
ASSEMBLY BILL NO. 19—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED NOVEMBER 15, 2018

Referred to Committee on Judiciary

SUMMARY—Revises provisions related to certain temporary and extended orders for protection. (BDR 3-417)

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 orders for protection; revising provisions relating to service of process of certain temporary and extended orders for protection; increasing the duration that certain temporary and extended orders for protection remain effective; increasing the penalty for certain violations of temporary and extended orders for protection against domestic violence; renaming the Repository for Information Concerning Orders for Protection Against Domestic Violence to the Repository for Information Concerning Orders for Protection; requiring the Repository for Information Concerning Orders for Protection to include certain information and other records relating to orders for protection against stalking, aggravated stalking or harassment and orders for protection against domestic violence; authorizing courts to admit character evidence of the past sexual conduct of a petitioner in hearings on petitions for orders for protection against stalking, aggravated stalking or harassment for certain purposes; revising certain provisions relating to evidence; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law sets forth certain unlawful acts that constitute domestic violence
2 when committed against certain persons and authorizes a court to issue a temporary



or extended order for protection against domestic violence. (NRS 33.018, 33.020, 33.030) Existing law also defines certain unlawful acts that constitute stalking, aggravated stalking or harassment when committed against certain persons and authorizes a court to issue a temporary or extended order for protection against stalking, aggravated stalking or harassment. (NRS 200.571, 200.575, 200.591)

Existing law requires a law enforcement agency to personally serve the adverse party with a temporary order for protection against domestic violence. (NRS 33.060) Existing law also requires that a temporary or extended order for protection against stalking, aggravated stalking or harassment be personally served on the person to whom it is directed. (NRS 200.591) **Sections 1 and 12** of this bill require service of process of temporary orders for protection against domestic violence and orders for protection against stalking, aggravated stalking or harassment, respectively, to take priority over other types of service, unless otherwise required by law.

Existing law also provides that, under certain circumstances, temporary orders for protection against domestic violence and temporary orders for protection against stalking, aggravated stalking or harassment expire after 30 days. (NRS 33.080, 200.594) **Sections 2 and 13** of this bill provide that such temporary orders for protection against domestic violence and orders for protection against stalking, aggravated stalking or harassment, respectively, expire after 45 days.

Existing law also provides that an extended order for protection against domestic violence and an extended order for protection against stalking, aggravated stalking or harassment expire after not more than 1 year. (NRS 33.080, 200.594) **Sections 2 and 13** of this bill provide that such extended orders for protection expire after not more than 5 years.

Under existing law, a person is guilty of a misdemeanor for intentionally violating a temporary or extended order for protection against domestic violence. (NRS 33.100) **Section 4** of this bill increases the penalty for intentionally violating such an extended order to: (1) a gross misdemeanor if the person has not previously violated such an order; or (2) a category D felony if the person has previously violated such an order. **Sections 6 and 7** of this bill make conforming changes.

Existing law requires the Repository for Information Concerning Orders for Protection Against Domestic Violence to contain records within the Central Repository for Nevada Records of Criminal History of temporary and extended orders for protection against domestic violence and certain other information. (NRS 179A.350) **Section 8** of this bill changes the name of the Repository for Information Concerning Orders for Protection Against Domestic Violence to the Repository for Information Concerning Orders for Protection. **Section 8** also requires the Repository for Information Concerning Orders for Protection to maintain records within the Central Repository of all temporary and extended orders for protection against stalking, aggravated stalking or harassment. **Section 10** of this bill requires certain persons to transmit such orders to the Central Repository for transfer to the Repository for Information Concerning Orders for Protection.

Existing law authorizes a court to admit evidence of character in certain limited situations and provides that such evidence is admissible by testimony as to the reputation or in the form of an opinion. (NRS 48.045, 48.055) **Section 11** of this bill prohibits the introduction of testimony as to the reputation or an opinion related to the past sexual conduct of a petitioner for an order for protection against stalking, aggravated stalking or harassment. **Section 11** further provides that specific instances of the past sexual conduct of the petitioner may be admissible under limited circumstances.



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

Section 1. NRS 33.060 is hereby amended to read as follows:

33.060 1. The court shall transmit, by the end of the next business day after the order is issued, a copy of the temporary or extended order to the appropriate law enforcement agency which has jurisdiction over the residence, school, child care facility or other provider of child care, or place of employment of the applicant or the minor child.

