

Amendment No. 722

Senate Amendment to Assembly Bill No. 400 First Reprint (BDR 43-485)

Proposed by: Senate Committee on Judiciary

Amendment Box: Replaces Amendment No. 666.

Amends: Summary: Yes 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.

KMN/NCA



Date: 5/21/2021

A.B. No. 400—Revises provisions relating to prohibited acts concerning the use of marijuana. (BDR 43-485)



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 ~~for commercial motor vehicle~~ and certain other controlled substances. (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 ~~for commercial motor vehicle~~ and certain other controlled substances; establishing provisions relating to administrative suspensions of commercial drivers' licenses, permits and driving privileges; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a person from driving or being in actual physical control of a vehicle ~~for commercial motor vehicle~~ on a highway or on premises to which the public has access or operating or being in actual physical control of a vessel under power or sail on the waters of this State if the person: (1) is under the influence of intoxicating liquor or a controlled substance; (2) has specified amounts of certain prohibited substances in his or her blood or urine; or (3) has specified amounts of marijuana or marijuana metabolite in his or her blood. (NRS 484C.110, ~~484C.120,~~ 488.410) ~~Sections 1, 2~~ For the purposes of any such offense punishable as a misdemeanor, sections 1.7 and 6 of this bill remove the prohibition against such a person having specified amounts of marijuana or marijuana metabolite in his or her blood, thereby providing that a person who uses marijuana is subject to the general prohibition against driving or being in actual physical control of a vehicle ~~for commercial motor vehicle~~ on a highway or on premises to which the public has access or operating or being in actual physical control of a vessel under power or sail on the waters of this State if the person is under the influence of a controlled substance. ~~Sections 3-5 and 7-16 of this bill make conforming changes to remove references in the Nevada Revised Statutes to marijuana or marijuana metabolite in a person's blood.~~

~~Existing law prohibits a child who is taken into custody or a person who is arrested for violating a temporary or extended order for protection against domestic violence, stalking, aggravated stalking, harassment or sexual assault from being released from custody or admitted to bail, as applicable, sooner than 12 hours after being taken into custody or arrested in certain circumstances, including if the child or person has, at the time of or within 2 hours after the violation, an amount of marijuana or marijuana metabolite in his or her system that is equal to or greater than the amount that prohibits a person from driving or being in actual physical control of a vehicle on a highway or on premises to which the public has access. (NRS 62C.020, 178.484) Under the conforming changes made in sections 11 and 14 of this bill, respectively, a child who is taken into custody or a person who is arrested for violating~~

~~any such order for protection and is under the influence of marijuana is no longer subject to such a prohibition.] Thus, sections 1.7 and 6 provide that the specified amounts of marijuana or marijuana metabolite apply to those circumstances where the violation is punishable as a felony.~~

Existing law provides that in certain circumstances compensation is not payable to employees in this State for an injury that occurred while an employee was under the influence of a controlled or prohibited substance unless the employee can prove that being under the influence of a controlled or prohibited substance was not the proximate cause of the injury. Existing law specifies that an employee is under the influence of a controlled or prohibited substance for the purpose of such a provision when the employee has an amount of certain prohibited substances, including marijuana or marijuana metabolite, in his or her system that is equal to or greater than the amount that prohibits a person from driving or being in actual physical control of a vehicle on a highway or on premises to which the public has access and for which the employee does not have a current and lawful prescription. (NRS 616C.230) **Section 17** of this bill retains the amounts of such prohibited substances that are currently set forth in existing law for the purpose of determining whether an employee is under the influence of a prohibited substance, but removes the specified amount of marijuana metabolite.

Existing law also prohibits a person from driving or being in actual physical control of a commercial motor vehicle on a highway or on premises to which the public has access if the person: (1) is under the influence of intoxicating liquor or a controlled substance; (2) has specified amounts of certain prohibited substances in his or her blood or urine; or (3) has specified amounts of marijuana or marijuana metabolite in his or her blood. (NRS 484C.120) Section 2 of this bill prohibits a person from driving or being in control of a commercial motor vehicle if there is any prohibited substance, as defined by 21 C.F.R. 1308.11, including, without limitation, marijuana, in the blood or urine of the person.

