

SENATE BILL No. 147—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE COMMITTEE TO CONDUCT AN
INTERIM STUDY OF ISSUES RELATING TO PRETRIAL
RELEASE OF DEFENDANTS IN CRIMINAL CASES)

FEBRUARY 25, 2021

Referred to Committee on Judiciary

SUMMARY—Establishes provisions relating to conditions of release that prohibit the contact or attempted contact of certain persons. (BDR 14-377)

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 criminal procedure; authorizing a victim to request that a prosecuting attorney seek an order imposing a condition of release that prohibits the contact or attempted contact of certain persons; requiring a prosecuting attorney to consider such a request; requiring a copy of an order imposing a condition of release that prohibits the contact or attempted contact of certain persons to be transmitted to certain law enforcement agencies; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a court under certain circumstances, before convicting and releasing a person, to impose reasonable conditions on the person as it deems necessary for certain purposes, including, without limitation, a condition that prohibits the person from contacting or attempting to contact a specific person or causing or attempting to cause another person to contact that person. (NRS 178.484, 178.485) This bill: (1) authorizes a victim to request that a prosecuting attorney seek an order imposing a condition of release that prohibits such contact or attempted contact; (2) requires the prosecuting attorney to consider such a request; and (3) requires a court to transmit to certain law enforcement agencies a copy of an order imposing, modifying, suspending or canceling a condition that prohibits such contact or attempted contact.



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

Section 1. Chapter 178 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Before a court makes a determination of bail concerning a person, a victim may request that a prosecuting attorney seek an order imposing a condition of release prohibiting contact.

2. A prosecuting attorney shall consider a request described in subsection 1.

3. After the court issues an order imposing, modifying, suspending or canceling a condition of release prohibiting contact, the court shall transmit, as soon as practicable, a copy of the order to all law enforcement agencies within the jurisdiction of the court.

4. Nothing in this section shall be construed to require a prosecuting attorney to receive a request pursuant to subsection 1 before seeking an order imposing a condition of release prohibiting contact.

5. As used in this section:

(a) "Cancel" includes, without limitation, any act that would effectively terminate a condition of release prohibiting contact, including, without limitation:

(1) The dismissal of the action or proceeding against the person;

(2) The conviction of the person; or

(3) The acquittal of the person.

(b) "Condition of release prohibiting contact" means a condition placed on a person who is released before conviction pursuant to NRS 178.484 or 178.4851 that prohibits 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.

Sec. 2. NRS 178.483 is hereby amended to read as follows:

178.483 As used in NRS 178.483 to 178.548, inclusive, *and section 1 of this act*, unless the context otherwise requires, "electronic transmission," "electronically transmit" or "electronically transmitted" means any form or process of communication not directly involving the physical transfer of paper or another tangible medium which:

1. Is suitable for the retention, retrieval and reproduction of information by the recipient; and



- 1 2. Is retrievable and reproducible in paper form by the recipient
- 2 through an automated process used in conventional commercial
- 3 practice.