2. The court shall order the appropriate law enforcement agency to serve, without charge, the adverse party personally with the temporary order . ~~and to~~ *Service of the temporary order on the adverse party must be given priority over other service by the law enforcement agency to which priority is not otherwise given by specific statute. The law enforcement agency shall* file with or mail to the clerk of the court proof of service by the end of the next business day after service is made. Service of an application for an extended order and the notice of any hearing thereon must be served upon the adverse party:

(a) Pursuant to the Nevada Rules of Civil Procedure; or

(b) In the manner provided in NRS 33.065.

3. A law enforcement agency shall enforce a temporary or extended order without regard to the county in which the order was issued.

4. The clerk of the court shall issue, without fee, a copy of the temporary or extended order to the applicant and the adverse party.

Sec. 2. NRS 33.080 is hereby amended to read as follows:

33.080 1. A temporary order expires within such time, not to exceed ~~30~~ *45* days, as the court fixes. If an application for an extended order is filed within the period of a temporary order or at the same time that an application for a temporary order is filed, the temporary order remains in effect until:

(a) The hearing on the extended order is held; or

(b) If the court schedules a second or third hearing pursuant to subsection 4 or 5 of NRS 33.020, the date on which the second or third hearing on an application for an extended order is held.

2. On 2 days' notice to the party who obtained the temporary order, the adverse party may appear and move its dissolution or modification, and in that event the court shall proceed to hear and determine such motion as expeditiously as the ends of justice require.

3. An extended order expires within such time, not to exceed ~~1~~ *year,* *5 years,* as the court fixes. A temporary order may be converted by the court, upon notice to the adverse party and a



hearing, into an extended order effective for not more than ~~1 year.~~
5 years.

Sec. 3. NRS 33.085 is hereby amended to read as follows:

33.085 1. Except as otherwise provided in subsection 2, an order for protection against domestic violence issued by the court of another state, territory or Indian tribe within the United States, including, without limitation, any provisions in the order related to custody and support, is valid and must be accorded full faith and credit and enforced by the courts of this state as if it were issued by a court in this state, regardless of whether the order has been registered in this state, if the court in this state determines that:

(a) The issuing court had jurisdiction over the parties and the subject matter under the laws of the State, territory or Indian tribe in which the order was issued; and

(b) The adverse party was given reasonable notice and an opportunity to be heard before the order was issued or, in the case of an ex parte order, the adverse party was given reasonable notice and an opportunity to be heard within the time required by the laws of the issuing state, territory or tribe and, in any event, within a reasonable time after the order was issued.

2. If the order for protection against domestic violence issued by the court of another state, territory or Indian tribe is a mutual order for protection against domestic violence and:

(a) No counter or cross-petition or other pleading was filed by the adverse party; or

(b) A counter or cross-petition or other pleading was filed and the court did not make a specific finding of domestic violence by both parties,

➔ the court shall refuse to enforce the order against the applicant and may determine whether to issue its own temporary or extended order.

3. A law enforcement officer shall enforce an order for protection against domestic violence issued by the court of another state, territory or Indian tribe and shall make an arrest for a violation thereof in the same manner that a law enforcement officer would make an arrest for a violation of a temporary or extended order issued by a court of this state unless it is apparent to the officer that the order is not authentic on its face. An officer shall determine that an order is authentic on its face if the order contains:

(a) The names of the parties;

(b) Information indicating that the order has not expired; and

(c) Information indicating that the court which issued the order had legal authority to issue the order as evidenced by a certified copy of the order, a file-stamped copy of the order, an authorized



signature or stamp of the court which issued the order or another indication of the authority of the court which issued the order.

↪ An officer may determine that any other order is authentic on its face.

4. In enforcing an order for protection against domestic violence issued by the court of another state, territory or Indian tribe or arresting a person for a violation of such an order, a law enforcement officer may rely upon:

(a) A copy of an order for protection against domestic violence that has been provided to the officer;

(b) An order for protection against domestic violence that is included in the Repository for Information Concerning Orders for Protection ~~[Against Domestic Violence]~~ pursuant to NRS 33.095 or in any national crime information database;

(c) Oral or written confirmation from a law enforcement agency or court in the jurisdiction in which the order for protection against domestic violence was issued that the order is valid and effective; or

(d) An examination of the totality of the circumstances concerning the existence of a valid and effective order for protection against domestic violence, including, without limitation, the statement of a person protected by the order that the order remains in effect.