Existing law provides that if certain tests show that a person less than 21 years of age had a concentration of alcohol of 0.02 or more but less than 0.08 in his or her blood or breath at the time of the test, the person's driver's license, permit or privilege to drive must be suspended for 90 days. (NRS 483.461) Section 1 of this bill establishes similar provisions relating to commercial motor vehicles. Specifically, section 1 provides that if certain tests show that a person 18 years of age or older had a concentration of alcohol of 0.04 or more but less than 0.08 in his or her blood or breath at the time of the test, or the person had any detectable amount of a schedule I controlled substance in his or her blood or urine at the time of the test, the person's commercial driver's license, commercial learner's permit or privilege to drive a commercial motor vehicle must be suspended for 1 year. Sections 1.1-1.3 and 17.5 of this bill make conforming changes relating to such suspensions.

Existing law prohibits a person from driving a commercial motor vehicle at any time when the driving privilege of the person is subject to disqualification and directs the Department of Motor Vehicles, upon receipt of notice of a disqualification, to: (1) suspend the privilege of the person to drive a commercial motor vehicle; and (2) charge the person a civil penalty. (NRS 483.924, 483.939) Sections 1.4 and 1.5 of this bill expressly provide that the disqualifying conduct includes disqualifications described by certain federal regulations.

Existing federal regulations prohibit an employer from allowing, requiring, permitting or authorizing a driver to operate a commercial motor vehicle if the employer should have reasonably known that certain circumstances exist, including, a violation of an out-of-service order. (49 C.F.R. § 383.37) Existing state law authorizes the Department to impose a civil penalty against an employer who should have reasonably known that there was a violation of an out-of-service declaration. (NRS 483.939) Section 1.6 expands the circumstances under which the Department may impose the civil penalty on the employer to all the circumstances described in the federal regulation. Section 2 authorizes the imposition of the civil penalty described in section 1.6 on a person who commits certain unlawful acts relating to driving or being in actual physical control of a commercial motor vehicle on a highway or on a premises to which the public has access.

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

Section 1. Chapter 483 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the result of a test given pursuant to NRS 484C.150 or 484C.160 shows that a person 18 years of age or older had a concentration of alcohol of 0.04 or more but less than 0.08 in his or her blood or breath or any detectable amount of a substance described in 21 C.F.R. 1308.11 in his or her blood or urine at the time of the test, the person's commercial driver's license, commercial learner's permit or privilege to drive a commercial motor vehicle must be suspended for a period of 1 year.

2. This section does not preclude:

(a) The prosecution of a person for a violation of any other provision of law;
or

(b) The suspension or revocation of a person's commercial driver's license, commercial learner's permit or privilege to drive a commercial motor vehicle pursuant to any other provision of law.

Sec. 1.1. NRS 483.461 is hereby amended to read as follows:

483.461 1. If the result of a test given pursuant to NRS 484C.150 or 484C.160 shows that a person less than 21 years of age had a concentration of alcohol of 0.02 or more but less than 0.08 in his or her blood or breath at the time of the test, the person's license, permit or privilege to drive must be suspended for a period of 90 days.

2. If a revocation or suspension of a person's license, permit or privilege to drive for a violation of NRS 62E.640, ~~484C.110,~~ 484C.120, 484C.130 or 484C.430 follows a suspension ordered pursuant to subsection 1, the Department shall:

(a) Cancel the suspension ordered pursuant to subsection 1; and

(b) Give the person credit toward the period of revocation or suspension ordered pursuant to NRS 62E.640, ~~484C.110,~~ 484C.120, 484C.130 or 484C.430, whichever is applicable, for any period during which the person's license, permit or privilege to drive was suspended pursuant to subsection 1.

