

Amendment No. 296

Assembly Amendment to Assembly Bill No. 19	(BDR 3-417)
Proposed by: Assembly Committee on Judiciary	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date	
Adopted	<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.



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 ~~for~~ against domestic violence; 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 a person alleged to have committed the crime of sexual assault, 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:

Existing law sets forth certain unlawful acts that constitute domestic violence 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) Finally, existing law defines the crime of sexual assault and authorizes a court to issue a temporary or extended order for protection against a person alleged to have committed the crime of sexual assault. (NRS 200.366, 200.378)

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.~~ Section 1.3 of this bill revises the service of process requirements for temporary and extended orders for protection against domestic violence. Section 1.3 requires a law enforcement agency to attempt to serve an adverse party personally with a temporary order. If the law enforcement agency is unable to personally serve the temporary order on the adverse party, section 1.3 requires the law enforcement agency to leave a notice at the adverse party's residence stating that the adverse party may respond to the notice within 24 hours. Section 1.3 provides that if personal service of the temporary order is unsuccessful three times, the applicant for the temporary order may petition the court to order the law enforcement agency to serve the adverse party at his or her place of employment. If service at the place of employment is unsuccessful, section 1.3 authorizes the applicant to petition the court to order the law enforcement agency to serve the adverse party by an alternative service method pursuant to the Nevada Rules of Civil Procedure.

Existing law authorizes a person to serve a copy of an application of an extended order for protection against domestic violence and notice of the hearing thereof on the adverse party: (1) pursuant to the Nevada Rules of Civil Procedure; or (2) at the adverse party's place of employment under certain circumstances. Existing law provides that if the adverse party is served at his or her place of employment, the copy of the application and notice of the hearing must be served with a copy of the temporary order for protection against domestic violence. (NRS 33.060, 33.065) Section 1.7 of this bill removes the requirement to serve the copy of the temporary order at the adverse party's place of employment.

Section 1.3 provides that if a temporary and extended order for protection against domestic violence are filed at the same time or the extended order for protection is filed before law enforcement has been able to successfully serve the temporary order, then the extended order will be served with the temporary order in the manner set forth in section 1.3.

Existing law requires temporary and extended orders for protection against domestic violence to contain certain information. (NRS 33.030) Section 1 of this bill requires a temporary or extended order for protection against domestic violence to include a notice to the adverse party that responding to a communication by the protected party may constitute a violation of the order.

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 ~~15~~ 2 years. Sections 2 and 13 require the court to enter a finding of fact providing the basis for the imposition of an extended order for a period of greater than 1 year. Sections 2 and 13 also authorize the protected party or the adverse party at any time while an extended order is effective to move a court to modify or dissolve an extended order because of changed circumstances of the parties.

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 provides that a person who intentionally violates such an extended order and who has never previously violated an order is guilty of a misdemeanor. Section 4 increases the penalty for intentionally violating such an extended order to: (1) a gross

69 misdemeanor if the person has ~~not~~ previously violated such an order ~~for~~ one time; or (2) a
70 category D felony if the person has previously violated such an order ~~for~~ two or
71 more times. Section 6 ~~and 7~~ of this bill ~~make~~ makes conforming changes.

72 Existing law requires the Repository for Information Concerning Orders for Protection
73 Against Domestic Violence to contain records within the Central Repository for Nevada
74 Records of Criminal History of temporary and extended orders for protection against domestic
75 violence and certain other information. (NRS 179A.350) **Section 8** of this bill changes the
76 name of the Repository for Information Concerning Orders for Protection Against Domestic
77 Violence to the Repository for Information Concerning Orders for Protection. **Section 8** also
78 requires the Repository for Information Concerning Orders for Protection to maintain records
79 within the Central Repository of all temporary and extended orders for protection against
80 stalking, aggravated stalking or harassment ~~for~~ Section 10 and all temporary and extended
81 orders for protection against a person alleged to have committed the crime of sexual
82 assault. Sections 10.3 and 10.7 of this bill ~~requires~~ require certain persons to transmit such
83 orders to the Central Repository for transfer to the Repository for Information Concerning
84 Orders for Protection.

