

ASSEMBLY BILL NO. 400—COMMITTEE ON JUDICIARY

MARCH 25, 2021

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to prohibited acts concerning the use of marijuana and the operation of a vehicle or vessel. (BDR 43-485)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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

Legislative Counsel’s Digest:

1 Existing law prohibits a person from driving or being in actual physical control
2 of a vehicle or commercial motor vehicle on a highway or on premises to which the
3 public has access or operating or being in actual physical control of a vessel under
4 power or sail on the waters of this State if the person: (1) is under the influence of
5 intoxicating liquor or a controlled substance; (2) has specified amounts of certain
6 prohibited substances in his or her blood or urine; or (3) has specified amounts of
7 marijuana or marijuana metabolite in his or her blood. (NRS 484C.110, 484C.120,
8 488.410) **Sections 1, 2 and 6** of this bill remove the prohibition against such a
9 person having specified amounts of marijuana or marijuana metabolite in his or her
10 blood, thereby providing that a person who uses marijuana is subject to the general
11 prohibition against driving or being in actual physical control of a vehicle or
12 commercial motor vehicle on a highway or on premises to which the public has
13 access or operating or being in actual physical control of a vessel under power or
14 sail on the waters of this State if the person is under the influence of a controlled
15 substance. **Sections 3-5 and 7-17** of this bill make conforming changes to remove
16 references in the Nevada Revised Statutes to marijuana or marijuana metabolite in a
17 person’s blood.

18 Existing law prohibits a child who is taken into custody or a person who is
19 arrested for violating a temporary or extended order for protection against domestic
20 violence, stalking, aggravated stalking, harassment or sexual assault from being
21 released from custody or admitted to bail, as applicable, sooner than 12 hours after
22 being taken into custody or arrested in certain circumstances, including if the child
23 or person has, at the time of or within 2 hours after the violation, an amount of
24 marijuana or marijuana metabolite in his or her system that is equal to or greater



25 than the amount that prohibits a person from driving or being in actual physical
26 control of a vehicle on a highway or on premises to which the public has access.
27 (NRS 62C.020, 178.484) Under the conforming changes made in **sections 11 and**
28 **14** of this bill, respectively, a child who is taken into custody or a person who is
29 arrested for violating any such order for protection and is under the influence of
30 marijuana is no longer subject to such a prohibition.

31 Existing law provides that in certain circumstances compensation is not payable
32 to employees in this State for an injury that occurred while an employee was under
33 the influence of a controlled or prohibited substance unless the employee can prove
34 that being under the influence of a controlled or prohibited substance was not the
35 proximate cause of the injury. Existing law specifies when an employee is under
36 the influence of a controlled or prohibited substance for the purpose of such a
37 provision, including when the employee has an amount of marijuana or marijuana
38 metabolite in his or her system that is equal to or greater than the amount that
39 prohibits a person from driving or being in actual physical control of a vehicle on a
40 highway or on premises to which the public has access and for which the employee
41 does not have a current and lawful prescription. (NRS 616C.230) Under the
42 conforming changes made in **section 17** of this bill, an employee who is under the
43 influence of marijuana is no longer subject to such a provision.

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

1 **Section 1.** NRS 484C.110 is hereby amended to read as
2 follows:

3 484C.110 1. It is unlawful for any person who:

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

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

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

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

12 2. It is unlawful for any person who:

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

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

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

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



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

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

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

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

(a) Marijuana (delta 9 tetrahydrocannabinol)	2
(b) Marijuana metabolite (11-OH tetrahydrocannabinol)	5

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



~~16.1~~ 5. A person who violates any provision of this section may be subject to any additional penalty set forth in NRS 484B.130 or 484B.135.

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

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

- (a) Is under the influence of intoxicating liquor;
- (b) Has a concentration of alcohol of 0.04 or more but less than 0.08 in his or her blood or breath; or

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

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

2. It is unlawful for any person who:

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

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

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

The fact that any person charged with a violation of this subsection is or has been entitled to use that drug under the laws of this State is not a defense against any charge of violating this subsection.

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

Prohibited substance	Urine Nanograms per milliliter	Blood Nanograms per milliliter
(a) Amphetamine	500	100
(b) Cocaine	150	50
(c) Cocaine metabolite	150	50
(d) Heroin	2,000	50
(e) Heroin metabolite:		
(1) Morphine	2,000	50
(2) 6-monoacetyl morphine	10	10



	Urine	Blood
Prohibited substance	Nanograms per milliliter	Nanograms per milliliter
(f) Lysergic acid diethylamide	25	10
(g) Methamphetamine	500	100
(h) Phencyclidine	25	10

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

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

~~5.]~~ If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the commercial motor vehicle, and before his or her blood or breath was tested, to cause the defendant to have a concentration of alcohol of 0.04 or more in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

~~6.]~~ 5. A person who violates any provision of this section may be subject to any additional penalty set forth in NRS 484B.130 or 484B.135.