5. The fact that an order has not been registered or included in the Repository for Information Concerning Orders for Protection ~~[Against Domestic Violence]~~ in the Central Repository for Nevada Records of Criminal History pursuant to NRS 33.095 or in any national crime information database is not grounds for a law enforcement officer to refuse to enforce the terms of the order unless it is apparent to the officer that the order is not authentic on its face.

6. A court or law enforcement officer who enforces an order for protection against domestic violence issued by the court of another state, territory or Indian tribe based upon a reasonable belief that the order is valid or who refuses to enforce such an order based upon a reasonable belief that the order is not valid and the employer of such a law enforcement officer are immune from civil and criminal liability for any action taken or not taken based on that belief.

Sec. 4. NRS 33.100 is hereby amended to read as follows:

33.100 ~~[A]~~ *Unless a more severe penalty is prescribed by law for the act that constitutes a violation of the temporary or extended order, any* person who intentionally violates ~~[a]~~ :

1. A temporary ~~[or extended]~~ order is guilty of a misdemeanor . ~~[, unless a more severe penalty is prescribed by law for the act that constitutes the violation of the order.]~~

2. *An extended order and:*



1 (a) *Who has not previously violated an extended order, is*
2 *guilty of a gross misdemeanor; or*

3 (b) *Who has previously violated an extended order, is guilty of*
4 *a category D felony and shall be punished as provided in*
5 *NRS 193.130.*

6 **Sec. 5.** NRS 33.143 is hereby amended to read as follows:

7 33.143 1. Except as otherwise provided in subsection 4 and
8 NRS 33.146, a law enforcement officer shall enforce a Canadian
9 domestic-violence protection order and shall make an arrest for a
10 violation thereof in the same manner that a law enforcement officer
11 would make an arrest for a violation of a temporary or extended
12 order issued by a court of this State unless it is apparent to the
13 officer that the order is not authentic on its face. An officer shall
14 determine that an order is authentic on its face if the order contains:

15 (a) The names of the parties;

16 (b) Information indicating that the order has not expired; and

17 (c) Information indicating that the court which issued the order
18 had legal authority to issue the order as evidenced by a certified
19 copy of the order, a file-stamped copy of the order, an authorized
20 signature or stamp of the court which issued the order or another
21 indication of the authority of the court which issued the order.

22 ➤ An officer may determine that any other order is authentic on its
23 face.

24 2. In enforcing a Canadian domestic-violence protection order
25 or arresting a person for a violation of such an order, a law
26 enforcement officer may rely upon:

27 (a) A copy of the order that has been provided to the officer;

28 (b) An order that is included in the Repository for Information
29 Concerning Orders for Protection ~~{Against Domestic Violence}~~
30 pursuant to NRS 33.095 or in any national crime information
31 database;

32 (c) Oral or written confirmation from a law enforcement agency
33 or court in which the order was issued that the order is valid and
34 effective; or

35 (d) An examination of the totality of the circumstances
36 concerning the existence of a valid and effective order, including,
37 without limitation, the statement of a person protected by the order
38 that the order remains in effect.

39 3. The fact that a Canadian domestic-violence protection order
40 has not been registered or included in the Repository for
41 Information Concerning Orders for Protection ~~{Against Domestic~~
42 ~~Violence}~~ in the Central Repository for Nevada Records of Criminal
43 History pursuant to NRS 33.095 or in any national crime
44 information database is not grounds for a law enforcement officer to



1 refuse to enforce the terms of the order unless it is apparent to the
2 officer that the order is not authentic on its face.

3 4. If a law enforcement officer determines that an otherwise
4 valid Canadian domestic-violence protection order cannot be
5 enforced because the adverse party has not been notified of or
6 served with the order, the officer shall notify the protected person
7 that the officer will make reasonable efforts to contact the adverse
8 party, consistent with the safety of the protected person. After notice
9 to the protected person and consistent with the safety of the
10 protected person, the law enforcement officer shall make a
11 reasonable effort to inform the adverse party of the order, notify the
12 adverse party of the terms of the order, provide a record of the order,
13 if available, to the adverse party and allow the adverse party a
14 reasonable opportunity to comply with the order before the officer
15 enforces the order.

16 5. If a law enforcement officer determines that a person is a
17 protected person, the officer shall inform him or her of available
18 local victims' services.