3. This section does not preclude:

(a) The prosecution of a person for a violation of any other provision of law; or

(b) The suspension or revocation of a person's license, permit or privilege to drive pursuant to any other provision of law.

Sec. 1.2. NRS 483.900 is hereby amended to read as follows:

483.900 The purposes of NRS 483.900 to 483.940, inclusive, **and section 1 of this act** are to implement the Commercial Motor Vehicle Safety Act of 1986, as amended, 49 U.S.C. chapter 313 (§§ 31301 et seq.), and reduce or prevent commercial motor vehicle crashes, fatalities and injuries by:

1. Permitting drivers of commercial motor vehicles to hold only one license;

2. Providing for the disqualification of drivers of commercial motor vehicles who have committed certain serious traffic violations or other specified offenses;

3. Strengthening the licensing and testing standards for drivers of commercial motor vehicles; and

4. Ensuring that drivers of commercial motor vehicles carrying hazardous materials are qualified to operate a commercial motor vehicle in accordance with all regulations pertaining to the transportation of hazardous materials and have the skills and knowledge necessary to respond appropriately to any emergency arising out of the transportation of hazardous materials.

1 **Sec. 1.3. NRS 483.902 is hereby amended to read as follows:**

2 483.902 The provisions of NRS 483.900 to 483.940, inclusive, **and section 1**
3 **of this act** apply only with respect to commercial drivers' licenses.

4 **Sec. 1.4. NRS 483.904 is hereby amended to read as follows:**

5 483.904 As used in NRS 483.900 to 483.940, inclusive, **and section 1 of this**
6 **act**, unless the context otherwise requires:

7 1. "Commercial driver's license" means a license issued to a person which
8 authorizes the person to drive a class or type of commercial motor vehicle.

9 2. "Commercial Driver's License Information System" means the information
10 system maintained by the Secretary of Transportation pursuant to 49 U.S.C. §
11 31309 to serve as a clearinghouse for locating information relating to the licensing,
12 identification and disqualification of operators of commercial motor vehicles.

13 ~~3. "Out of service order" means a temporary prohibition against:~~

14 ~~—(a) A person operating a commercial motor vehicle as such a prohibition is~~
15 ~~described in 49 C.F.R. § 395.13; or~~

16 ~~—(b) The operation of a commercial motor vehicle as such a prohibition is~~
17 ~~described in 49 C.F.R. § 396.9(e).]~~

18 **Sec. 1.5. NRS 483.924 is hereby amended to read as follows:**

19 483.924 A person shall not drive a commercial motor vehicle on the
20 highways of this State:

21 1. Unless the person has been issued and has in his or her immediate
22 possession a:

23 (a) Commercial driver's license with applicable endorsements valid for the
24 vehicle the person is driving issued by this State or by any other jurisdiction in
25 accordance with the minimum federal standards for the issuance of a commercial
26 driver's license; or

27 (b) Valid learner's permit for the operation of a commercial motor vehicle and
28 is accompanied by the holder of a commercial driver's license valid for the vehicle
29 being driven.

30 2. At any time while the person's driving privilege is suspended, revoked or
31 cancelled, or while subject to a disqualification, including, without limitation, a
32 disqualification for ~~[violating an out of service order that is imposed pursuant to]~~
33 **any conduct described in** 49 C.F.R. § ~~[383.51(e).]~~ **383.51.**

34 **Sec. 1.6. NRS 483.939 is hereby amended to read as follows:**

35 483.939 1. If the Department receives notice that a person who holds a
36 commercial driver's license has been convicted of driving a commercial motor
37 vehicle in violation of ~~[an out of service declaration, as]~~ **the prohibitions** described
38 in 49 C.F.R. § 395.13, the Department shall:

39 (a) Suspend the privilege of the person to operate a commercial motor vehicle
40 for the period set forth in 49 C.F.R. § ~~[383.51(e).]~~ **383.51;** and

41 (b) In addition to any other applicable fees and penalties that must be paid to
42 reinstate the commercial driver's license after suspension, impose against the
43 person a civil penalty in the amount set forth in 49 C.F.R. § 383.53(b)(1).