~~7.]~~ 6. As used in this section:

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

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

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



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

3 (4) Regardless of size, is used in the transportation of
4 materials which are considered to be hazardous for the purposes of
5 the federal Hazardous Materials Transportation Act, 49 U.S.C. §§
6 5101 et seq., and for which the display of identifying placards is
7 required pursuant to 49 C.F.R. Part 172, Subpart F.

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

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

13 484C.130 1. A person commits vehicular homicide if the
14 person:

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

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

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

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

23 (4) Is under the influence of a controlled substance or is
24 under the combined influence of intoxicating liquor and a controlled
25 substance;

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

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

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

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

37 2. If consumption is proven by a preponderance of the
38 evidence, it is an affirmative defense under subparagraph (3) of
39 paragraph (a) of subsection 1 that the defendant consumed a
40 sufficient quantity of alcohol after driving or being in actual
41 physical control of the vehicle, and before his or her blood or breath
42 was tested, to cause the defendant to have a concentration of alcohol
43 of 0.08 or more in his or her blood or breath. A defendant who
44 intends to offer this defense at a trial or preliminary hearing must,
45 not less than 14 days before the trial or hearing or at such other time



1 as the court may direct, file and serve on the prosecuting attorney a
2 written notice of that intent.

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

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

5 (b) A homicide resulting from driving or being in actual
6 physical control of a vehicle while under the influence of
7 intoxicating liquor or a controlled substance or resulting from any
8 other conduct prohibited by this section or NRS 484C.110 or
9 484C.430; or

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

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

13 484C.160 1. Except as otherwise provided in subsections 4
14 and 5, any person who drives or is in actual physical control of a
15 vehicle on a highway or on premises to which the public has access
16 shall be deemed to have given his or her consent to an evidentiary
17 test of his or her blood, urine, breath or other bodily substance to
18 determine the concentration of alcohol in his or her blood or breath
19 or to determine whether a controlled substance, chemical, poison,
20 organic solvent or another prohibited substance is present, if such a
21 test is administered at the request of a police officer having
22 reasonable grounds to believe that the person to be tested was:

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

26 (b) Engaging in any other conduct prohibited by NRS 484C.110,
27 484C.120, 484C.130 or 484C.430.

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

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

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

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

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



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

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

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

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

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

21 7. ~~If the presence of marijuana in the blood of the person is in~~
22 ~~issue, the officer may request that the person submit to a blood test.~~
23 ~~—8.]~~ Except as otherwise provided in subsections 4 and 6, a
24 police officer shall not request that a person submit to a urine test.

25 ~~9.]~~ 8. If a person to be tested fails to submit to a required test
26 as requested by a police officer pursuant to this section and the
27 officer has reasonable grounds to believe that the person to be tested
28 was:

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

32 (b) Engaging in any other conduct prohibited by NRS 484C.110,
33 484C.120, 484C.130 or 484C.430,

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

37 ~~10.]~~ 9. If a person who is less than 18 years of age is
38 requested to submit to an evidentiary test pursuant to this section,
39 the officer shall, before testing the person, make a reasonable
40 attempt to notify the parent, guardian or custodian of the person, if
41 known.

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

43 484C.430 1. Unless a greater penalty is provided pursuant to
44 NRS 484C.440, a person who:

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



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

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

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

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

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

16 ↪ and does any act or neglects any duty imposed by law while
17 driving or in actual physical control of any vehicle on or off the
18 highways of this State, if the act or neglect of duty proximately
19 causes the death of, or substantial bodily harm to, another person, is
20 guilty of a category B felony and shall be punished by imprisonment
21 in the state prison for a minimum term of not less than 2 years and a
22 maximum term of not more than 20 years and must be further
23 punished by a fine of not less than \$2,000 nor more than \$5,000. A
24 person so imprisoned must, insofar as practicable, be segregated
25 from offenders whose crimes were violent and, insofar as
26 practicable, be assigned to an institution or facility of minimum
27 security.