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

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

1 **Section 1. NRS 33.030 is hereby amended to read as follows:**

2 33.030 1. The court by a temporary order may:

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

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

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

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

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

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

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

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

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

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

24 (c) Order the adverse party to:

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

26 (2) Pay rent or make payments on a mortgage on the applicant's place of
27 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 159A 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 ~~the~~ :

(a) Responding to a communication initiated by the applicant may constitute a violation of the protective order; and

(b) 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:

~~(1)~~ (1) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;

~~(2)~~ (2) The person has previously violated a temporary or extended order for protection; or

~~(3)~~ (3) At the time of the violation or within 2 hours after the violation, the person has:

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

~~(2)~~ (II) 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.

~~[Section 1.]~~ Sec. 1.3. 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.]~~ If after due diligence, the law enforcement agency has attempted and been unable to personally serve the adverse party with the temporary order, the law enforcement agency shall leave a notice in a conspicuous place at the last known address of the adverse party. The notice must include, without limitation, a statement that contains the following information:

(a) That the adverse party must contact the law enforcement agency within 24 hours of the attempted personal service and the exact time in which the 24-hour period expires; and

(b) The contact information for the law enforcement agency, including, without limitation, the phone number of the law enforcement agency.

3. If the adverse party responds to the notice pursuant to subsection 2, the law enforcement agency must obtain the necessary information from the adverse party to serve the adverse party personally with the temporary order.

4. If after due diligence, the law enforcement agency has attempted and been unable to serve the adverse party with personal service of the temporary order three times and the adverse party has not responded to the notices pursuant to subsection 2, the applicant may petition the court to order the law enforcement agency to serve the adverse party with the temporary order at his or her place of employment, if applicable. The petition must include, without limitation, affidavits, declarations or other evidence setting forth specific facts demonstrating:

(a) That the law enforcement agency, with due diligence, attempted to locate and personally serve the adverse party three times and left corresponding notices at his or her place of residence after each attempted service pursuant to subsection 2; and

(b) The contact information of the adverse party, including, without limitation, the known or last known phone number and residential address of the adverse party and the name and commercial address of his or her place of employment.

5. If the adverse party is unemployed or after due diligence, the law enforcement agency has attempted and been unable to serve the adverse party with the temporary order at his or her place of employment pursuant to subsection 4, the applicant may petition the court to order the law enforcement agency to serve the adverse party by an alternative service method pursuant to the Nevada Rules of Civil Procedure.

6. Except as otherwise provided in subsection 7, 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.

~~7.~~ 7. If the applicant files an application for an extended order at the same time as his or her application for a temporary order or before such time that a law enforcement agency is able to successfully serve the temporary order on the adverse party, the application for the extended order and notice of the hearing thereon must be served with the temporary order in accordance with the procedures set forth in subsections 1 to 5, inclusive, regardless of whether the law enforcement agency has commenced service of the temporary order pursuant to subsections 1 to 5, inclusive.

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

~~9.~~ 9. 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. 1.7. NRS 33.065 is hereby amended to read as follows:

33.065 1. If the current address where the adverse party resides is unknown and the law enforcement agency has made at least two attempts to personally serve the adverse party at the adverse party's current place of employment ~~with a copy of the application for an extended order and the notice of the hearing thereon,~~ the law enforcement agency or a person designated by the law enforcement agency may serve the adverse party by:

1 (a) Delivering a copy of the application for an extended order ~~and~~ and the notice
2 of hearing thereon ~~and a copy of the temporary order~~ to the current place of
3 employment of the adverse party; and

4 (b) Thereafter, mailing a copy of the application for an extended order ~~and~~ and
5 the notice of hearing thereon ~~and a copy of the temporary order~~ to the adverse
6 party at the adverse party's current place of employment.