44 2. If the Department receives notice that the employer of a person who holds
45 a commercial driver's license has been convicted of a violation of 49 C.F.R. §
46 ~~[383.37(e).]~~ **383.37** for knowingly allowing, requiring, permitting or authorizing the
47 person to operate a commercial motor vehicle during any period in which the
48 person or the commercial motor vehicle is subject to ~~[an out of service order.]~~ **the**
49 **circumstances described in 49 C.F.R. § 383.37,** the Department shall impose
50 against the employer a civil penalty in the amount set forth in 49 C.F.R. §
51 ~~[383.53(b)(2).]~~ **383.53.**

3. All money collected by the Department pursuant to paragraph (b) of subsection 1 or subsection 2 must be deposited in the State Treasury for credit to the Motor Vehicle Fund.

4. The Department shall adopt regulations to carry out the provisions of this section.

~~[Section 1.]~~ **Sec. 1.7.** NRS 484C.110 is hereby amended to read as follows:

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

(a) Is under the influence of intoxicating liquor;

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

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

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

2. It is unlawful for any person who:

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

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

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

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

3. It is unlawful for any person to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access with an amount of 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. ~~For any violation that is punishable pursuant to paragraph (c) of subsection 1 of NRS 484C.400, 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:~~

	Blood
	Nanograms
Prohibited substance	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 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.

6. ~~5.4~~ 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]~~ substance in his or her blood or urine, ~~[that is equal to or greater than]~~

	Urine	Blood
	Nanograms	Nanograms
Prohibited substance	per milliliter	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) Phenethylidine	25	10

As used in this subsection, "prohibited substance" means any substance described in 21 C.F.R. 1308.11.

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
	Nanograms
Prohibited substance	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. A person who violates any provision of this section may be subject to any additional penalty set forth in NRS 483.939, 484B.130 or 484B.135.~~

~~7. 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;

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

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

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

Sec. 3. ~~[NRS 484C.130 is hereby amended to read as follows:~~

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

~~1. (a) Drives or is in actual physical control of a vehicle on or off the highways of this State and:~~

~~2. (1) Is under the influence of intoxicating liquor;~~

~~3. (2) Has a concentration of alcohol of 0.08 or more in his or her blood or breath;~~

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

~~5. (4) Is under the influence of a controlled substance or is under the combined influence of intoxicating liquor and a controlled substance;~~

~~6. (5) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a vehicle; or~~

~~7. (6) Has a prohibited substance in his or her blood or urine, as applicable, in an amount that is equal to or greater than the amount set forth in subsection 3 [or 4] of NRS 484C.110; (b) Proximately causes the death of another person while driving or in actual physical control of a vehicle on or off the highways of this State; and~~

~~8. (c) Has previously been convicted of at least three offenses;~~

~~9. 2. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under subparagraph (3) of paragraph (a) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the vehicle, and before his or her blood or breath was tested, to cause the defendant to have a concentration of alcohol of 0.08 or more in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.~~

~~10. 3. As used in this section, "offense" means:~~

~~11. (a) A violation of NRS 484C.110, 484C.120 or 484C.430;~~

~~12. (b) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by this section or NRS 484C.110 or 484C.430; or~~

~~13. (c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b).] **(Deleted by amendment.)**~~

Sec. 4. (Deleted by amendment.)