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

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



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

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

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

488.410 1. It is unlawful for any person who:

- (a) Is under the influence of intoxicating liquor;
- (b) Has a concentration of alcohol of 0.08 or more in his or her blood or breath; or

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

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

2. It is unlawful for any person who:

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

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

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

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

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



	Urine	Blood
Prohibited substance	Nanograms per milliliter	Nanograms per milliliter
(g) Methamphetamine	500	100
(h) Phencyclidine	25	10

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

- ~~_____ Blood~~
- ~~_____ Nanograms per~~
- ~~_____ Prohibited substance _____ milliliter~~
- ~~— (a) Marijuana (delta 9 tetrahydrocannabinol) — 2~~
- ~~— (b) Marijuana metabolite (11-OH tetrahydrocannabinol) — 5~~

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

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

Sec. 7. NRS 488.420 is hereby amended to read as follows:
488.420 1. Unless a greater penalty is provided pursuant to NRS 488.425, a person who:

- (a) Is under the influence of intoxicating liquor;
- (b) Has a concentration of alcohol of 0.08 or more in his or her blood or breath;
- (c) Is found by measurement within 2 hours after operating or being in actual physical control of a vessel under power or sail to have a concentration of alcohol of 0.08 or more in his or her blood or breath;
- (d) Is under the influence of a controlled substance or is under the combined influence of intoxicating liquor and a controlled substance;



1 (e) Inhales, ingests, applies or otherwise uses any chemical,
2 poison or organic solvent, or any compound or combination of any
3 of these, to a degree which renders the person incapable of safely
4 operating or being in actual physical control of a vessel under power
5 or sail; or

6 (f) Has a prohibited substance in his or her blood or urine, as
7 applicable, in an amount that is equal to or greater than the amount
8 set forth in subsection 3 ~~for 4~~ of NRS 488.410,

9 ➔ and does any act or neglects any duty imposed by law while
10 operating or being in actual physical control of any vessel under
11 power or sail, if the act or neglect of duty proximately causes the
12 death of, or substantial bodily harm to, another person, is guilty of a
13 category B felony and shall be punished by imprisonment in the
14 state prison for a minimum term of not less than 2 years and a
15 maximum term of not more than 20 years and shall be further
16 punished by a fine of not less than \$2,000 nor more than \$5,000. A
17 person so imprisoned must, insofar as practicable, be segregated
18 from offenders whose crimes were violent and, insofar as
19 practicable, be assigned to an institution or facility of minimum
20 security.

21 2. A prosecuting attorney shall not dismiss a charge of
22 violating the provisions of subsection 1 in exchange for a plea of
23 guilty, guilty but mentally ill or nolo contendere to a lesser charge or
24 for any other reason unless the prosecuting attorney knows or it is
25 obvious that the charge is not supported by probable cause or cannot
26 be proved at the time of trial. A sentence imposed pursuant to
27 subsection 1 must not be suspended, and probation must not be
28 granted.

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

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

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

44 488.425 1. A person commits homicide by vessel if the
45 person:



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

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

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

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

10 (4) Is under the influence of a controlled substance or is
11 under the combined influence of intoxicating liquor and a controlled
12 substance;

13 (5) Inhales, ingests, applies or otherwise uses any chemical,
14 poison or organic solvent, or any compound or combination of any
15 of these, to a degree which renders the person incapable of safely
16 operating or exercising actual physical control of a vessel under
17 power or sail; or

18 (6) Has a prohibited substance in his or her blood or urine, as
19 applicable, in an amount that is equal to or greater than the amount
20 set forth in subsection 3 ~~for 4~~ of NRS 488.410;

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

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

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

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

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

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

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

43 5. If consumption is proven by a preponderance of the
44 evidence, it is an affirmative defense under subparagraph (3) of
45 paragraph (a) of subsection 1 that the defendant consumed a



1 sufficient quantity of alcohol after operating or being in actual
2 physical control of the vessel, and before his or her blood or breath
3 was tested, to cause the defendant to have a concentration of alcohol
4 of 0.08 or more in his or her blood or breath. A defendant who
5 intends to offer this defense at a trial or preliminary hearing must,
6 not less than 14 days before the trial or hearing or at such other time
7 as the court may direct, file and serve on the prosecuting attorney a
8 written notice of that intent.

9 6. If the defendant was transporting a person who is less than
10 15 years of age in the vessel at the time of the violation, the court
11 shall consider that fact as an aggravating factor in determining the
12 sentence of the defendant.

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

14 (a) A violation of NRS 488.410 or 488.420;

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

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

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

22 488.460 1. Except as otherwise provided in subsections 3 and
23 4, a person who operates or is in actual physical control of a vessel
24 under power or sail on the waters of this State shall be deemed to
25 have given consent to an evidentiary test of his or her blood, urine,
26 breath or other bodily substance to determine the concentration of
27 alcohol in his or her blood or breath or to determine whether a
28 controlled substance, chemical, poison, organic solvent or another
29 prohibited substance is present, if such a test is administered at the
30 request of a peace officer having reasonable grounds to believe that
31 the person to be tested was:

32 (a) Operating or in actual physical control of a vessel under
33 power or sail while under the influence of intoxicating liquor or a
34 controlled substance or with a prohibited substance in his or her
35 blood or urine; or

36 (b) Engaging in any other conduct prohibited by NRS 488.410,
37 488.420 or 488.425.

