Must not exceed the sentence imposed for the crime; and

(b) Runs concurrently or consecutively with the sentence prescribed by statute for the crime, as ordered by the court.

4. The court shall not grant probation to or suspend the sentence of any person convicted of attempted murder, battery which involves the use of a deadly weapon, battery which results in substantial bodily harm or battery which is committed by strangulation as described in NRS 200.481 or 200.485 if an additional term of imprisonment may be imposed for that primary offense pursuant to this section.

5. This section does not create a separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

**Sec. 19.** NRS 202.3657 is hereby amended to read as follows:

202.3657 1. Any person who is a resident of this State may apply to the sheriff of the county in which he or she resides for a permit on a form prescribed by regulation of the Department. Any person who is not a resident of this State may apply to the sheriff of any county in this State for a permit on a form prescribed by regulation of the Department. Application forms for permits must be furnished by the sheriff of each county upon request.

2. A person applying for a permit may submit one application and obtain one permit to carry all handguns owned by the person. The person must not be required to list and identify on the application each handgun owned by the person. A permit is valid for any handgun which is owned or thereafter obtained by the person to whom the permit is issued.

3. Except as otherwise provided in this section, the sheriff shall issue a permit to any person who is qualified to possess a handgun under state and federal law, who submits an application in accordance with the provisions of this section and who:

(a) Is 21 years of age or older;

(b) Is not prohibited from possessing a firearm pursuant to NRS 202.360; and

(c) Demonstrates competence with handguns by presenting a certificate or other documentation to the sheriff which shows that the applicant:

(1) Successfully completed a course in firearm safety approved by a sheriff in this State; or

(2) Successfully completed a course in firearm safety offered by a federal, state or local law enforcement agency, community college, university or national organization that certifies instructors in firearm safety.

↪ Such a course must include instruction in the use of handguns and in the laws of this State relating to the use of a firearm. A sheriff may not approve a course in firearm safety pursuant to subparagraph (1) unless the sheriff determines that the course meets any standards that are established by the Nevada Sheriffs' and Chiefs' Association or, if the Nevada Sheriffs' and Chiefs' Association ceases to exist, its legal successor.

4. The sheriff shall deny an application or revoke a permit if the sheriff determines that the applicant or permittee:

(a) Has an outstanding warrant for his or her arrest.

(b) Has been judicially declared incompetent or insane.

(c) Has been voluntarily or involuntarily admitted to a mental health facility during the immediately preceding 5 years.

(d) Has habitually used intoxicating liquor or a controlled substance to the extent that his or her normal faculties are impaired. For the purposes of this paragraph, it is presumed that a person has so used intoxicating liquor or a controlled substance if, during the immediately preceding 5 years, the person has been:

(1) Convicted of violating the provisions of NRS 484C.110; or

(2) Committed for treatment pursuant to NRS 458.290 to 458.350, inclusive.

(e) Has been convicted of a crime involving the use or threatened use of force or violence punishable as a misdemeanor under the laws of this or any other state, or a territory or possession of the United States at any time during the immediately preceding 3 years.

(f) Has been convicted of a felony in this State or under the laws of any state, territory or possession of the United States.

(g) Has been convicted of a crime involving domestic violence or stalking, or is currently subject to a restraining order, injunction or other order for protection against domestic violence.

(h) *Is currently subject to an order for protection against a high-risk offender+ individual.*

(i) Is currently on parole or probation from a conviction obtained in this State or in any other state or territory or possession of the United States.

1 ~~(f)~~ (j) Has, within the immediately preceding 5 years, been subject to any  
2 requirements imposed by a court of this State or of any other state or territory or  
3 possession of the United States, as a condition to the court's:

- 4 (1) Withholding of the entry of judgment for a conviction of a felony; or  
5 (2) Suspension of sentence for the conviction of a felony.

6 ~~(f)~~ (k) Has made a false statement on any application for a permit or for the  
7 renewal of a permit.

8 5. The sheriff may deny an application or revoke a permit if the sheriff  
9 receives a sworn affidavit stating articulable facts based upon personal knowledge  
10 from any natural person who is 18 years of age or older that the applicant or  
11 permittee has or may have committed an offense or engaged in any other activity  
12 specified in subsection 4 which would preclude the issuance of a permit to the  
13 applicant or require the revocation of a permit pursuant to this section.

14 6. If the sheriff receives notification submitted by a court or law enforcement  
15 agency of this or any other state, the United States or a territory or possession of the  
16 United States that a permittee or an applicant for a permit has been charged with a  
17 crime involving the use or threatened use of force or violence, the conviction for  
18 which would require the revocation of a permit or preclude the issuance of a permit  
19 to the applicant pursuant to this section, the sheriff shall suspend the person's  
20 permit or the processing of the person's application until the final disposition of the  
21 charges against the person. If a permittee is acquitted of the charges, or if the  
22 charges are dropped, the sheriff shall restore his or her permit without imposing a  
23 fee.

24 7. An application submitted pursuant to this section must be completed and  
25 signed under oath by the applicant. The applicant's signature must be witnessed by  
26 an employee of the sheriff or notarized by a notary public. The application must  
27 include:

28 (a) The name, address, place and date of birth, social security number,  
29 occupation and employer of the applicant and any other names used by the  
30 applicant;

31 (b) A complete set of the applicant's fingerprints taken by the sheriff or his or  
32 her agent;

33 (c) A front-view colored photograph of the applicant taken by the sheriff or his  
34 or her agent;

35 (d) If the applicant is a resident of this State, the driver's license number or  
36 identification card number of the applicant issued by the Department of Motor  
37 Vehicles;

38 (e) If the applicant is not a resident of this State, the driver's license number or  
39 identification card number of the applicant issued by another state or jurisdiction;

40 (f) A nonrefundable fee equal to the nonvolunteer rate charged by the Central  
41 Repository for Nevada Records of Criminal History and the Federal Bureau of  
42 Investigation to obtain the reports required pursuant to subsection 1 of NRS  
43 202.366; and

44 (g) A nonrefundable fee set by the sheriff not to exceed \$60.

45 **Sec. 20. This act becomes effective on July 1, 2018.**