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

~~14. 484C.430 1. Unless a greater penalty is provided pursuant to NRS 484C.440, a person who:~~

~~15. (a) Is under the influence of intoxicating liquor;~~

~~16. (b) Has a concentration of alcohol of 0.08 or more in his or her blood or breath;~~

~~17. (c) Is found by measurement within 2 hours after driving or being in actual physical control of a vehicle to have a concentration of alcohol of 0.08 or more in his or her blood or breath;~~

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

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

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

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

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

~~3. Except as otherwise provided in subsection 4, 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.~~

~~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.) (Deleted by amendment.)~~

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
(g) Methamphetamine	500	100
(h) Phencyclidine	25	10

4. ~~For any violation that is punishable pursuant to NRS 488.427, 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:~~

Prohibited substance	Blood 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 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;~~

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

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

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

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

~~3. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (e) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after operating or being in actual physical control of the vessel under power or sail, and before his or her blood 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.~~

~~4. If a person less than 15 years of age was in the vessel at the time of the defendant's violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.] (Deleted by amendment.)~~

Sec. 8. [NRS 488.425 is hereby amended to read as follows:]

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

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

~~— (1) Is under the influence of intoxicating liquor;~~

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

~~— (3) 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;~~

~~— (4) Is under the influence of a controlled substance or is under the combined influence of intoxicating liquor and a controlled substance;~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 9. (Deleted by amendment.)

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

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

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

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

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

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

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

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

~~(g) Order such other relief as it deems necessary in an emergency situation;~~

~~2. The court by an extended order may grant any relief enumerated in subsection 1 and;~~

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

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

~~(c) Order the adverse party to:~~

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

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

~~(3) Pay for the support of the applicant or minor child, including, without limitation, support of a minor child for whom a guardian has been appointed pursuant to chapter 159A of NRS or a minor child who has been placed in protective custody pursuant to chapter 422B of NRS, if the adverse party is found to have a duty to support the applicant or minor child;~~

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

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

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

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

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

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

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

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

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

~~(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.] **(Deleted by amendment.)**~~

Sec. 11. [NRS 62C.020 is hereby amended to read as follows:]

~~62C.020 1. A child must not be released from custody sooner than 12 hours after the child is taken into custody if the child is taken into custody for committing~~

~~a battery that constitutes domestic violence pursuant to NRS 23.018, unless the peace officer or probation officer who has taken the child into custody determines that the child does not otherwise meet the criteria for secure detention and:~~

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

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

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

~~2. A child must not be released from custody sooner than 12 hours after the child is taken into custody if the child is taken into custody for violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 23.017 to 23.100, inclusive, or for violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or for violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591 or for violating a temporary or extended order for protection against sexual assault issued pursuant to NRS 200.378 and:~~

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

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

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

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

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

~~3. For the purposes of this section, an order or injunction is in the nature of a temporary or extended order for protection against domestic violence if it grants relief that might be given in a temporary or extended order issued pursuant to NRS 23.017 to 23.100, inclusive.)~~ **(Deleted by amendment.)**

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

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

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

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

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

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

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

~~2. For the purposes of this section, an order or injunction is in the nature of a temporary or extended order for protection against domestic violence if it grants relief that might be given in a temporary or extended order issued pursuant to NRS 33.017 to 33.400, inclusive.~~ **(Deleted by amendment.)**

Sec. 13. ~~[NRS 171.1225 is hereby amended to read as follows:~~

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

~~(a) Make a good faith effort to explain the provisions of NRS 171.127 pertaining to domestic violence and advise victims of all reasonable means to prevent further abuse, including advising each person of the availability of a shelter or other services in the community;~~

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

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

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

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

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

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

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

~~(II) Move out of your residence;~~

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

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

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

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

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

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

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

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

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

~~_____ (III) Pay part or all of the costs incurred by you in obtaining the order for protection; and~~

~~_____ (IV) Comply with the arrangements specified for the possession and care of any animal owned or kept by you or your children or by the person who committed or threatened the act or his or her children.~~

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

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

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

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

~~_____ (III) At the time of the violation or within 2 hours after the violation, the person has a concentration of alcohol of 0.08 or more in the person's blood or breath or an amount of a prohibited substance in the person's blood or urine, as applicable, that is equal to or greater than the amount set forth in subsection 3 [or 4] of NRS 484C.110;~~