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

41 3. Any person who is afflicted with hemophilia or with a heart
42 condition requiring the use of an anticoagulant as determined by a
43 physician is exempt from any blood test which may be required
44 pursuant to this section, but must, when appropriate pursuant to the



1 provisions of this section, be required to submit to a breath or urine
2 test.

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

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

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

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

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

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

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

28 6. ~~If the presence of marijuana in the blood of the person is in~~
29 ~~issue, the officer may request that the person submit to a blood test.~~

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

32 ~~[8.]~~ 7. If a person to be tested fails to submit to a required test
33 as requested by a peace officer pursuant to this section and the
34 officer has reasonable grounds to believe that the person to be tested
35 was:

36 (a) Operating or in actual physical control of a vessel under
37 power or sail while under the influence of intoxicating liquor or a
38 controlled substance or with a prohibited substance in his or her
39 blood or urine; or

40 (b) Engaging in any other conduct prohibited by NRS 488.410,
41 488.420 or 488.425,

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



1 ~~9.1~~ 8. If a person who is less than 18 years of age is requested
2 to submit to an evidentiary test pursuant to this section, the officer
3 shall, before testing the person, make a reasonable attempt to notify
4 the parent, guardian or custodian of the person, if known.

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

6 33.030 1. The court by a temporary order may:

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

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

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

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

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

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

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

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

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

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

35 (c) Order the adverse party to:

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

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

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



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

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

6 3. If an extended order is issued by a justice court, an
7 interlocutory appeal lies to the district court, which may affirm,
8 modify or vacate the order in question. The appeal may be taken
9 without bond, but its taking does not stay the effect or enforcement
10 of the order.

11 4. A temporary or extended order must specify, as applicable,
12 the county and city, if any, in which the residence, school, child care
13 facility or other provider of child care, and place of employment of
14 the applicant or minor child are located.

15 5. A temporary or extended order must provide notice that:

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

18 (b) A person who is arrested for violating the order will not be
19 admitted to bail sooner than 12 hours after the person's arrest if:

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

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

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

26 (I) A concentration of alcohol of 0.08 or more in the
27 person's blood or breath; or

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

31 **Sec. 11.** NRS 62C.020 is hereby amended to read as follows:

32 62C.020 1. A child must not be released from custody sooner
33 than 12 hours after the child is taken into custody if the child is
34 taken into custody for committing a battery that constitutes domestic
35 violence pursuant to NRS 33.018, unless the peace officer or
36 probation officer who has taken the child into custody determines
37 that the child does not otherwise meet the criteria for secure
38 detention and:

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

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

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



1 2. A child must not be released from custody sooner than 12
2 hours after the child is taken into custody if the child is taken into
3 custody for violating a temporary or extended order for protection
4 against domestic violence issued pursuant to NRS 33.017 to 33.100,
5 inclusive, or for violating a restraining order or injunction that is in
6 the nature of a temporary or extended order for protection against
7 domestic violence issued in an action or proceeding brought
8 pursuant to title 11 of NRS, or for violating a temporary or extended
9 order for protection against stalking, aggravated stalking or
10 harassment issued pursuant to NRS 200.591 or for violating a
11 temporary or extended order for protection against sexual assault
12 issued pursuant to NRS 200.378 and:

13 (a) The peace officer or probation officer who has taken the
14 child into custody determines that such a violation is accompanied
15 by a direct or indirect threat of harm;

16 (b) The child has previously violated a temporary or extended
17 order for protection of the type for which the child has been taken
18 into custody; or

19 (c) At the time of the violation or within 2 hours after the
20 violation, the child has:

21 (1) A concentration of alcohol of 0.08 or more in his or her
22 blood or breath; or

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

26 3. For the purposes of this section, an order or injunction is in
27 the nature of a temporary or extended order for protection against
28 domestic violence if it grants relief that might be given in a
29 temporary or extended order issued pursuant to NRS 33.017 to
30 33.100, inclusive.

31 **Sec. 12.** NRS 125.555 is hereby amended to read as follows:

32 125.555 1. A restraining order or injunction that is in the
33 nature of a temporary or extended order for protection against
34 domestic violence which is issued in an action or proceeding
35 brought pursuant to this title must provide notice that a person who
36 is arrested for violating the order or injunction will not be admitted
37 to bail sooner than 12 hours after the person's arrest if:

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

40 (b) The person has previously violated a temporary or extended
41 order for protection; or

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

44 (1) A concentration of alcohol of 0.08 or more in his or her
45 blood or breath; or



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

4 2. For the purposes of this section, an order or injunction is in
5 the nature of a temporary or extended order for protection against
6 domestic violence if it grants relief that might be given in a
7 temporary or extended order issued pursuant to NRS 33.017 to
8 33.100, inclusive.

