

Amendment No. 504

Assembly Amendment to Assembly Bill No. 404	(BDR 3-1023)
Proposed by: Assembly Committee on Ways and Means	
Amends: Summary: No Title: No 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.

JDK/BAW



Date: 5/10/2021

A.B. No. 404—Revises provisions relating to orders for protection against domestic violence. (BDR 3-1023)



ASSEMBLY BILL NO. 404—COMMITTEE ON JUDICIARY

MARCH 25, 2021

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to orders for protection against domestic violence. (BDR 3-1023)

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 domestic violence; establishing provisions relating to the proper venue for filing an application for an order for protection against domestic violence; revising provisions relating to the information included in an application for an order for protection against domestic violence; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a person to file an application for a temporary or extended order for protection against domestic violence but does not specify which county is the proper venue for filing such an application. (NRS 33.020) **Section 1** of this bill authorizes an applicant to file an application in the county in which: (1) the applicant resides; (2) the applicant is temporarily located, away from the county in which he or she resides, to avoid the threat of domestic violence from the adverse party; (3) the adverse party resides; or (4) the act of domestic violence against the applicant by the adverse party occurred or there exists a threat of domestic violence against the applicant from the adverse party. **Section 2** of this bill makes a conforming change to indicate the placement of **section 1** within the Nevada Revised Statutes.

Section 3 of this bill authorizes an applicant for a temporary or extended order for protection against domestic violence to decline to disclose his or her address and contact information in an application under certain circumstances. **Section 3** provides that if the applicant reasonably believes that disclosing his or her address and contact information in the application would jeopardize his or her safety, the applicant may decline to disclose such information. If the applicant declines to disclose such information, then such information: (1) must be disclosed to the court and, ***for criminal justice purposes***, to any ~~appropriate law enforcement~~ ***other authorized agency of criminal justice***; (2) must be maintained in a separate, confidential, electronic document or database which is not publicly accessible; and (3) must not be released, disclosed or made accessible to the public, except as authorized by the court.

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

Section 1. Chapter 33 of NRS is hereby amended by adding thereto a new section to read as follows:

An application for a temporary or extended order may be filed in the county in which:

- 1. The applicant resides;*
- 2. The applicant is temporarily located, away from the county in which he or she resides, to avoid the threat of domestic violence from the adverse party;*
- 3. The adverse party resides; or*
- 4. The act of domestic violence committed against the applicant by the adverse party occurred or there exists a threat of domestic violence against the applicant from the adverse party.*

Sec. 2. NRS 33.017 is hereby amended to read as follows:

33.017 As used in NRS 33.017 to 33.100, inclusive, *and section 1 of this act*, unless the context otherwise requires:

1. "Extended order" means an extended order for protection against domestic violence.
2. "Temporary order" means a temporary order for protection against domestic violence.

Sec. 3. NRS 33.020 is hereby amended to read as follows:

33.020 1. If it appears to the satisfaction of the court from specific facts shown by a verified application that an act of domestic violence has occurred or there exists a threat of domestic violence, the court may grant a temporary or extended order. A court shall only consider whether the act of domestic violence or the threat thereof satisfies the requirements of NRS 33.018 without considering any other factor in its determination to grant the temporary or extended order.

2. A temporary or extended order must not be granted to the applicant or the adverse party unless the applicant or the adverse party has requested the order and has filed a verified application that an act of domestic violence has occurred or there exists a threat of domestic violence. *If the applicant reasonably believes that disclosing his or her address and contact information in the application would jeopardize his or her safety, the applicant may decline to disclose his or her address and contact information in the application. If the applicant declines to disclose his or her address and contact information in the application, then such information:*

(a) Must be disclosed to the court and, for criminal justice purposes, to any ~~appropriate law enforcement~~ other authorized agency of criminal justice to allow the ~~law enforcement~~ agency of criminal justice to carry out any duty required pursuant to NRS 33.017 to 33.100, inclusive, and section 1 of this act;

(b) Must be maintained in a separate, confidential, electronic document or database which is not publicly accessible; and

(c) Must not be released, disclosed or made accessible to the public, except as authorized by the court.

3. The court may require the applicant or the adverse party, or both, to appear before the court before determining whether to grant the temporary or extended order.

4. A temporary order may be granted with or without notice to the adverse party. An extended order may only be granted after notice to the adverse party and a hearing on the application.

5. A hearing on an application for an extended order must be held within 45 days after the date on which the application for the extended order is filed. If the adverse party has not been served pursuant to NRS 33.060 or 33.065 and fails to appear at the hearing, the court may, upon a showing that law enforcement, after due diligence, has been unable to serve the adverse party or that the adverse party has sought to avoid service by concealment, set a date for a second hearing which must be held within 90 days after the date on which the first hearing was scheduled.

6. If the adverse party has not been served pursuant to NRS 33.060 or 33.065 and fails to appear on the date set for a second hearing on an application for an extended order pursuant to subsection 5, the court may, upon a showing that law enforcement, after due diligence, has been unable to serve the adverse party or that the adverse party has sought to avoid service by concealment, set a date for a third hearing which must be held within 90 days after the date on which the second hearing was scheduled.

7. The court shall rule upon an application for a temporary order within 1 judicial day after it is filed.

8. If it appears to the satisfaction of the court from specific facts communicated by telephone to the court by an alleged victim that an act of domestic violence has occurred and the alleged perpetrator of the domestic violence has been arrested and is presently in custody pursuant to NRS 171.137, the court may grant a temporary order. Before approving an order under such circumstances, the court shall confirm with the appropriate law enforcement agency that the applicant is an alleged victim and that the alleged perpetrator is in custody. Upon approval by the court, the signed order may be transmitted to the facility where the alleged perpetrator is in custody by electronic or telephonic transmission to a facsimile machine. If such an order is received by the facility holding the alleged perpetrator while the alleged perpetrator is still in custody, the order must be personally served by an authorized employee of the facility before the alleged perpetrator is released. The court shall mail a copy of each order issued pursuant to this subsection to the alleged victim named in the order and cause the original order to be filed with the court clerk on the first judicial day after it is issued.

9. In a county whose population is 52,000 or more, the court shall be available 24 hours a day, 7 days a week, including nonjudicial days and holidays, to receive communications by telephone and for the issuance of a temporary order pursuant to subsection 8.

10. In a county whose population is less than 52,000, the court may be available 24 hours a day, 7 days a week, including nonjudicial days and holidays, to receive communications by telephone and for the issuance of a temporary order pursuant to subsection 8.

11. The clerk of the court shall inform the protected party upon the successful transfer of information concerning the registration to the Central Repository for Nevada Records of Criminal History as required pursuant to NRS 33.095.

12. As used in this section, "agency of criminal justice" has the meaning ascribed to it in NRS 179A.030.

Sec. 4. This act becomes effective on July 1, 2021.