~~the person will not be admitted to bail sooner than 12 hours after arrest.~~

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

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

~~3. As used in this section:~~

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

~~(1) A battery.~~

~~(2) An assault.~~

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

~~(4) A sexual assault.~~

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

~~(I) Stalking.~~

~~(II) Arson.~~

~~(III) Trespassing.~~

~~(IV) Larceny.~~

~~(V) Destruction of private property.~~

~~(VI) Carrying a concealed weapon without a permit.~~

~~(VII) Injuring or killing an animal.~~

~~(6) False imprisonment.~~

~~(7) Unlawful entry of the other's residence, or forcible entry against the other's will if there is a reasonably foreseeable risk of harm to the other from the entry.~~

~~(b) "Dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context. (Deleted by amendment.)~~

Sec. 14. ~~[NRS 178.484 is hereby amended to read as follows:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(2) Two or more previous convictions of battery that constitute domestic violence pursuant to NRS 33.018;~~

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

~~8. A person arrested for violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or for violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or for violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or for violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378 must not be admitted to bail sooner than 12 hours after 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 of the type for which the person has been arrested; or~~

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

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

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

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

~~(a) Three thousand dollars, if the person has no previous convictions of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for~~

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

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

~~—(c) Fifteen thousand dollars, if the person has two or more previous convictions of violating a temporary or extended order for protection against domestic violence issued pursuant to NRS 33.017 to 33.100, inclusive, or of violating a restraining order or injunction that is in the nature of a temporary or extended order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS, or of violating a temporary or extended order for protection against stalking, aggravated stalking or harassment issued pursuant to NRS 200.591, or of violating a temporary or extended order for protection against sexual assault pursuant to NRS 200.378;~~

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

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

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

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

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

~~—(c) Prohibiting the person from entering a certain geographic area; or~~

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

~~—In determining whether a condition is reasonable, the court shall consider the factors listed in NRS 178.4853.~~

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

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

~~— (b) Increase the amount of bail pursuant to NRS 478.499.~~

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

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

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

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

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

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

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

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

~~17. As used in this section, "strangulation" has the meaning ascribed to it in NRS 200.481.]~~ **(Deleted by amendment.)**

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

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

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

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

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

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

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

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

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

~~— 2. A temporary order may be granted with or without notice to the adverse party. An extended order may be granted only after:~~

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

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

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

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

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

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

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

~~— (a) Be in writing;~~

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

~~— (c) Contain the warning that violation of the order:~~

~~— (1) Subjects the person to immediate arrest.~~

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

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

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

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

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

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

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

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

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

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

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

~~— (b) Refrain from contacting, intimidating, threatening or otherwise interfering with the victim of the alleged crime and any other person named in the order,~~

1 including, without limitation, a member of the family or the household of the victim
2 of the alleged crime;

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

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

11 ~~— (a) Stay away from the home, school, business or place of employment of the~~
12 ~~victim of the alleged crime and any other location specifically named by the court;~~

13 ~~— (b) Refrain from contacting, intimidating, threatening or otherwise interfering~~
14 ~~with the victim of the alleged crime and any other person named in the order,~~
15 ~~including, without limitation, a member of the family or the household of the victim~~
16 ~~of the alleged crime;~~

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

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

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

25 ~~— (b) A hearing is held on the petition;~~

26 ~~— 4. If an extended order is issued by a justice court, an interlocutory appeal lies~~
27 ~~to the district court, which may affirm, modify or vacate the order in question. The~~
28 ~~appeal may be taken without bond, but its taking does not stay the effect or~~
29 ~~enforcement of the order;~~

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

32 ~~— (a) A temporary order is guilty of a gross misdemeanor;~~

33 ~~— (b) An extended order is guilty of a category C felony and shall be punished as~~
34 ~~provided in NRS 193.130.~~

35 ~~— 6. Any court order issued pursuant to this section must:~~

36 ~~— (a) Be in writing;~~

37 ~~— (b) Be personally served on the person to whom it is directed; and~~

38 ~~— (c) Contain the warning that violation of the order:~~

39 ~~— (1) Subjects the person to immediate arrest;~~

40 ~~— (2) Is a gross misdemeanor if the order is a temporary order;~~

41 ~~— (3) Is a category C felony if the order is an extended order;~~

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

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

47 ~~— (b) The person has previously violated a temporary or extended order for~~
48 ~~protection; or~~