9 **Sec. 13.** NRS 171.1225 is hereby amended to read as follows:

10 171.1225 1. When investigating an act of domestic violence,
11 a peace officer shall:

12 (a) Make a good faith effort to explain the provisions of NRS
13 171.137 pertaining to domestic violence and advise victims of all
14 reasonable means to prevent further abuse, including advising each
15 person of the availability of a shelter or other services in the
16 community.

17 (b) Provide a person suspected of being the victim of an act of
18 domestic violence with a written copy of the following statements:

19 (1) My name is Officer (naming the
20 investigating officer). Nevada law requires me to inform you of the
21 following information.

22 (2) If I have probable cause to believe that a battery has been
23 committed against you, your minor child or the minor child of the
24 person believed to have committed the battery in the last 24 hours
25 by your spouse, your former spouse, any other person to whom you
26 are related by blood or marriage, a person with whom you have had
27 or are having a dating relationship or a person with whom you have
28 a child in common, I am required, unless mitigating circumstances
29 exist, to arrest the person suspected of committing the battery.

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

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

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

44 (I) Stop threatening, harassing or injuring you or your
45 children;



- 1 (II) Move out of your residence;
- 2 (III) Stay away from your place of employment;
- 3 (IV) Stay away from the school attended by your
- 4 children;
- 5 (V) Stay away from any place you or your children
- 6 regularly go;
- 7 (VI) Avoid or limit all communication with you or your
- 8 children;
- 9 (VII) Stop physically injuring, threatening to injure or
- 10 taking possession of any animal that is owned or kept by you or
- 11 your children, either directly or through an agent; and
- 12 (VIII) Stop physically injuring or threatening to injure
- 13 any animal that is owned or kept by the person who committed or
- 14 threatened the act or his or her children, either directly or through an
- 15 agent.

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

- 19 (I) Pay the rent or mortgage due on the place in which
- 20 you live;
- 21 (II) Pay the amount of money necessary for the support of
- 22 your children;
- 23 (III) Pay part or all of the costs incurred by you in
- 24 obtaining the order for protection; and
- 25 (IV) Comply with the arrangements specified for the
- 26 possession and care of any animal owned or kept by you or your
- 27 children or by the person who committed or threatened the act or his
- 28 or her children.

29 (7) To get an order for protection, go to room number
30 (state the room number of the office at the court) at the court, which
31 is located at (state the address of the court). Ask the
32 clerk of the court to provide you with the forms for an order of
33 protection.

34 (8) If the person who committed or threatened the act of
35 domestic violence against you violates the terms of an order for
36 protection, the person may be arrested and, if:

- 37 (I) The arresting officer determines that such a violation
- 38 is accompanied by a direct or indirect threat of harm;
- 39 (II) The person has previously violated a temporary or
- 40 extended order for protection; or
- 41 (III) At the time of the violation or within 2 hours after
- 42 the violation, the person has a concentration of alcohol of 0.08 or
- 43 more in the person's blood or breath or an amount of a prohibited
- 44 substance in the person's blood or urine, as applicable, that is equal



1 to or greater than the amount set forth in subsection 3 ~~for 4~~ of
2 NRS 484C.110,

3 → the person will not be admitted to bail sooner than 12 hours after
4 arrest.

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

11 2. The failure of a peace officer to carry out the requirements
12 set forth in subsection 1 is not a defense in a criminal prosecution
13 for the commission of an act of domestic violence, nor may such an
14 omission be considered as negligence or as causation in any civil
15 action against the peace officer or the officer's employer.

16 3. As used in this section:

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

- 23 (1) A battery.
- 24 (2) An assault.
- 25 (3) Compelling the other by force or threat of force to
26 perform an act from which he or she has the right to refrain or to
27 refrain from an act which he or she has the right to perform.
- 28 (4) A sexual assault.
- 29 (5) A knowing, purposeful or reckless course of conduct
30 intended to harass the other. Such conduct may include, but is not
31 limited to:

- 32 (I) Stalking.
- 33 (II) Arson.
- 34 (III) Trespassing.
- 35 (IV) Larceny.
- 36 (V) Destruction of private property.
- 37 (VI) Carrying a concealed weapon without a permit.
- 38 (VII) Injuring or killing an animal.
- 39 (6) False imprisonment.
- 40 (7) Unlawful entry of the other's residence, or forcible entry
41 against the other's will if there is a reasonably foreseeable risk of
42 harm to the other from the entry.

43 (b) "Dating relationship" means frequent, intimate associations
44 primarily characterized by the expectation of affectional or sexual



1 involvement. The term does not include a casual relationship or an
2 ordinary association between persons in a business or social context.