19 **Sec. 6.** NRS 125.560 is hereby amended to read as follows:

20 125.560 ~~1A~~

21 *1. Unless a more severe penalty is prescribed by law for an*
22 *act that constitutes a violation of a restraining order or injunction,*
23 *any* person who *intentionally* violates a restraining order or
24 injunction ~~1~~

25 ~~1. That~~ *that* is in the nature of a temporary or extended order
26 for protection against domestic violence ~~1~~ and ~~1~~

27 ~~2. That~~ *that* is issued in an action or proceeding brought
28 pursuant to this title ~~1~~

29 ~~→ is guilty of~~ *shall be punished:*

30 *(a) Where the order or injunction is in the nature of a*
31 *temporary order for protection against domestic violence, for a*
32 *misdemeanor . ~~1, unless a more severe penalty is prescribed by law~~*
33 *for the act that constitutes the violation of the order or injunction.*

34 *(b) Where the order or injunction is in the nature of an*
35 *extended order for protection against domestic violence and:*

36 *(1) The person has not previously violated an extended*
37 *order for protection against domestic violence, for a gross*
38 *misdemeanor; or*

39 *(2) The person has previously violated an extended order*
40 *for protection against domestic violence, for a category D felony*
41 *and shall be punished as provided in NRS 193.130.*

42 2. For the purposes of this section, an order or injunction is in
43 the nature of a temporary or extended order for protection against
44 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. 7. NRS 171.136 is hereby amended to read as follows:

171.136 1. If the offense charged is a felony or gross misdemeanor, the arrest may be made on any day, and at any time of day or night.

2. If it is a misdemeanor, the arrest cannot be made between the hours of 7 p.m. and 7 a.m., except:

(a) Upon the direction of a magistrate, endorsed upon the warrant;

(b) When the offense is committed in the presence of the arresting officer;

(c) When the person is found and the arrest is made in a public place or a place that is open to the public and:

(1) There is a warrant of arrest against the person; and

(2) The misdemeanor is discovered because there was probable cause for the arresting officer to stop, detain or arrest the person for another alleged violation or offense;

(d) When the offense is committed in the presence of a private person and the person makes an arrest immediately after the offense is committed;

(e) When the arrest is made in the manner provided in NRS 171.137;

(f) When the offense charged is a violation of a temporary ~~for extended~~ order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive;

(g) When the person is already in custody as a result of another lawful arrest; or

(h) When the person voluntarily surrenders himself or herself in response to an outstanding warrant of arrest.

Sec. 8. NRS 179A.350 is hereby amended to read as follows:

179A.350 1. The Repository for Information Concerning Orders for Protection ~~{Against Domestic Violence}~~ is hereby created within the Central Repository.

2. Except as otherwise provided in subsection ~~{6,}~~ 9, the Repository for Information Concerning Orders for Protection ~~{Against Domestic Violence}~~ must contain a complete and systematic record of all ~~{temporary}~~ :

(a) ~~Temporary~~ and extended orders for protection against domestic violence issued or registered in the State of Nevada and all Canadian domestic-violence protection orders registered in the State of Nevada, ~~{in accordance with regulations adopted by the Director of the Department,}~~ including, without limitation, any information received pursuant to NRS 33.095 ~~{,}~~ ; and



(b) Temporary and extended orders for protection against stalking, aggravated stalking or harassment issued in this State pursuant to section 10 of this act.

3. The records contained in the Repository for Information Concerning Orders for Protection must be kept in accordance with the regulations adopted by the Director of the Department.

4. Information received by the Central Repository pursuant to NRS 33.095 and section 10 of this act must be entered in the Repository for Information Concerning Orders for Protection ~~Against Domestic Violence~~ not later than 8 hours after it is received by the Central Repository.

~~3.1~~ *5. The information in the Repository for Information Concerning Orders for Protection ~~Against Domestic Violence must~~:*

(a) Must be accessible by computer at all times to each agency of criminal justice ~~f~~

~~—4.1~~; *and*

(b) Upon request, may be provided to any agency of the Federal Government.

6. The existence of a record of an expired temporary or extended order for protection in the Repository for Information Concerning Orders for Protection does not prohibit a person from obtaining a firearm or a permit to carry a concealed firearm unless such conduct violates:

(a) A court order; or

(b) Any provision of federal or state law.