49 ~~— (c) At the time of the violation or within 2 hours after the violation, the person~~
50 ~~has:~~

51 ~~— (1) A concentration of alcohol of 0.08 or more in his or her blood or~~
52 ~~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. 17. NRS 616C.230 is hereby amended to read as follows:
616C.230 1. Compensation is not payable pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS for an injury:

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

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

<i>Prohibited substance</i>	<i>Urine Nanograms per milliliter</i>	<i>Blood Nanograms per milliliter</i>
<i>Amphetamine</i>	<i>500</i>	<i>100</i>
<i>Cocaine</i>	<i>150</i>	<i>50</i>
<i>Cocaine metabolite</i>	<i>150</i>	<i>50</i>
<i>Heroin</i>	<i>2,000</i>	<i>50</i>
<i>Heroin metabolite:</i>		
<i>Morphine</i>	<i>2,000</i>	<i>50</i>
<i>6-monoacetyl morphine</i>	<i>10</i>	<i>10</i>
<i>Lysergic acid diethylamide</i>	<i>25</i>	<i>10</i>
<i>Methamphetamine</i>	<i>500</i>	<i>100</i>
<i>Phencyclidine</i>	<i>25</i>	<i>10</i>
<i>Marijuana (delta-9-tetrahydrocannabinol)</i>		<i>2</i>

2. For the purposes of paragraphs (c) and (d) of subsection 1:
(a) The affidavit or declaration of an expert or other person described in NRS 50.310, 50.315 or 50.320 is admissible to prove the existence of an impermissible quantity of alcohol or the existence, quantity or identity of an impermissible controlled or prohibited substance in an employee's system. If the affidavit or declaration is to be so used, it must be submitted in the manner prescribed in NRS 616C.355.

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

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

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

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

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

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

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

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

6. As used in this section, "prohibited substance" ~~has the meaning ascribed to it in NRS 484C.080.~~ *means any of the following substances if the person who uses the substance has not been issued a valid prescription to use the substance and the substance is classified in schedule I or II pursuant to NRS 453.166 or 453.176 when it is used:*

(a) *Amphetamine.*

(b) *Cocaine.*

(c) *Cocaine metabolite.*

(d) *Heroin.*

(e) *Heroin metabolite:*

(1) *Morphine.*

(2) *6-monoacetyl morphine.*

(f) *Lysergic acid diethylamide.*

(g) *Methamphetamine.*

(h) *Phencyclidine.*

(i) *Marijuana (delta-9-tetrahydrocannabinol).*

Sec. 17.5. Section 1 of this act is hereby amended to read as follows:

Section 1. Chapter 483 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the result of a test given pursuant to NRS 484C.150 or 484C.160 shows that a person 18 years of age or older had a concentration of alcohol of 0.04 or more but less than ~~0.08~~ 0.10 in his or her blood or breath or any detectable amount of a substance described in 21 C.F.R. 1308.11 in his or her blood or urine at the time of the test, the person's commercial driver's license, commercial learner's permit or privilege to drive a commercial motor vehicle must be suspended for a period of 1 year.

2. This section does not preclude:

(a) The prosecution of a person for a violation of any other provision of law; or

(b) The suspension or revocation of a person's commercial driver's license, commercial learner's permit or privilege to drive a commercial motor vehicle pursuant to any other provision of law.

Sec. 18. 1. This ~~act becomes~~ section and sections 1 to 17, inclusive, of this act become effective on July 1, 2021.

2. Section 17.5 of this act becomes effective on the date of the repeal of the federal law requiring each state to make it unlawful for a person to operate a motor vehicle with a blood alcohol concentration of 0.08 percent or greater as a condition to receiving federal funding for the construction of highways in this State.