3 **Sec. 14.** NRS 178.484 is hereby amended to read as follows:

4 178.484 1. Except as otherwise provided in this section, a
5 person arrested for an offense other than murder of the first degree
6 must be admitted to bail.

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

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

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

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

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

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

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

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

31 5. A person arrested for a violation of NRS 484C.110,
32 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who
33 is under the influence of intoxicating liquor must not be admitted to
34 bail or released on the person's own recognizance unless the person
35 has a concentration of alcohol of less than 0.04 in his or her breath.
36 A test of the person's breath pursuant to this subsection to determine
37 the concentration of alcohol in his or her breath as a condition of
38 admission to bail or release is not admissible as evidence against the
39 person.

40 6. A person arrested for a violation of NRS 484C.110,
41 484C.120, 484C.130, 484C.430, 488.410, 488.420 or 488.425 who
42 is under the influence of a controlled substance, is under the
43 combined influence of intoxicating liquor and a controlled
44 substance, or inhales, ingests, applies or otherwise uses any
45 chemical, poison or organic solvent, or any compound or



1 combination of any of these, to a degree which renders the person
2 incapable of safely driving or exercising actual physical control of a
3 vehicle or vessel under power or sail must not be admitted to bail or
4 released on the person's own recognizance sooner than 12 hours
5 after arrest.

6 7. A person arrested for a battery that constitutes domestic
7 violence pursuant to NRS 33.018 must not be admitted to bail
8 sooner than 12 hours after arrest. If the person is admitted to bail
9 more than 12 hours after arrest, without appearing personally before
10 a magistrate or without the amount of bail having been otherwise set
11 by a magistrate or a court, the amount of bail must be:

12 (a) Three thousand dollars, if the person has no previous
13 convictions of battery that constitute domestic violence pursuant to
14 NRS 33.018 and there is no reason to believe that the battery for
15 which the person has been arrested resulted in substantial bodily
16 harm or was committed by strangulation;

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

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

23 (2) One previous conviction of battery that constitutes
24 domestic violence pursuant to NRS 33.018, but there is no reason to
25 believe that the battery for which the person has been arrested
26 resulted in substantial bodily harm or was committed by
27 strangulation; or

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

29 (1) One previous conviction of battery that constitutes
30 domestic violence pursuant to NRS 33.018 and there is reason to
31 believe that the battery for which the person has been arrested
32 resulted in substantial bodily harm or was committed by
33 strangulation; or

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

36 ➤ The provisions of this subsection do not affect the authority of a
37 magistrate or a court to set the amount of bail when the person
38 personally appears before the magistrate or the court, or when a
39 magistrate or a court has otherwise been contacted to set the amount
40 of bail. For the purposes of this subsection, a person shall be
41 deemed to have a previous conviction of battery that constitutes
42 domestic violence pursuant to NRS 33.018 if the person has been
43 convicted of such an offense in this State or has been convicted of
44 violating a law of any other jurisdiction that prohibits the same or
45 similar conduct.



1 8. A person arrested for violating a temporary or extended
2 order for protection against domestic violence issued pursuant to
3 NRS 33.017 to 33.100, inclusive, or for violating a restraining order
4 or injunction that is in the nature of a temporary or extended order
5 for protection against domestic violence issued in an action or
6 proceeding brought pursuant to title 11 of NRS, or for violating a
7 temporary or extended order for protection against stalking,
8 aggravated stalking or harassment issued pursuant to NRS 200.591,
9 or for violating a temporary or extended order for protection against
10 sexual assault pursuant to NRS 200.378 must not be admitted to bail
11 sooner than 12 hours after arrest if:

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

14 (b) The person has previously violated a temporary or extended
15 order for protection of the type for which the person has been
16 arrested; or

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

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

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

24 9. If a person is admitted to bail more than 12 hours after
25 arrest, pursuant to subsection 8, without appearing personally before
26 a magistrate or without the amount of bail having been otherwise set
27 by a magistrate or a court, the amount of bail must be:

28 (a) Three thousand dollars, if the person has no previous
29 convictions of violating a temporary or extended order for
30 protection against domestic violence issued pursuant to NRS 33.017
31 to 33.100, inclusive, or of violating a restraining order or injunction
32 that is in the nature of a temporary or extended order for protection
33 against domestic violence issued in an action or proceeding brought
34 pursuant to title 11 of NRS, or of violating a temporary or extended
35 order for protection against stalking, aggravated stalking or
36 harassment issued pursuant to NRS 200.591, or of violating a
37 temporary or extended order for protection against sexual assault
38 pursuant to NRS 200.378;