7 2. Delivery pursuant to paragraph (a) of subsection 1 must be made by
8 leaving a copy of the documents specified at the current place of employment of the
9 adverse party with the manager of the department of human resources or another
10 similar person. Such a person shall:

11 (a) Accept service of the documents and make a reasonable effort to deliver the
12 documents to the adverse party;

13 (b) Identify another appropriate person who will accept service of the
14 documents and who shall make a reasonable effort to deliver the documents to the
15 adverse party; or

16 (c) Contact the adverse party and arrange for the adverse party to be present at
17 the place of employment to accept service of the documents personally.

18 3. After delivering the documents to the place of employment of the adverse
19 party, a copy of the documents must be mailed to the adverse party by first-class
20 mail to the place of employment of the adverse party in care of the employer.

21 4. The adverse party shall be deemed to have been served 10 days after the
22 date on which the documents are mailed to the adverse party.

23 5. Upon completion of service pursuant to this section, the law enforcement
24 agency or the person designated by the law enforcement agency who served the
25 adverse party in the manner set forth in this section shall file with or mail to the
26 clerk of the court proof of service in this manner.

27 6. An employer is immune from civil liability for any act or omission with
28 respect to accepting service of documents, delivering documents to the adverse
29 party or contacting the adverse party and arranging for the adverse party to accept
30 service of the documents personally pursuant to this section, if the employer acts in
31 good faith with respect to accepting service of documents, delivering documents to
32 the adverse party or contacting the adverse party and arranging for the adverse
33 party to accept service of the documents personally.

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

35 33.080 1. A temporary order expires within such time, not to exceed 30 ~~45~~
36 days, as the court fixes. If an application for an extended order is filed within the
37 period of a temporary order or at the same time that an application for a temporary
38 order is filed, the temporary order remains in effect until:

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

40 (b) If the court schedules a second or third hearing pursuant to subsection 4 or
41 5 of NRS 33.020, the date on which the second or third hearing on an application
42 for an extended order is held.

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

47 3. An extended order expires within such time, not to exceed ~~1 year, 5~~ 2
48 years, as the court fixes. A temporary order may be converted by the court, upon
49 notice to the adverse party and a hearing, into an extended order effective for not
50 more than ~~1 year, 5~~ 2 years.

51 4. A court shall enter a finding of fact providing the basis for the imposition
52 of an extended order effective for more than 1 year.

5. At any time while the extended order is in effect, the party who obtained the extended order or the adverse party may appear and move for its dissolution or modification based on changes of circumstance of the parties, and in that event the court shall proceed to hear and determine such motion as expeditiously as the ends of justice require.

6. This section must not be construed to affect the right of an adverse party to an interlocutory appeal pursuant to NRS 33.030.

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 ~~⚠ [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:*

(a) *Who has not previously violated an extended order ~~[is]~~ is guilty of a ~~[gross]~~ misdemeanor; ~~[or]~~*

(b) *Who has previously violated an extended order one time is guilty of a gross misdemeanor; or*

(c) *Who has previously violated an extended order ~~[is]~~ two or more times is guilty of a category D felony and shall be punished as provided in NRS 193.130.*

↪ Each act that constitutes a violation of the temporary or extended order may be prosecuted as a separate violation of the order.

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

33.143 1. Except as otherwise provided in subsection 4 and NRS 33.146, a law enforcement officer shall enforce a Canadian domestic-violence protection order 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.

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

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

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

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

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

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

13 3. The fact that a Canadian domestic-violence protection order has not been
14 registered or included in the Repository for Information Concerning Orders for
15 Protection ~~[Against Domestic Violence]~~ in the Central Repository for Nevada
16 Records of Criminal History pursuant to NRS 33.095 or in any national crime
17 information database is not grounds for a law enforcement officer to refuse to
18 enforce the terms of the order unless it is apparent to the officer that the order is not
19 authentic on its face.

