

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 court issue an order imposing a condition of release that prohibits the contact or attempted contact of certain persons; requiring the court to consider such a request; establishing provisions relating to the expiration and renewal of an order imposing a condition of release that prohibits the contact or attempted contact of certain persons; 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 the Central Repository for Nevada Records of Criminal History; providing that a person who knowingly violates any such order may be punished for unlawful trespass and dealt with for contempt of court; revising the acts constituting unlawful trespass; providing a penalty; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law authorizes a court under certain circumstances, before convicting
- 2 and releasing a person, to impose reasonable conditions on the person as it deems
- 3 necessary for certain purposes, including, without limitation, a condition that



* S B 1 4 7 R 2 *

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, 178.4851) **Section 1** of this bill: (1) authorizes a victim to request that a court issue an order imposing a condition of release that prohibits such contact or attempted contact; (2) requires the court to consider such a request; (3) provides that an order imposing a condition of release that prohibits such contact or attempted contact, or a modification thereof, expires within 120 calendar days after the issuance of the order; (4) authorizes the court to renew the order for good cause shown; (5) requires a court to transmit to the Central Repository for Nevada Records of Criminal History a copy of an order imposing, modifying, suspending or canceling a condition that prohibits such contact or attempted contact; and (6) provides that a person who knowingly violates an order imposing a condition that prohibits such contact or attempted contact may be punished for unlawful trespass and dealt with as for contempt of court. **Section 2** of this bill makes a conforming change to indicate the proper placement of **section 1** in the Nevada Revised Statutes.

Existing law makes it a misdemeanor for a person to go upon the land or into any building of another in certain circumstances, including willfully going or remaining on land or in a building after being warned by the owner or occupant thereof not to trespass. (NRS 207.200) **Section 3** of this bill extends the acts which constitute such unlawful conduct to include being on public or private property in violation of an order imposing a condition of release prohibiting contact.

Section 4 of this bill makes an appropriation from the State General Fund to the Central Repository for Nevada Records of Criminal History for the costs of computer programming to carry out the provisions of this bill.

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 court issue an order imposing a condition of release prohibiting contact.

2. A court shall consider a request described in subsection 1.

3. An order imposing a condition of release prohibiting contact, and any modification thereof, expires within such time, not to exceed 120 calendar days, as the court fixes.

4. The court may, before the expiration of an order imposing a condition of release prohibiting contact and upon motion or at the discretion of the court, after notice and a hearing, renew the order for good cause shown.

5. 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 the Central Repository for Nevada Records of Criminal History.

6. A person who knowingly violates an order imposing a condition of release prohibiting contact may be:



(a) Punished for unlawful trespass pursuant to NRS 207.200; and

(b) Dealt with as for contempt of court.

7. Nothing in this section shall be construed to require a court to receive a request pursuant to subsection 1 before issuing an order imposing a condition of release prohibiting contact.

8. 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

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

Sec. 3. NRS 207.200 is hereby amended to read as follows:

207.200 1. Unless a greater penalty is provided pursuant to NRS 200.603, any person who, under circumstances not amounting to a burglary:

(a) Goes upon the land or into any building of another with intent to vex or annoy the owner or occupant thereof, or to commit any unlawful act; ~~for~~

(b) Willfully goes or remains upon any land or in any building after having been warned by the owner or occupant thereof not to trespass ~~H~~; or

(c) Is found on private or public property in violation of an order imposing a condition of release prohibiting contact issued pursuant to section 1 of this act,



1 ➡ is guilty of a misdemeanor. The meaning of this subsection is not
2 limited by subsections 2 and 4.

3 2. A sufficient warning against trespassing, within the meaning
4 of this section, is given by any of the following methods:

5 (a) Painting with fluorescent orange paint:

6 (1) Not less than 50 square inches of a structure or natural
7 object or the top 12 inches of a post, whether made of wood, metal
8 or other material, at:

9 (I) Intervals of such a distance as is necessary to ensure
10 that at least one such structure, natural object or post would be
11 within the direct line of sight of a person standing next to another
12 such structure, natural object or post, but at intervals of not more
13 than 1,000 feet; and

14 (II) Each corner of the land, upon or near the boundary;
15 and

16 (2) Each side of all gates, cattle guards and openings that are
17 designed to allow human ingress to the area;

18 (b) Fencing the area;

19 (c) Posting "no trespassing" signs or other notice of like
20 meaning at:

21 (1) Intervals of such a distance as is necessary to ensure that
22 at least one such sign would be within the direct line of sight of a
23 person standing next to another such sign, but at intervals of not
24 more than 500 feet; and

25 (2) Each corner of the land, upon or near the boundary;

26 (d) Using the area as cultivated land; or

27 (e) By the owner or occupant of the land or building making an
28 oral or written demand to any guest to vacate the land or building.

29 3. It is prima facie evidence of trespass for any person to be
30 found on private or public property which is posted or fenced as
31 provided in subsection 2 without lawful business with the owner or
32 occupant of the property.

33 4. An entryman on land under the laws of the United States is
34 an owner within the meaning of this section.

35 5. As used in this section:

36 (a) "Cultivated land" means land that has been cleared of its
37 natural vegetation and is presently planted with a crop.

38 (b) "Fence" means a barrier sufficient to indicate an intent to
39 restrict the area to human ingress, including, but not limited to, a
40 wall, hedge or chain link or wire mesh fence. The term does not
41 include a barrier made of barbed wire.

42 (c) "Guest" means any person entertained or to whom
43 hospitality is extended, including, but not limited to, any person
44 who stays overnight. The term does not include a tenant as defined
45 in NRS 118A.170.



Sec. 4. 1. There is hereby appropriated from the State General Fund to the Central Repository for Nevada Records of Criminal History within the Records, Communications and Compliance Division of the Department of Public Safety the sum of \$44,522 for the costs of computer programming to carry out the provisions of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 15, 2023.

Sec. 5. 1. This section and section 4 of this act become effective upon passage and approval.

2. Sections 1, 2 and 3 of this act become effective on October 1, 2021.