39 (b) Five thousand dollars, if the person has one previous
40 conviction of violating a temporary or extended order for protection
41 against domestic violence issued pursuant to NRS 33.017 to 33.100,
42 inclusive, or of violating a restraining order or injunction that is in
43 the nature of a temporary or extended order for protection against
44 domestic violence issued in an action or proceeding brought
45 pursuant to title 11 of NRS, or of violating a temporary or extended



1 order for protection against stalking, aggravated stalking or
2 harassment issued pursuant to NRS 200.591, or of violating a
3 temporary or extended order for protection against sexual assault
4 pursuant to NRS 200.378; or

5 (c) Fifteen thousand dollars, if the person has two or more
6 previous convictions of violating a temporary or extended order for
7 protection against domestic violence issued pursuant to NRS 33.017
8 to 33.100, inclusive, or of violating a restraining order or injunction
9 that is in the nature of a temporary or extended order for protection
10 against domestic violence issued in an action or proceeding brought
11 pursuant to title 11 of NRS, or of violating a temporary or extended
12 order for protection against stalking, aggravated stalking or
13 harassment issued pursuant to NRS 200.591, or of violating a
14 temporary or extended order for protection against sexual assault
15 pursuant to NRS 200.378.

16 ↪ The provisions of this subsection do not affect the authority of a
17 magistrate or a court to set the amount of bail when the person
18 personally appears before the magistrate or the court or when a
19 magistrate or a court has otherwise been contacted to set the amount
20 of bail. For the purposes of this subsection, a person shall be
21 deemed to have a previous conviction of violating a temporary or
22 extended order for protection against domestic violence issued
23 pursuant to NRS 33.017 to 33.100, inclusive, or of violating a
24 restraining order or injunction that is in the nature of a temporary or
25 extended order for protection against domestic violence issued in an
26 action or proceeding brought pursuant to title 11 of NRS, or of
27 violating a temporary or extended order for protection against
28 stalking, aggravated stalking or harassment issued pursuant to NRS
29 200.591, or of violating a temporary or extended order for
30 protection against sexual assault pursuant to NRS 200.378, if the
31 person has been convicted of such an offense in this State or has
32 been convicted of violating a law of any other jurisdiction that
33 prohibits the same or similar conduct.

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

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

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



1 (b) Prohibiting the person from contacting or attempting to
2 contact a specific person or from causing or attempting to cause
3 another person to contact that person on the person's behalf;

4 (c) Prohibiting the person from entering a certain geographic
5 area; or

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

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

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

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

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

16 13. An order issued pursuant to this section that imposes a
17 condition on a person admitted to bail must include a provision
18 ordering any law enforcement officer to arrest the person if the
19 officer has probable cause to believe that the person has violated a
20 condition of bail.

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

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

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

28 (c) If the person fails to appear when so ordered and is taken
29 into custody outside of this State, the person waives all rights
30 relating to extradition proceedings.

31 ➤ The signed document must be filed with the clerk of the court of
32 competent jurisdiction as soon as practicable, but in no event later
33 than the next business day.

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

38 16. For the purposes of subsections 8 and 9, an order or
39 injunction is in the nature of a temporary or extended order for
40 protection against domestic violence if it grants relief that might be
41 given in a temporary or extended order issued pursuant to NRS
42 33.017 to 33.100, inclusive.

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



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

2 200.378 1. In addition to any other remedy provided by law,
3 a person who reasonably believes that the crime of sexual assault
4 has been committed against him or her by another person may
5 petition any court of competent jurisdiction for a temporary or
6 extended order directing the person who allegedly committed the
7 sexual assault to:

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

11 (b) Refrain from contacting, intimidating, threatening or
12 otherwise interfering with the victim of the alleged sexual assault
13 and any other person named in the order, including, without
14 limitation, a member of the family or the household of the victim of
15 the alleged sexual assault.

16 (c) Comply with any other restriction which the court deems
17 necessary to protect the victim of the alleged sexual assault or to
18 protect any other person named in the order, including, without
19 limitation, a member of the family or the household of the victim of
20 the alleged sexual assault.

21 2. If a defendant charged with a crime involving sexual assault
22 is released from custody before trial or is found guilty at the trial,
23 the court may issue a temporary or extended order or provide as a
24 condition of the release or sentence that the defendant:

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

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

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

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

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

43 (b) A hearing is held on the petition.

44 4. If an extended order is issued by a justice court, an
45 interlocutory appeal lies to the district court, which may affirm,



1 modify or vacate the order in question. The appeal may be taken
2 without bond, but its taking does not stay the effect or enforcement
3 of the order.

4 5. Unless a more severe penalty is prescribed by law for the act
5 that constitutes the violation of the order, any person who
6 intentionally violates:

7 (a) A temporary order is guilty of a gross misdemeanor.