20 4. If a law enforcement officer determines that an otherwise valid Canadian
21 domestic-violence protection order cannot be enforced because the adverse party
22 has not been notified of or served with the order, the officer shall notify the
23 protected person that the officer will make reasonable efforts to contact the adverse
24 party, consistent with the safety of the protected person. After notice to the
25 protected person and consistent with the safety of the protected person, the law
26 enforcement officer shall make a reasonable effort to inform the adverse party of the
27 order, notify the adverse party of the terms of the order, provide a record of the
28 order, if available, to the adverse party and allow the adverse party a reasonable
29 opportunity to comply with the order before the officer enforces the order.

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

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

33 125.560 ~~[A]~~

34 1. ~~[Unless a more severe penalty is prescribed by law for an act that~~
35 ~~constitutes a violation of a restraining order or injunction, any]~~ A person who
36 intentionally violates a restraining order or injunction ~~[~~

37 ~~—1. That] that~~ is in the nature of a temporary or extended order for protection
38 against domestic violence ~~[~~ and

39 ~~[2. That] that~~ is issued in an action or proceeding brought pursuant to this title
40 ~~[~~

41 ~~↪ is guilty of] shall be punished:~~

42 (a) *Where the order or injunction is in the nature of a temporary order for*
43 *protection against domestic violence, for a misdemeanor .* ~~[, unless a more severe~~
44 ~~penalty is prescribed by law for the act that constitutes the violation of the order or~~
45 ~~injunction.]~~

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

48 (1) *The person has not previously violated an extended order for*
49 *protection against domestic violence, for a* ~~[gross]~~ *misdemeanor; [or]*

50 (2) *The person has previously violated an extended order for protection*
51 *against domestic violence one time, for a gross misdemeanor; or*

(3) The person has previously violated an extended order for protection against domestic violence ~~for two or more times~~, for a category D felony and shall be punished as provided in NRS 193.130.

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. 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 [or 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.] (Deleted by amendment.)~~

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,]~~ 10, 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]~~ 10.7 of this act ~~[; and]~~

(c) Temporary and extended orders for protection against a person alleged to have committed the crime of sexual assault issued in this State pursuant to section 10.3 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]~~ sections 10.3 and 10.7 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.] 5. The information in the Repository for Information Concerning Orders for Protection Against Domestic Violence must~~

~~(a) Must~~ must be accessible by computer at all times to each agency of criminal justice. ~~4.]~~

~~4.] and~~

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

6. The Repository for Information Concerning Orders for Protection shall retain all records of an expired temporary or extended order for protection unless such an order is sealed by a court of competent jurisdiction.

7. 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.] 8.~~ 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, 200.378 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, 200.378 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.

~~5-8.] 9.~~ The information provided pursuant to subsection ~~4-7.] 8~~ must include only aggregate information for statistical purposes and must exclude any identifying information relating to a particular person.

~~6-9.] 10.~~ 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.

~~7-10.] 11.~~ 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] 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.] (Deleted by amendment.)~~

Sec. 10. Chapter 200 of NRS is hereby amended by adding thereto ~~a new section to read as follows:~~ the provisions set forth as sections 10.3 and 10.7 of this act.

Sec. 10.3. Any time a court issues a temporary or extended order for protection against a person alleged to have committed the crime of sexual assault and any time a person serves such an order, or receives any information or takes any other action pursuant to this section and NRS 200.378 to 200.3783, 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. 10.7. Any time a court issues a temporary or extended order for protection against stalking, aggravated stalking or harassment and any time a

1 *person serves such an order, or receives any information or takes any other*
2 *action pursuant to this section and NRS 200.571 to 200.601, inclusive, the court*
3 *or person, as applicable, shall cause to be transmitted, in the manner prescribed*
4 *by the Central Repository for Nevada Records of Criminal History, any*
5 *information required by the Central Repository in a manner which ensures that*
6 *the information is received by the Central Repository by the end of the next*
7 *business day.*