7. On or before July 1 of each year, the Director of the Department shall submit to the Director of the Legislative Counsel Bureau a written report concerning all temporary and extended orders for protection ~~against domestic violence~~ issued pursuant to NRS 33.020 and 200.591 during the previous calendar year that were transmitted to the Repository for Information Concerning Orders for Protection . ~~Against Domestic Violence.~~ The report must include, without limitation, information for each court that issues temporary or extended orders for protection ~~against domestic violence~~ pursuant to NRS 33.020 and 200.591, respectively, concerning:

(a) The total number of temporary and extended orders that were granted by the court ~~pursuant to NRS 33.020~~ during the calendar year to which the report pertains;

(b) The number of temporary and extended orders that were granted to women;

(c) The number of temporary and extended orders that were granted to men;



(d) The number of temporary and extended orders that were vacated or expired;

(e) The number of temporary orders that included a grant of temporary custody of a minor child; and

(f) The number of temporary and extended orders that were served on the adverse party.

~~15.1~~ 8. The information provided pursuant to subsection ~~14.1~~ 7 must include only aggregate information for statistical purposes and must exclude any identifying information relating to a particular person.

~~16.1~~ 9. The Repository for Information Concerning Orders for Protection ~~{Against Domestic Violence}~~ must not contain any information concerning an event that occurred before October 1, 1998.

~~17.1~~ 10. As used in this section, "Canadian domestic-violence protection order" has the meaning ascribed to it in NRS 33.119.

Sec. 9. 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 ~~5.1~~ 6 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 order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS;

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

(f) 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. 10. Chapter 200 of NRS is hereby amended by adding thereto a new section to read as follows:

Any time a court issues a temporary or extended order for protection against stalking, aggravated stalking or harassment and any time a person serves such an order, or receives any information or takes any other action pursuant to this section and NRS 200.571 to 200.601, inclusive, the court or person, as applicable, shall cause to be transmitted, in the manner prescribed by the Central Repository for Nevada Records of Criminal History, any information required by the Central Repository in a manner which ensures that the information is received by the Central Repository by the end of the next business day.

Sec. 11. 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. *Notwithstanding any other provision of law, in any hearing on a petition for an extended order pursuant to this section:*

(a) Testimony as to the reputation or an opinion of the petitioner concerning his or her previous sexual conduct is inadmissible.

(b) If the adverse party desires to present evidence of any specific instance of previous sexual conduct of the petitioner, the court must first determine that such evidence is relevant towards



the issue of the credibility of the petitioner or it is material to a fact at issue and the probative value outweighs any prejudicial effect. If the court makes such a determination, it may admit evidence of the specific instance of previous sexual conduct of the petitioner for the purpose of proving:

- (1) Consensual sexual conduct with the adverse party;*
- (2) The origin of semen, pregnancy or disease; or*
- (3) False allegations made by the petitioner in support of a previous petition for an order for protection against the adverse party.*

5. 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.

~~15.1~~ 6. 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.

~~16.1~~ 7. 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.

~~17.1~~ 8. 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. 12. NRS 200.592 is hereby amended to read as follows:

200.592 1. The payment of all costs and official fees must be deferred for any person who petitions a court for a temporary or extended order pursuant to NRS 200.591. After any hearing and not later than final disposition of such an application or order, the court shall assess the costs and fees against the adverse party, except that the court may reduce them or waive them, as justice may require.

2. The clerk of the court shall provide a person who petitions the court for a temporary or extended order pursuant to NRS 200.591 and the adverse party, free of cost, with information about the:

(a) Availability of temporary and extended orders pursuant to NRS 200.591;

(b) Procedure for filing an application for such an order; and

(c) Right to proceed without legal counsel.

3. A person who obtains an order pursuant to NRS 200.591 must not be charged any fee to have the order served in this State.

4. If a law enforcement agency is designated to serve such an order pursuant to NRS 200.591, service of the order must be given priority over other service by the law enforcement agency to which priority is not otherwise given by specific statute.

Sec. 13. NRS 200.594 is hereby amended to read as follows:

200.594 1. A temporary order issued pursuant to NRS 200.591 expires within such time, not to exceed ~~30~~ 45 days, as the court fixes. If a petition for an extended order is filed within the period of a temporary order, the temporary order remains in effect until the hearing on the extended order is held.

2. On 2 days' notice to the party who obtained the temporary order, the adverse party may appear and move its dissolution or modification, and in that event the court shall proceed to hear and determine such motion as expeditiously as the ends of justice require.

3. An extended order expires within such time, not to exceed ~~1 year,~~ 5 years, as the court fixes. A temporary order may be converted by the court, upon notice to the adverse party and a hearing, into an extended order effective for no more than ~~1 year,~~ 5 years.

Sec. 14. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 15. This act becomes effective on July 1, 2019.