8 (b) An extended order is guilty of a category C felony and shall
9 be punished as provided in NRS 193.130.

10 6. Any court order issued pursuant to this section must:

11 (a) Be in writing;

12 (b) Be personally served on the person to whom it is directed;
13 and

14 (c) Contain the warning that violation of the order:

15 (1) Subjects the person to immediate arrest.

16 (2) Is a gross misdemeanor if the order is a temporary order.

17 (3) Is a category C felony if the order is an extended order.

18 7. A temporary or extended order issued pursuant to this
19 section must provide notice that a person who is arrested for
20 violating the order will not be admitted to bail sooner than 12 hours
21 after the arrest if:

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

24 (b) The person has previously violated a temporary or extended
25 order for protection; or

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

28 (1) A concentration of alcohol of 0.08 or more in his or her
29 blood or breath; or

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

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

34 200.591 1. In addition to any other remedy provided by law,
35 a person who reasonably believes that the crime of stalking,
36 aggravated stalking or harassment is being committed against him or
37 her by another person may petition any court of competent
38 jurisdiction for a temporary or extended order directing the person
39 who is allegedly committing the crime to:

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

43 (b) Refrain from contacting, intimidating, threatening or
44 otherwise interfering with the victim of the alleged crime and any
45 other person named in the order, including, without limitation, a



1 member of the family or the household of the victim of the alleged
2 crime.

3 (c) Comply with any other restriction which the court deems
4 necessary to protect the victim of the alleged crime or to protect any
5 other person named in the order, including, without limitation, a
6 member of the family or the household of the victim of the alleged
7 crime.

8 2. If a defendant charged with a crime involving harassment,
9 stalking or aggravated stalking is released from custody before trial
10 or is found guilty at the trial, the court may issue a temporary or
11 extended order or provide as a condition of the release or sentence
12 that the defendant:

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

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

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

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

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

31 (b) A hearing is held on the petition.

32 4. If an extended order is issued by a justice court, an
33 interlocutory appeal lies to the district court, which may affirm,
34 modify or vacate the order in question. The appeal may be taken
35 without bond, but its taking does not stay the effect or enforcement
36 of the order.

37 5. Unless a more severe penalty is prescribed by law for the act
38 that constitutes the violation of the order, any person who
39 intentionally violates:

40 (a) A temporary order is guilty of a gross misdemeanor.

41 (b) An extended order is guilty of a category C felony and shall
42 be punished as provided in NRS 193.130.

43 6. Any court order issued pursuant to this section must:

44 (a) Be in writing;



1 (b) Be personally served on the person to whom it is directed;
2 and

3 (c) Contain the warning that violation of the order:

4 (1) Subjects the person to immediate arrest.

5 (2) Is a gross misdemeanor if the order is a temporary order.

6 (3) Is a category C felony if the order is an extended order.

7 7. A temporary or extended order issued pursuant to this
8 section must provide notice that a person who is arrested for
9 violating the order will not be admitted to bail sooner than 12 hours
10 after the person's arrest if:

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

13 (b) The person has previously violated a temporary or extended
14 order for protection; or

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

17 (1) A concentration of alcohol of 0.08 or more in his or her
18 blood or breath; or

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

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

23 616C.230 1. Compensation is not payable pursuant to the
24 provisions of chapters 616A to 616D, inclusive, or chapter 617 of
25 NRS for an injury:

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

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

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

36 (d) That occurred while the employee was under the influence of
37 a controlled or prohibited substance, unless the employee can prove
38 by clear and convincing evidence that his or her being under the
39 influence of a controlled or prohibited substance was not the
40 proximate cause of the injury. For the purposes of this paragraph, an
41 employee is under the influence of a controlled or prohibited
42 substance if the employee had an amount of a controlled or
43 prohibited substance in his or her system at the time of his or her
44 injury that was equal to or greater than the limits set forth in
45 subsection 3 ~~for 4~~ of NRS 484C.110 and for which the employee



1 did not have a current and lawful prescription issued in the
2 employee's name.

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

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

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

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

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

26 4. If any employee persists in an unsanitary or injurious
27 practice that imperils or retards his or her recovery, or refuses to
28 submit to such medical or surgical treatment as is necessary to
29 promote his or her recovery, the employee's compensation may be
30 reduced or suspended.

31 5. An injured employee's compensation, other than accident
32 benefits, must be suspended if:

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

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

39 ↪ The compensation must be suspended until the injured employee
40 is able to resume treatment, testing or examination for the industrial
41 injury. The insurer may elect to pay for the treatment of the
42 nonindustrial condition or injury.

43 6. As used in this section, "prohibited substance" has the
44 meaning ascribed to it in NRS 484C.080.



1 **Sec. 18.** This act becomes effective on July 1, 2021.

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