8 **Sec. 11.** ~~NRS 200.591 is hereby amended to read as follows:~~

9 ~~200.591 1. In addition to any other remedy provided by law, a person who~~
10 ~~reasonably believes that the crime of stalking, aggravated stalking or harassment is~~
11 ~~being committed against him or her by another person may petition any court of~~
12 ~~competent jurisdiction for a temporary or extended order directing the person who~~
13 ~~is allegedly committing the crime to:~~

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

16 ~~(b) Refrain from contacting, intimidating, threatening or otherwise interfering~~
17 ~~with the victim of the alleged crime and any other person named in the order,~~
18 ~~including, without limitation, a member of the family or the household of the victim~~
19 ~~of the alleged crime.~~

20 ~~(c) Comply with any other restriction which the court deems necessary to~~
21 ~~protect the victim of the alleged crime or to protect any other person named in the~~
22 ~~order, including, without limitation, a member of the family or the household of the~~
23 ~~victim of the alleged crime.~~

24 ~~2. If a defendant charged with a crime involving harassment, stalking or~~
25 ~~aggravated stalking is released from custody before trial or is found guilty at the~~
26 ~~trial, the court may issue a temporary or extended order or provide as a condition of~~
27 ~~the release or sentence that the defendant:~~

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

30 ~~(b) Refrain from contacting, intimidating, threatening or otherwise interfering~~
31 ~~with the victim of the alleged crime and any other person named in the order,~~
32 ~~including, without limitation, a member of the family or the household of the victim~~
33 ~~of the alleged crime.~~

34 ~~(c) Comply with any other restriction which the court deems necessary to~~
35 ~~protect the victim of the alleged crime or to protect any other person named in the~~
36 ~~order, including, without limitation, a member of the family or the household of the~~
37 ~~victim of the alleged crime.~~

38 ~~3. A temporary order may be granted with or without notice to the adverse~~
39 ~~party. An extended order may be granted only after:~~

40 ~~(a) Notice of the petition for the order and of the hearing thereon is served~~
41 ~~upon the adverse party pursuant to the Nevada Rules of Civil Procedure; and~~

42 ~~(b) A hearing is held on the petition.~~

43 ~~4. Notwithstanding any other provision of law, in any hearing on a petition~~
44 ~~for an extended order pursuant to this section:~~

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

47 ~~(b) If the adverse party desires to present evidence of any specific instance of~~
48 ~~previous sexual conduct of the petitioner, the court must first determine that such~~
49 ~~evidence is relevant towards the issue of the credibility of the petitioner or it is~~
50 ~~material to a fact at issue and the probative value outweighs any prejudicial~~
51 ~~effect. If the court makes such a determination, it may admit evidence of the~~
52 ~~specific instance of previous sexual conduct of the petitioner for the purpose of~~
53 ~~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.~~

~~[5.] 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.~~

~~[6.] 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.~~

~~[7.] 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.] (Deleted by amendment.)~~

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.] (Deleted by amendment.)~~

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

2 200.594 1. A temporary order issued pursuant to NRS 200.591 expires
3 within such time, not to exceed 30 ~~145~~ days, as the court fixes. If a petition for an
4 extended order is filed within the period of a temporary order, the temporary order
5 remains in effect until the hearing on the extended order is held.

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

10 3. An extended order expires within such time, not to exceed ~~1 year, 5~~ 2
11 years, as the court fixes. A temporary order may be converted by the court, upon
12 notice to the adverse party and a hearing, into an extended order effective for no
13 more than ~~1 year, 5~~ 2 years.

14 4. The court shall enter a finding of fact providing the basis for the
15 imposition of an extended order effective for more than 1 year.

16 5. At any time while the extended order is in effect, the party who obtained
17 the extended order or the adverse party may appear and move for its dissolution
18 or modification based on changes of circumstance of the parties, and in that
19 event the court shall proceed to hear and determine such motion as expeditiously
20 as the ends of justice require.

21 6. This section must not be construed to limit the adverse party to an
22 interlocutory appeal pursuant to NRS 200.591.

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

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